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DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

AIR POLLUTION CONTROL

PART 17. HEARINGS

R 336.2701

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R 336.2702

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R 335.2703

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R 336.2703

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R 336.2704

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R 336.2705

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R 336.2706

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MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

PART 18. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY

R 336.2801 Definitions.

Rule 1801. The following definitions apply to terms used in this part. If a term defined in this part is also defined elsewhere in the rules, then the definition contained here applies for this part only.

(a) "Actual emissions" means the actual rate of emissions of a regulated new source review pollutant from an emissions unit, as determined under R 336.1101(b), except that this definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a plant wide applicability limit under R 336.2823. Instead, the terms "projected actual emissions" and "baseline actual emissions" shall apply for those purposes.

(b) "Baseline actual emissions" means the rate of emissions, in tons per year, of a regulated new source review pollutant, as determined by the following:

(i) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The department shall allow the use of a different time period upon a determination that it is more representative of normal source operation. All of the following provisions apply:

(A) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(B) The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

(C) For a regulated new source review pollutant, if a project involves multiple emissions units, then only 1 consecutive 24-month period shall be used to determine the baseline actual emissions for the emissions units being changed. A

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different consecutive 24-month period may be used for each regulated new source review pollutant.

(D) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraph (i)(B) of this subdivision.

(ii) For an existing emissions unit, other than an electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the department for a permit required by R 336.1201, whichever is earlier, except that the 10-year period shall not include any period earlier than November 15, 1990. All of the following provisions apply:

(A) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(B) The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

(C) The average rate shall be adjusted downward to exclude emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a maximum achievable control technology standard that the United States environmental protection agency proposed or promulgated under 40 C.F.R. part 63, adopted by reference in R 336.1902, then the baseline actual emissions need only be adjusted if the state has taken credit for such emissions reductions in an attainment demonstration or maintenance plan submitted to the U.S. environmental protection agency.

(D) For a regulated new source review pollutant, if a project involves multiple emissions units, then only 1 consecutive 24-month period shall be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period may be used for each regulated new source review pollutant.

(E) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by subparagraphs (B) and (C) of this paragraph.

(iii) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit.

(iv) For a plant wide applicability limit for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units under paragraph (i) of this subdivision, for other existing emissions units under paragraph (ii) of this subdivision, and for a new emissions unit under paragraph (iii) of this subdivision.

(c) "Baseline area" means all of the following:

(i) Any intrastate area, and every part thereof, designated as attainment or unclassifiable under section 107(d) of the clean air act in which the major source or major modification establishing the minor source baseline date would construct or would have an annual average air quality impact equal to or greater than 1 microgram per cubic meter for sulfur dioxide, oxides of nitrogen, or PM-10, or 0.3 microgram per cubic meter for PM 2.5 of the pollutant for which the minor source baseline date is established.

(ii) Area redesignations under section 107(d) of the clean air act shall not intersect or be smaller than the area of impact of any major stationary source or major modification which does either of the following:

(A) Establishes a minor source baseline date.

(B) Is subject to PSD regulations or new source review for major sources in nonattainment areas regulations.

(iii) Any baseline area established originally for the total suspended particulates increments shall remain in effect and shall apply for purposes of determining the amount of available PM-10 increments, except that the baseline area shall not remain in effect if the department rescinds the corresponding minor source baseline date under subdivision (bb)(iv) of this rule.

(d) "Baseline concentration" means the value derived using the following procedures:

(i) The ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date. A baseline concentration is determined for each pollutant for which a minor source baseline date is established and shall include both of the following:

(A) The actual emissions representative of sources in existence on the applicable minor source baseline date.

(B) The allowable emissions of major stationary sources that commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.

(ii) The following shall not be included in the baseline concentration and shall affect the applicable maximum

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allowable increase:

(A) Actual emissions from any major stationary source on which construction commenced after the major source baseline date.

(B) Actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.

(c) "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. "A change in method of operation" refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.

(f) "Best available control technology" or "BACT" means an emissions limitation, including a visible emissions standard, based on the maximum degree of reduction for each regulated new source review pollutant, which would be emitted from any proposed major stationary source or major modification which the department -- on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs -- determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of the pollutant. Application of best available control technology shall not result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 C.F.R. parts 60 and 61, adopted by reference in R 336.1902. If the department determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, then a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. The standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of the design, equipment, work practice, or operation, and shall provide for compliance by means which achieve equivalent results.

(g) "Building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on 1 or more contiguous or adjacent properties, and are under the control of the same person, or persons under common control, except the activities of any vessel. Pollutant-emitting activities are part of the same industrial grouping if they have the same 2-digit major group code associated with their primary activity. Major group codes and primary activities are described in the standard industrial classification manual, 2017.

(h) "Clean coal technology" means any technology, including technologies applied at the pre-combustion, combustion, or post-combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

(i) "Clean coal technology demonstration project" means a project using funds appropriated under the heading "Department of Energy -- Clean Coal Technology," up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the United States Environmental Protection Agency. The federal contribution for a qualifying project shall be at least 20% of the total cost of the demonstration project.

(j) [Reserved]

(k) "Commence," as applied to construction of a major stationary source or major modification, means that the owner or operator has all necessary preconstruction approvals or permits and has done either of the following:

(i) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time.

(ii) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(l) "Complete" means, in reference to an application for a permit, that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the department from requesting or accepting additional information.

(m) "Construction" means any physical change or change in the method of operation, including fabrication, erection, installation, demolition, or modification of an emissions unit, that would result in a change in emissions.

(n) "Continuous emissions monitoring system" or "CEMS" means all of the equipment that may be required to meet the data acquisition and availability requirements of these rules, to sample, condition if applicable, analyze, and provide a record of emissions on a continuous basis.

(o) "Continuous emissions rate monitoring system" or "CERMS" means the total equipment required for the determination and recording of the pollutant mass emissions rate in terms of mass per unit of time.

(p) "Continuous parameter monitoring system" or "CPMS" means all of the equipment necessary to meet the data

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acquisition and availability requirements of these rules, to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, oxygen or carbon dioxide concentrations), and to record average operational parameter value or values on a continuous basis.

(q) “Electric utility steam generating unit” means any steam electric generating unit that is constructed for supplying more than 1/3 of its potential electric output capacity and more than 25 megawatt electrical output to any utility power distribution system for sale. Steam supplied to a steam distribution system for providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

(r) “Emissions unit” means any part of a stationary source that emits or would have the potential to emit any regulated new source review pollutant and includes an electric utility steam generating unit. Both of the following are types of emissions units:

(i) A new emissions unit is any emissions unit that is, or will be, newly constructed and that has existed for less than 2 years from the date the emissions unit first operated.

(ii) An existing emissions unit is any emissions unit that does not meet the definition of a new emissions unit. A replacement unit is an existing emissions unit and no creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced. A replacement unit shall meet all of the following criteria:

(A) The emissions unit is a reconstructed unit if the replacement of components of an existing facility is to such an extent that the fixed capital cost of the new components exceeds 50% of the fixed capital cost that would be required to construct a comparable entirely new facility or the emissions unit completely takes the place of an existing emissions unit.

(B) The emissions unit is identical to or functionally equivalent to the replaced emissions unit.

(C) The replacement does not alter the basic design parameters of the process unit.

(D) The replaced emissions unit is permanently removed from the major stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.

(s) “Federal land manager” means, with respect to any lands in the United States, the secretary of the department with authority over such lands.

(t) “High terrain” means an area having an elevation 900 feet or more above the base of the stack of a source.

(u) “Hydrocarbon combustion flare” means either a flare used to comply with an applicable new source performance standard or maximum achievable control technology standard, including uses of flares during startup, shutdown, or malfunction permitted under such a standard, or a flare that serves to control emissions of waste streams comprised predominately of hydrocarbons and containing not more than 230 milligrams per dry standard cubic meter hydrogen sulfide.

(v) “Indian reservation” means any federally recognized reservation established by treaty, agreement, executive order, or act of congress.

(w) “Indian governing body” means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(x) “Innovative control technology” means any system of air pollution control that has not been adequately demonstrated in practice, but may have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental impacts.

(y) “Low terrain” means any area other than high terrain.

(z) “Lowest achievable emission rate” or “LAER,” for any source, means the more stringent rate of emissions based on R 336.2901(s).

(aa) “Major modification” means any of the following:

(i) Physical change in or change in the method of operation of a major stationary source that would result in both of the following:

(A) A significant emissions increase of a regulated new source review pollutant.

(B) A significant net emissions increase of that pollutant from the major stationary source.

(ii) A significant emissions increase from any emissions units or net emissions increase at a major stationary source that is significant for volatile organic compounds or oxides of nitrogen shall be considered significant for ozone.

(iii) Physical change or change in the method of operation shall not include any of the following:

(A) Routine maintenance, repair, and replacement.

(B) Use of an alternative fuel or raw material by reason of any order under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 or by reason of a natural gas curtailment plan under the Federal Power

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(C) Use of an alternative fuel by reason of an order or rule under section 125 of the clean air act.

(D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.

(E) Use of an alternative fuel or raw material by a stationary source which meets either of the following:

(1) The source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975, under PSD regulations or R 336.1201(1)(a).

(2) The source is approved to use under any permit issued under PSD regulations or under R 336.1201(1)(a).

(F) An increase in the hours of operation or in the production rate, unless the change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975, under PSD regulations or R 336.1201(1)(a).

(G) Any change in ownership at a stationary source.

(H) [Reserved]

(I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with both of the following:

(1) The state implementation plan.

(2) Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated.

(J) The installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis.

(K) The reactivation of a very clean coal-fired electric utility steam generating unit.

(iv) This definition shall not apply with respect to a particular regulated new source review pollutant when the major stationary source is complying with the requirements for an actuals PAL for that pollutant. Instead, the definition of PAL major modification in R 336.2823 shall apply.

(bb) All of the following apply to major and minor source baseline dates:

(i) "Major source baseline date" means all of the following:

(A) January 6, 1975, for particulate matter and sulfur dioxide.

(B) February 8, 1988, for nitrogen dioxide.

(C) October 20, 2010 for PM 2.5

(ii) "Minor source baseline date" means the earliest date after the trigger date on which a major stationary source or a major modification subject to PSD regulations submits a complete application under the relevant regulations. The trigger date is all of the following:

(A) August 7, 1977, for particulate matter and sulfur dioxide.

(B) February 8, 1988, for nitrogen dioxide.

(C) October 20, 2011 for PM 2.5

(iii) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if both of the following occur:

(A) The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d) of the clean air act for the pollutant on the date of its complete application under R 336.1201 and PSD regulations.

(B) If a major stationary source, the pollutant would be emitted in significant amounts, or, if a major modification, there would be a significant net emissions increase of the pollutant.

(iv) Any minor source baseline date established originally for the total suspended particulates increments shall remain in effect and shall apply for determining the amount of available PM-10 increments, except that the department may rescind any minor source baseline date where it can be shown, to the satisfaction of the department, that the emissions increase from the major stationary source, or the net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM-10 emissions.

(cc) "Major stationary source" means any of the following:

(i) Any of the following stationary sources of air pollutants which emit, or has the potential to emit, 100 tons per year or more of a regulated new source review pollutant:

(A) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input.

(B) Coal cleaning plants with thermal dryers.

(C) Kraft pulp mills.

(D) Portland cement plants.

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- (E) Primary zinc smelters.
- (F) Iron and steel mill plants.
- (G) Primary aluminum ore reduction plants.
- (H) Primary copper smelters.
- (I) Municipal incinerators capable of charging more than 250 tons of refuse per day.
- (J) Hydrofluoric, sulfuric, and nitric acid plants.
- (K) Petroleum refineries.
- (L) Lime plants.
- (M) Phosphate rock processing plants.
- (N) Coke oven batteries.
- (O) Sulfur recovery plants.
- (P) Carbon black plants (furnace process).
- (Q) Primary lead smelters.
- (R) Fuel conversion plants.
- (S) Sintering plants.
- (T) Secondary metal production plants.
- (U) Chemical process plants. The term chemical process plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in North American Industrial Classification System codes 325193 or 312140.
- (V) Fossil fuel boilers, or combinations thereof, totaling more than 250 million British thermal units per hour heat input.
- (W) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.
- (X) Taconite ore processing plants.
- (Y) Glass fiber processing plants.
- (Z) Charcoal production plants.
- (ii) Any stationary source not listed in the previous subdivision which emits, or has the potential to emit, 250 tons per year or more of a regulated new source review pollutant.
- (iii) Any physical change that would occur at a stationary source not otherwise qualifying under subdivision (cc) of this subrule, as a major stationary source if the change would constitute a major stationary source by itself.
- (iv) A major source that is major for volatile organic compounds or oxides of nitrogen shall be considered major for ozone.
- (v) The fugitive emissions of a stationary source shall not be included in determining, for any of the purposes of this rule, whether it is a major stationary source, unless the source belongs to 1 of the categories of stationary sources listed in paragraph (i) of this subdivision.
- (dd) "Necessary preconstruction approvals or permits" means a permit issued under R 336.1201(1)(a) that is required by R 336.2801 to R 336.2819.
- (ee) "Net emissions increase" means all of the following:
 - (i) For any regulated new source review pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:
 - (A) The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated under R 336.2802(4).
 - (B) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline actual emissions for calculating increases and decreases under this paragraph shall be determined as provided in the definition of baseline actual emissions, except that paragraphs (b)(i)(C) and (b)(ii)(D) of this rule shall not apply.
 - (ii) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the following:
 - (A) The date 5 years before construction on the particular change commences.
 - (B) The date that the increase from the particular change occurs.
 - (iii) An increase or decrease in actual emissions is creditable only if the department has not relied on it in issuing a permit under R 336.1201(1)(a) or R 336.1214a, which permit is in effect when the increase in actual emissions from the particular change occurs.
 - (iv) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or oxides of nitrogen that occurs before the applicable minor source baseline date is creditable only if it is required in calculating the amount of maximum allowable increases remaining available. (v) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

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- (vi) A decrease in actual emissions is creditable only to the extent that it meets all of the following criteria:
- (A) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions.
 - (B) It is enforceable as a practical matter at and after the time that actual construction on the particular change begins.
 - (C) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
- (vii) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. A replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.
- (viii) The definition of actual emissions in R 336.1101(b) shall not apply for determining creditable increases and decreases after a change, instead the definitions of the terms “projected actual emissions” and “baseline emissions” shall be used.
- (ff) [Reserved]
- (gg) “Pollution prevention” means any activity that through process changes, product reformulation or redesign, or substitution of less polluting raw materials, eliminates or reduces the release of air pollutants, including fugitive emissions, and other pollutants to the environment before recycling, treatment, or disposal. Pollution prevention does not mean recycling, other than certain “in-process recycling” practices, energy recovery, treatment, or disposal.
- (hh) “Potential to emit” means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. A physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is legally enforceable and enforceable as a practical matter by the state, local air pollution control agency, or United States environmental protection agency. Secondary emissions do not count in determining the potential to emit of a stationary source.
- (ii) “Predictive emissions monitoring system” or “PEMS” means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, oxygen or carbon dioxide concentrations), and calculate and record the mass emissions rate (for example, pounds per hour) on a continuous basis.
- (jj) “Prevention of significant deterioration” or “PSD” program means the major source preconstruction permit program required by 40 C.F.R. §52.21, adopted by reference in R 336.1902. A permit issued under this program is a major NSR permit.
- (kk) “Project” means a physical change in, or change in method of operation of, an existing major stationary source.
- (ll) “Projected actual emissions” means all of the following:
- (i) The maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated new source review pollutant in any 1 of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any 1 of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit that regulated new source review pollutant, and full utilization of the unit would result in a significant emissions increase, or a significant net emissions increase at the major stationary source.
 - (ii) In determining the projected actual emissions, before beginning actual construction, the owner or operator of the major stationary source shall do all of the following:
 - (A) Consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity, and the company's highest projections of business activity, the company's filings with the state or federal regulatory authorities, and compliance plans under the state implementation plan.
 - (B) Include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions.
 - (C) Exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth.
 - (iii) The owner or operator of a major stationary source may use the emissions unit's potential to emit, in tons per year, instead of calculating projected actual emissions.
- (mm) “Reactivation of a very clean coal-fired electric utility steam generating unit” means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit meets all of the following criteria:
- (i) The unit was not in operation for the 2-year period before the enactment of the clean air act amendments of 1990,

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and the emissions from the unit continue to be carried in the department's emissions inventory at the time of enactment.

(ii) The unit was equipped before shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of not less than 85% and a removal efficiency for particulates of not less than 98%.

(iii) The unit was equipped with low-oxides of nitrogen burners before the time of commencement of operations following reactivation.

(iv) The unit otherwise complies with the requirements of the clean air act.

(nn) "Regulated new source review pollutant," for purposes of this rule, means all of the following:

(i) A pollutant for which a national ambient air quality standard has been promulgated and any constituents or precursors for the pollutants identified by the United States environmental protection agency. For example, volatile organic compounds and oxides of nitrogen are precursors for ozone, and oxides of nitrogen and sulfur dioxide are precursors for PM 2.5.

(ii) A pollutant that is subject to any standard promulgated under section 111 of the clean air act.

(iii) A class I or II substance subject to a standard promulgated under or established by title VI of the clean air act.

(iv) A pollutant that otherwise is subject to regulation under the clean air act; except that any or all hazardous air pollutants either listed in section 112 of the clean air act or added to the list under section 112(b)(2) of the clean air act, which have not been delisted under section 112(b)(3) of the clean air act, are not regulated new source review pollutants unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the clean air act.

(oo) "Repowering" means all of the following:

(i) Replacement of an existing coal-fired boiler with 1 of the following clean coal technologies:

(A) Atmospheric or pressurized fluidized bed combustion.

(B) Integrated gasification combined cycle.

(C) Magneto hydrodynamics.

(D) Direct and indirect coal-fired turbines.

(E) Integrated gasification fuel cells.

(F) A derivative of 1 or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990, as determined by the United States environmental protection agency, in consultation with the Secretary of Energy.

(ii) Repowering shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the United States Department of Energy.

(iii) The department shall give expedited consideration to permit applications for any source that satisfies the definition of repowering and is granted an extension under section 409 of the clean air act.

(pp) "Secondary emissions" means emissions which occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For this rule, secondary emissions shall be specific, well defined, quantifiable, and impact the same general areas the stationary source modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

(qq) "Significant" means:

(i) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following pollutant emission rates:

(A) Carbon monoxide: 100 tons per year.

(B) Oxides of nitrogen: 40 tons per year.

(C) Sulfur dioxide: 40 tons per year.

(D) Particulate matter: 25 tons per year of particulate matter emissions.

(E) PM-10: 15 tons per year of PM-10 emissions.

(F) PM 2.5: 10 tons per year of PM 2.5 emissions; 40 tons per year of sulfur dioxide emissions; 40 tons per year of oxides of nitrogen emissions.

(G) Ozone: 40 tons per year of volatile organic compounds or oxides of nitrogen.

(H) Lead: 0.6 tons per year.

(I) Fluorides: 3 tons per year.

(J) Sulfuric acid mist: 7 tons per year.

(K) Hydrogen sulfide: 10 tons per year.

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- (L) Total reduced sulfur, including hydrogen sulfide: 10 tons per year.
- (M) Reduced sulfur compounds, including hydrogen sulfide: 10 tons per year.
- (N) Municipal waste combustor organics, measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans: 3.2×10^{-6} megagrams per year or 3.5×10^{-6} tons per year.
- (O) Municipal waste combustor metals, measured as particulate matter: 14 megagrams per year or 15 tons per year.
- (P) Municipal waste combustor acid gases, measured as sulfur dioxide and hydrogen chloride: 36 megagrams per year or 40 tons per year.
- (Q) Municipal solid waste landfill emissions, measured as nonmethane organic compounds: 45 megagrams per year or 50 tons per year.
- (ii) In reference to a net emissions increase or the potential of a source to emit a regulated new source review pollutant not listed in this definition, any emissions rate.
- (iii) Any emissions rate or any net emissions increase associated with a major stationary source or major modification, which would construct within 10 kilometers of a class I area, and have an impact on such area equal to or greater than 1 microgram per cubic meter (24hour average).
- (rr) "Significant emissions increase" means, for a regulated new source review pollutant, an increase in emissions that is significant for that pollutant.
- (ss) "Stationary source" means any building, structure, facility, or installation which emits or may emit a regulated new source review pollutant.
- (tt) "Temporary clean coal technology demonstration project" means a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the state implementation plan and other requirements necessary to attain and maintain the national ambient air quality standards during and after the project is terminated.

History: 2006 AACs; 2008 AACs; 2011 AACs; 2012 AACs; 2019 MR 1, Eff. Jan 2, 2019.

Editor's Note: An obvious error in R 336.2801 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in *Michigan Register*, 2019 MR 1. The memorandum requesting the correction was published in *Michigan Register*, 2019 MR 1.

R 336.2801a Rescinded.

History: 2006 AACs; 2019 MR 1, Eff. Jan 2, 2019.

R 336.2802 Applicability.

Rule 1802. (1) This part applies to the construction of a new major stationary source or a project at an existing major stationary source in an area designated as attainment or unclassifiable under sections 107(d)(1)(A)(ii) or (iii) of the clean air act.

(2) The requirements of R 336.2810 to R 336.2818 apply to the construction of any new major stationary source or the major modification of any existing major stationary source, except as this rule otherwise provides.

(3) No new major stationary source or major modification to which R 336.2810 to R 336.2818(2) apply shall begin actual construction without a permit to install issued under R 336.1201(1)(a) that states that the major stationary source or major modification will meet those requirements.

(4) This part applies to the construction of new major sources and major modifications to existing major sources in the following manner:

(a) Except as otherwise provided in subrule (5) of this rule, and consistent with the definition of major modification, a project is a major modification for a regulated new source review pollutant if it causes both of the following types of emissions increases:

(i) A significant emissions increase.

(ii) A significant net emissions increase.

The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

(b) The procedure for calculating whether a significant emissions increase will occur depends upon the type of emissions units being modified. The procedure for calculating whether a significant net emissions increase will occur at the major stationary source is contained in the definition of net emissions increase. Regardless of preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

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(c) The actual-to-projected-actual applicability test may be used for projects that only involve existing emissions units. A significant emissions increase of a regulated new source review pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions for each existing emissions unit equals or exceeds the significant amount for that pollutant.

(d) The actual-to-potential test may be used for projects that involve construction of new emission units or modification of existing emission units. A significant emissions increase of a regulated new source review pollutant is projected to occur if the sum of the difference between the potential to emit from each new or modified emission unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.

(e) The hybrid test may be used for projects that involve multiple types of emissions units. A significant emissions increase of a regulated new source review pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the appropriate methods specified in this subrule as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant.

(5) For any major stationary source with a plant wide applicability limit for a regulated new source review pollutant, the major stationary source shall comply with R 336.2823.

History: 2006 AACs; 2019 MR 1, Eff. Jan 2, 2019.

R 336.2803

Source: 2012 AACs.

R 336.2804

Source: 2006 AACs.

R 336.2805

Source: 2006 AACs.

R 336.2806

Source: 2006 AACs.

R 336.2807 Redesignation.

Rule 1807. (1) All areas of the state, except those designated as class I pursuant to R 336.2805 are designated as class II. Redesignation, except as otherwise precluded by R 336.2805, may be proposed by the department, as provided in subrule (2) of this rule, subject to approval by the United States environmental protection agency as a revision to the state implementation plan.

(2) The department may submit to the United States environmental protection agency a proposal to redesignate areas of the state class I or class II, based on all of the following:

(a) At least 1 public hearing has been held under MCL 324.5511.

(b) Other states, Indian governing bodies, and federal land managers whose lands may be affected by the proposed redesignation were notified at least 30 days before the public hearing.

(c) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social, and energy effects of the proposed redesignation, was prepared and made available for public inspection at least 30 days before the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion.

(d) Before the issuance of notice respecting the redesignation of an area that includes any federal lands, the department has provided written notice to the appropriate federal land manager and afforded adequate opportunity, not more than 60 days, to confer with the department respecting the redesignation and to submit written comments and recommendations. In redesignating an area with respect to which a federal land manager had submitted written comments and recommendations, the department shall have published a list of any inconsistency between the redesignation and comments and recommendations, together with the reasons for making the redesignation against the recommendation of the federal land manager.

(e) The department has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

History: 2006 AACs; 2019 MR 1, Eff. Jan 2, 2019.

R 336.2808

Source: 2006 AACs.

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R 336.2809 Exemptions.

Rule 1809. (1) The requirements of R 336.2810 to R 336.2818 do not apply to a particular major stationary source or major modification if either of the following occurs:

(a) The major stationary source would be a nonprofit health or nonprofit educational institution or a major modification that would occur at such an institution.

(b) The source or modification would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source is not required to include fugitives in its potential to emit under R 336.2801(cc)(v).

(c) The source or modification is a portable stationary source which has previously received a permit under R 336.2810 to R 336.2818, if all of the following occur:

(i) The source proposes to relocate and emissions of the source at the new location would be temporary.

(ii) The emissions from the source would not exceed its allowable emissions.

(iii) The emissions from the source would not impact a class I area or an area where an applicable increment is known to be violated.

(iv) Reasonable notice is given to the department before the relocation identifying the proposed new location and the probable duration of operation at the new location. Notice shall be given to the department not less than 10 days in advance of the proposed relocation unless a different time duration is previously approved by the department.

(2) The requirements of R 336.2810 to R 336.2818 do not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the source or modification is subject to new source review for major sources in nonattainment areas regulations.

(3) The requirements of R 336.2811, R 336.2813, and R 336.2815 do not apply to a proposed major stationary source or major modification with respect to a particular pollutant, if the allowable emissions of that pollutant from a new source, or the net emissions increase of that pollutant from a modification, would be temporary and would not impact a class I area or an area where an applicable increment is known to be violated.

(4) The requirements of R 336.2811, R 336.2813, and R 336.2815, as they relate to any maximum allowable increase for a class II area, do not apply to a modification of a major stationary source that was in existence on March 1, 1978, if the net increase in allowable emissions of each regulated new source review pollutant from the modification after the application of best available control technology would be less than 50 tons per year.

(5) The department may exempt a proposed major stationary source or major modification from R 336.2813, with respect to monitoring for a particular pollutant, if any of the following occur:

(a) The emissions increase of the pollutant from a new stationary source or the net emissions increase of the pollutant from a modification would cause, in any area, air quality impacts less than the following amounts:

(i) Carbon monoxide -- 575 micrograms per cubic meter, 8-hour average.

(ii) Nitrogen dioxide -- 14 micrograms per cubic meter, annual average.

(iii) Particulate matter -- 10 micrograms per cubic meter of PM-10, 24-hour average. 0 micrograms per cubic meter of PM 2.5, 24-hour average.

(iv) Sulfur dioxide -- 13 micrograms per cubic meter, 24-hour average.

(v) Ozone -- There is no de minimis air quality level for ozone. However, any net increase of 100 tons per year or more of volatile organic compounds or oxides of nitrogen subject to PSD would be required to perform an ambient impact analysis, including the gathering of ambient air quality data.

(vi) Lead -- 0.1 micrograms per cubic meter, 3-month average.

(vii) Fluorides -- 0.25 micrograms per cubic meter, 24-hour average.

(viii) Total reduced sulfur -- 10 micrograms per cubic meter, 1-hour average.

(ix) Hydrogen sulfide -- 0.2 micrograms per cubic meter, 1-hour average.

(x) Reduced sulfur compounds -- 10 micrograms per cubic meter, 1-hour average.

(b) The concentrations of the pollutant in the area that the source or modification would affect are less than the concentrations listed in subdivision (a) of this subrule.

(c) The pollutant is not listed in subdivision (a) of this subrule.

History: 2006 AACS; 2012 AACS; 2019 MR 1, Eff. Jan 2, 2019.

R 336.2810 Control technology review.

Rule 1810. (1) A major stationary source or major modification shall meet each applicable emissions limitation under the state implementation plan and each applicable emission standards and standard of performance under 40 C.F.R. parts 60 and 61, adopted by reference in R 336.1902.

(2) A new major stationary source shall apply best available control technology for each regulated new source review

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pollutant that it would have the potential to emit in significant amounts.

(3) A major modification shall apply best available control technology for each regulated new source review pollutant for which it would be a significant net emissions increase at the source. This subrule applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

(4) For phased construction projects, the determination of best available control technology shall be reviewed and modified as appropriate at the latest reasonable time which occurs not later than 18 months before commencement of construction of each independent phase of the project. At such time, the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of best available control technology for the source.

History: 2006 AACs; 2019 MR 1, Eff. Jan 2, 2019.

R 336.2811

Source: 2006 AACs.

R 336.2812

Source: 2006 AACs.

R 336.2813 Air quality analysis.

Rule 1813. (1) Pre-application analysis includes all of the following:

(a) Any application for a permit under this rule shall contain an analysis of ambient air quality in the area that the major stationary source or major modification would affect for each of the following pollutants:

(i) For the major source, each pollutant that it would have the potential to emit in a significant amount.

(ii) For the modification, each pollutant for which it would result in a significant net emissions increase.

(b) For a pollutant for which a national ambient air quality standard does not exist, the analysis shall contain air quality monitoring data required by the department to assess ambient air quality for that pollutant in any area that the emissions of that pollutant would affect.

(c) For a pollutant, other than nonmethane hydrocarbons, for which such a standard does exist, the analysis shall contain continuous air quality monitoring data gathered for determining whether emissions of that pollutant would cause or contribute to a violation of the standard or any maximum allowable increase.

(d) The continuous air monitoring data that is required shall have been gathered over a period of 1 year and shall represent the year preceding receipt of the application, except that, if the department determines that a complete and adequate analysis may be accomplished with monitoring data gathered over a period less than 1 year, but not less than 4 months, the data that is required shall have been gathered over at least that shorter period.

(e) The owner or operator of a proposed major stationary source or major modification of volatile organic compounds who satisfies all conditions of 40 C.F.R. part 51, appendix S, section IV, may provide post-approval monitoring data for ozone instead of providing preconstruction data as otherwise required by this rule. The provisions of 40 C.F.R., part 51, appendix S, section IV, are adopted by reference in R 336.1902.

(2) For post-construction monitoring, the owner or operator of a major stationary source or major modification shall, after construction of the major stationary source or major modification, conduct such ambient monitoring as the department requires to determine the effect emissions from the major stationary source or major modification may have, or are having, on air quality in any area.

(3) For operation of monitoring stations, the owner or operator of a major stationary source or major modification shall meet the requirements of 40 C.F.R. part 58, appendix B, during the operation of monitoring stations for purposes of satisfying this rule. The provisions of 40 C.F.R., part 58, appendix B, are adopted by reference in R 336.1902.

History: 2006 AACs; 2019 MR 1, Eff. Jan 2, 2019.

R 336.2814

Source: 2006 AACs.

R 336.2815

Source: 2006 AACs.

R 336.2816 Sources impacting federal class I areas; additional requirements.

Rule 1816. (1) The department shall transmit to the United States environmental protection agency a copy of each permit application relating to a major stationary source or major modification and provide notice to the United States

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environmental protection agency of every action related to the consideration of the permit.

(2) If an applicant submits a permit application to the department for a proposed major stationary source or major modification that affects a federal class I area, the applicant must submit to the department and the federal land manager charged with direct responsibility for management of class I lands a demonstration of the impact the emissions from the proposed source or modification would have on the air quality related values of class I lands, including visibility. The department shall be available to consult with and provide additional information to the federal land manager during the federal land manager's review of the demonstration submitted by the applicant, if necessary, to complete the review of the demonstration.

(3) If the federal land manager's review of the applicant's demonstration results in a finding that the emissions from the proposed major source or major modification would have an adverse impact on the air quality related values of class I areas, including visibility, notwithstanding that the change in air quality resulting from emissions from a major source or major modification would not cause or contribute to concentrations that would exceed the maximum allowable increases for a class I area, and if the department concurs with such finding, then the department shall not approve the permit application.

(4) If the department determines that the emissions from a proposed major source or major modification would cause or contribute to concentrations which would exceed the maximum allowable increases for a class I area, the department shall not approve a permit application unless the applicable requirements of Michigan's state implementation plan are otherwise met and 1 of the following occurs:

(a) The applicant submits a written certification that the applicant has demonstrated to the federal land manager that the emissions from the proposed major source or major modification would have no adverse impact on the air quality related values of class I lands, including visibility, notwithstanding that the change in air quality resulting from emissions from a major source or major modification would cause or contribute to concentrations that would exceed the maximum allowable increases for a class I area. The department may then, provided that applicable requirements are otherwise met, issue the permit with emission limitations to assure that emissions of sulfur dioxide, particulate matter, and oxides of nitrogen would not exceed the following maximum allowable increases over minor source baseline concentration for the pollutants:

Table 183

Maximum allowable increases over minor source baseline concentrations

Pollutant	Maximum Allowable Increase (micrograms per cubic meter)
Particulate matter:	
PM-10, annual arithmetic mean	17
PM-10, 24-hour maximum	30
PM 2.5, annual arithmetic mean	4
PM 2.5, 24-hour maximum	9
Sulfur dioxide:	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	325
Nitrogen dioxide:	
Annual arithmetic mean	25

(b) If the department cannot approve the permit application under R 336.2816(4)(a) due to sulfur dioxide emissions resulting in increases greater than those specified in table 183 for periods of 24 hours or less, the applicant may obtain approval by providing a written certification that the applicant has demonstrated to the federal land manager that the emissions from the proposed major source or major modification would have no adverse impact on the air quality related values of class I lands, including visibility, and that both the governor and the federal land manager have granted a sulfur dioxide variance for the federal class I area on which variance the public has received notice and opportunity for public hearing.

(c) If the department cannot approve the permit application under R 336.2816(4)(a) due to sulfur dioxide emissions resulting in increases greater than those specified in table 183 for periods of 24 hours or less, and the department cannot approve the permit application under R 336.2816(4)(b) because the federal land manager does not concur with the governor's issuance of a sulfur dioxide variance that is otherwise consistent with R 336.2816(4)(b), the applicant

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may obtain approval by providing a written certification that the applicant has demonstrated to the president that a sulfur dioxide variance is in the national interest and the president concurs with the issuance of the sulfur dioxide variance by the governor. The applicant shall transfer the recommendations of the governor and the federal land manager to the president in any case where the governor recommends a variance in which the federal land manager does not concur.

(5) The department will not issue a permit affecting a class I area in which a sulfur dioxide variance was granted under R 336.2816(4)(b) or (c), unless the permit includes emission limitations necessary to assure that emissions of sulfur dioxide from the major source or major modification would not, during any day on which the otherwise applicable maximum allowable increases are exceeded, cause or contribute to concentrations which would exceed the following maximum allowable increases over the baseline concentration and to assure that emissions would not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less for more than 18 days, not necessarily consecutive, during any annual period.

Table 184

Maximum Allowable Sulfur Dioxide Increments

Period Of Exposure	Maximum Allowable Increase (Micrograms Per Cubic Meter)	
	Terrain Areas	
	Low	High
24-hour maximum	36	62
3-hour maximum	130	221

History: 2006 AACS; 2008 AACS; 2011 AACS; 2012 AACS; 2019 MR 1, Eff. Jan 2, 2019.

R 336.2817

Source: 2006 AACS.

R 336.2818

Source: 2008 AACS.

R 336.2819

Source: 2006 AACS.

R 336.2823 Actuals plantwide applicability limits (PALs).

Rule 1823. (1) The following definitions apply to the use of actuals PALs consistent with this rule. If a term is not defined in these paragraphs, it shall have the meaning given in R 336.2801 or R 336.1101 to R 336.1127.

(a) "Actuals PAL for a major stationary source" means a PAL based on the baseline actual emissions of all emissions units at the major source that emit or have the potential to emit the PAL pollutant.

(b) "Allowable emissions" means allowable emissions as defined in R 336.2801, except as this definition is modified by the following:

(i) The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.

(ii) An emissions unit's potential to emit shall be determined using the definition in R 336.2801, except that the words "or enforceable as a practical matter" should be added after "federally enforceable."

(c) "Small emissions unit" means an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant, as defined in R 336.2801 or in the clean air act, whichever is lower.

(d) "Major emissions unit" means either of the following:

(i) Any emissions unit that emits or has the potential to emit 100 tons per year or more of the PAL pollutant in an attainment area.

(ii) Any emissions unit that emits or has the potential to emit the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the clean air act for nonattainment areas.

(e) "Plantwide applicability limitation" or "PAL" means an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in

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accordance with this rule.

(f) "PAL effective date" means the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(g) "PAL effective period" means the period beginning with the PAL effective date and ending 10 years later.

(h) "PAL major modification" means, notwithstanding the definitions for major modification and net emissions increase, any physical change in or change in the method of operation of the PAL major source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

(i) "PAL permit" means the permit to install issued under R 336.1201(1)(a) or R 336.1214a that establishes a PAL for a major stationary source.

(j) "PAL pollutant" means the pollutant for which a PAL is established at a major stationary source.

(k) "Significant emissions unit" means an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level, as defined in R 336.2801 or in the clean air act, whichever is lower, for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit.

(2) The following provisions describe the applicability of other federal regulations to major sources with PALs:

(a) The department may approve the use of an actuals PAL for any existing major stationary source if the PAL meets all of the requirements of this rule. The term "PAL" shall mean "actuals PAL" in this rule.

(b) Any physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements of this rule, and complies with the PAL permit. If the change complies with the PAL permit, then the following statements apply:

(i) The change is not a major modification for the PAL pollutant.

(ii) The change does not have to otherwise be approved under prevention of significant deterioration of air quality regulations or new source review for major sources in nonattainment areas regulations.

(iii) The change is not subject to R 336.2818(2), restrictions on relaxing enforceable emission limitations that the major stationary source used to avoid applicability of the major new source review program.

(c) Except as provided under subdivision (b)(iii) of this subrule, a major stationary source shall continue to comply with all applicable federal or state requirements, emission limitations, and work practice requirements that were established before the effective date of the PAL.

(3) As part of a permit application requesting a PAL, the owner or operator of a major stationary source shall submit the following information to the department for approval:

(a) A list of all emissions units at the major source designated as small, significant, or major based on their potential to emit. In addition, the owner or operator of the major source shall indicate which, if any, federal or state applicable requirements, emission limitations, or work practices apply to each unit.

(b) Calculations of the baseline actual emissions with supporting documentation. Baseline actual emissions shall include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown, and malfunction.

(c) The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by subrule (13)(a) of this rule.

(4) The following requirements establish PALs:

(a) The department may establish a PAL at a major stationary source, provided that, at a minimum, the following requirements are met:

(i) The PAL shall impose an annual emission limitation in tons per year, that is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first 12 months of establishing a PAL, the major stationary source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL, a 12-month average rolled monthly. For each month during the first 11 months from the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.

(ii) The PAL shall be established in a PAL permit that meets the public participation requirements in subrule (5) of this rule.

(iii) The PAL permit shall comply with subrule (7) of this rule.

(iv) The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.

(v) Each PAL shall regulate emissions of only 1 pollutant.

(vi) Each PAL shall have a PAL effective period of 10 years.

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(vii) The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in subrules (12) to (14) of this rule for each emissions unit under the PAL through the PAL effective period.

(b) Emissions reductions of a PAL pollutant that occur during the PAL effective period are not creditable as decreases for emissions offsets unless the level of the PAL is reduced by the amount of the emissions reductions and the reductions would be creditable in the absence of the PAL.

(5) PALs for existing major stationary sources shall be established, renewed, or increased, through a permit to install issued under R 336.1201(1)(a). The department shall provide the public with notice of the proposed approval of a PAL permit and at least a 30-day period for submittal of public comment. The department shall address all material comments before taking final action on the permit.

(6) The following apply to setting the 10-year actuals PAL level:

(a) Except as provided in subdivision (b) of this subrule, the actuals PAL level for a major stationary source shall be established as the sum of the baseline actual emissions of the PAL pollutant for each emissions unit at the major source; plus an amount equal to the applicable significant level for the PAL pollutant as defined in R 336.2801 or the clean air act, whichever is lower. When establishing the actuals PAL level, for a PAL pollutant, only 1 consecutive 24-month period shall be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period shall be subtracted from the PAL level. The department shall specify a reduced PAL level, in tons per year, in the PAL permit to become effective on the future compliance dates of any applicable federal or state regulatory requirement before issuance of the PAL permit. For example, if the major source owner or operator will be required to reduce emissions from industrial boilers in half from baseline emissions of 60 parts per million oxides of nitrogen to a new rule limit of 30 parts per million, then the permit shall contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline emissions of the units.

(b) For newly constructed units, which do not include modifications to existing units, on which actual construction began after the 24-month period, instead of adding the baseline actual emissions as specified in subdivision (a) of this subrule, the emissions shall be added to the PAL level in an amount equal to the potential to emit of the units.

(7) The PAL permit shall contain, at a minimum, all of the following information:

(a) The PAL pollutant and the applicable source-wide emission limitation in tons per year.

(b) The PAL permit effective date and the expiration date of the PAL (PAL effective period).

(c) Specification in the PAL permit that if a major stationary source owner or operator applies to renew a PAL under subrule (10) of this rule before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PAL permit is issued by the department.

(d) A requirement that emission calculations for compliance purposes include emissions from startups, shutdowns, and malfunctions.

(e) A requirement that, once the PAL expires, the major stationary source is subject to subrule (9) of this rule.

(f) The calculation procedures that the major stationary source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by subrule (3)(a) of this rule.

(g) A requirement that the major stationary source owner or operator monitor all emissions units in accordance with the provisions under subrule (13) of this rule.

(h) A requirement to retain the records required under subrule (13) of this rule on site. The records may be retained in an electronic format.

(i) A requirement to submit the reports required under subrule (14) of this rule by the required deadlines.

(j) Any other requirements that the department determines necessary to implement and enforce the PAL.

(8) All of the following apply to the PAL effective period and reopening of the PAL permit:

(a) The department shall specify a PAL effective period of 10 years.

(b) All of the following apply to reopening of the PAL permit.

(i) During the PAL effective period, the department shall reopen the PAL permit to do any of the following:

(A) Correct typographical and calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL.

(B) Reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets under new source review for major sources in nonattainment areas regulations.

(C) Revise the PAL to reflect an increase in the PAL as provided under subrule (11) of this rule.

(ii) The department may reopen the PAL permit to accomplish any of the following:

(A) Reduce the PAL to reflect newly applicable federal requirements with compliance dates after the PAL effective

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date.

(B) Reduce the PAL consistent with any other requirement that is enforceable as a practical matter and that the state may impose on the major stationary source under the state implementation plan.

(C) Reduce the PAL if the department determines that a reduction is necessary to avoid causing or contributing to a national ambient air quality standard or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a federal class I area by a federal land manager and for which information is available to the general public.

(iii) Except for a permit reopening for the correction of typographical and calculation errors that do not increase the PAL level, all reopenings shall be carried out in accordance with the public participation requirements of subrule (5) of this rule.

(9) Any PAL that is not renewed in accordance with subrule (10) of this rule shall expire at the end of the PAL effective period, and the following requirements shall apply:

(a) Each emissions unit, or each group of emissions units, that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to both of the following:

(i) Within the time frame specified for PAL renewals in subrule (10)(b) of this rule, the major stationary source shall submit a proposed allowable emission limitation for each emissions unit, or each group of emissions units, if such a distribution is more appropriate as determined by the department, by distributing the PAL allowable emissions for the major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under subrule (10)(e) of this rule, the distribution shall be made as if the PAL had been adjusted.

(ii) The department shall determine whether and how the PAL allowable emissions shall be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the department determines is appropriate.

(b) Each emissions unit shall comply with the allowable emission limitation on a 12-month rolling basis. The department may approve the use of monitoring systems, such as source testing and emission factors, other than CEMS, CERMS, PEMS or CPMS to demonstrate compliance with the allowable emission limitation.

(c) Until the department issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under subrule (9)(a)(ii) of this rule, the major source shall continue to comply with a source-wide, multiunit emissions cap equivalent to the level of the PAL emission limitation.

(d) Any physical change or change in the method of operation at the major stationary source shall be subject to major new source review requirements if such change meets the definition of major modification in R 336.2801.

(e) The major stationary source owner or operator shall continue to comply with any state or federal applicable requirements that may have applied either during the PAL effective period or before the PAL effective period, except for those emission limitations that had been established under R 336.2818(2), but were eliminated by the PAL under subrule (2)(b)(iii) of this rule.

(10) All of the following apply to renewal of a PAL:

(a) The department shall comply with subrule (5) of this rule in approving any request to renew a PAL for a major stationary source and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During public review, any person may propose a PAL level for the major source for consideration by the department.

(b) A major stationary source owner or operator shall submit a timely application to the department to request renewal of a PAL. A timely application is one that is submitted at least 6 months before, but not earlier than 18 months from, the date of permit expiration. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major stationary source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.

(c) The application to renew a PAL permit shall contain all of the following information:

(i) The information required in subrule (3)(a) to (c) of this rule.

(ii) A proposed PAL level.

(iii) The sum of the potential to emit of all emissions units under the PAL, with supporting documentation.

(iv) Any other information the owner or operator requests the department to consider in determining the appropriate level for renewing the PAL.

(d) In determining whether and how to adjust the PAL, the department shall consider the following:

(i) If the emissions level calculated in accordance with subrule (6) of this rule is equal to or greater than 80% of the PAL level, the department may renew the PAL at the same level without considering the factors in subrule (10)(d)(ii) of this rule.

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(ii) The department may set the PAL at a level that it determines to be more representative of the major source's baseline actual emissions, or that it determines to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the major source's voluntary emissions reductions, or other factors as specifically identified by the department in its written rationale.

(iii) Notwithstanding subrule (10)(d)(i) and (ii) of this rule, both of the following shall apply:

(A) If the potential to emit of the major stationary source is less than the PAL, then the department shall adjust the PAL to a level not greater than the potential to emit of the major source.

(B) The department shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with subrule (11) of this rule.

(e) If the compliance date for a state or federal requirement that applies to the PAL major source occurs during the PAL effective period, and if the department has not already adjusted for the requirement, then the PAL shall be adjusted at the time of PAL permit renewal or renewable operating permit renewal, whichever occurs first.

(11) The following shall apply to increasing a PAL during the PAL effective period:

(a) The department may increase a PAL emission limitation only if the major stationary source complies with the following provisions:

(i) The owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. The application shall identify the emissions units contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.

(ii) As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT equivalent controls, plus the sum of the allowable emissions of the new or modified emissions units, exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.

(iii) The owner or operator obtains a major new source review permit for all emissions units identified in subrule (11)(a)(i) of this rule, regardless of the magnitude of the emissions increase resulting from them, that is, no significant levels apply. These emissions units shall comply with any emissions requirements resulting from the major new source review process, even though they have also become subject to the PAL or continue to be subject to the PAL.

(iv) The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(b) The department shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units, assuming application of BACT equivalent controls as determined under subdivision (a)(ii) of this subrule, plus the sum of the baseline actual emissions of the small emissions units.

(c) The PAL permit shall be revised to reflect the increased PAL level under the public notice requirements of subrule (5) of this rule.

(12) The following are monitoring requirements for PALs:

(a) All of the following general provisions are required:

(i) Each PAL permit shall contain enforceable requirements for the monitoring system that accurately determine plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit shall be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by the system shall meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.

(ii) The PAL monitoring system shall employ 1 or more of the 4 general monitoring approaches in subdivision (b) of this subrule and shall be approved by the department.

(iii) Notwithstanding paragraph (ii) of this subdivision, the PAL may also employ an alternative monitoring approach that meets paragraph (i) of this subdivision if approved by the department.

(iv) Failure to use a monitoring system that meets the requirements of this rule renders the PAL invalid.

(b) The following are acceptable general monitoring approaches when conducted in accordance with subdivisions (c) to (i) of this subrule:

(i) Mass balance calculations for activities using coatings or solvents.

(ii) CEMS.

(iii) CPMS or PEMS.

(iv) Emission factors.

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(c) An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet all of the following requirements:

(i) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit.

(ii) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process.

(iii) Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, then the owner or operator shall use the highest value of the range to calculate the PAL pollutant emissions unless the department determines there is site-specific data or a site-specific monitoring program to support another content within the range.

(d) An owner or operator using CEMS to monitor PAL pollutant emissions shall meet both of the following requirements:

(i) CEMS shall comply with applicable performance specifications found in 40 C.F.R. part 60, appendix B, adopted by reference in R 336.1902.

(ii) CEMS shall sample, analyze, and record data at least every 15 minutes while the emissions unit is operating.

(e) An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet both of the following requirements:

(i) The CPMS or the PEMS shall be based on current site-specific data demonstrating a correlation between the monitored parameters and the PAL pollutant emissions across the range of operation of the emissions unit.

(ii) Each CPMS or PEMS shall sample, analyze, and record data at least every 15 minutes, or at another less frequent interval approved by the department, while the emissions unit is operating.

(f) An owner or operator using emission factors to monitor PAL pollutant emissions shall meet all of the following requirements:

(i) All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development.

(ii) The emissions unit shall operate within the designated range of use for the emission factor, if applicable.

(iii) If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within 6 months of PAL permit issuance, unless the department determines that testing is not required.

(g) A major source owner or operator shall record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the PAL permit.

(h) Notwithstanding the requirements in subdivisions (c) to (g) of this subrule, if an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameters and the PAL pollutant emissions rate at all operating points of the emissions unit, then the department shall do either of the following at the time of permit issuance:

(i) Establish default values for determining compliance with the PAL based on the highest potential emissions reasonably estimated at each unmonitored operating point.

(ii) Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameters and the PAL pollutant emissions is a violation of the PAL.

(i) All data used to establish the PAL pollutant shall be revalidated through performance testing or other scientifically valid means approved by the department. Testing shall occur at least once every 5 years after issuance of the PAL.

(13) The PAL permit shall require the following recordkeeping requirements:

(a) Require an owner or operator to retain a copy of all records necessary to determine compliance with this rule and the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for 5 years from the date of such record.

(b) Require an owner or operator to retain a copy of all of the following records, for the duration of the PAL effective period plus 5 years:

(i) A copy of the PAL permit application and any applications for revisions to the PAL.

(ii) Each annual certification of compliance under the renewable operating permit and the data relied on in certifying compliance.

(14) The owner or operator shall submit semiannual monitoring reports and prompt deviation reports to the department in accordance with the applicable renewable operating permit program. The reports shall meet the following requirements:

(a) The semiannual report shall be submitted to the department concurrently with the semiannual report required by

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the renewable operating permit for the stationary source. The report shall contain all of the following information:

- (i) The identification of owner and operator and the permit number.
 - (ii) Total annual emissions in tons per year based on a 12-month rolling total for each month in the reporting period recorded under subrule (13)(a) of this rule.
 - (iii) All data relied upon, including, but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant emissions.
 - (iv) A list of emissions units modified or added to the major stationary source during the preceding 6-month period.
 - (v) The number, duration, and cause of deviations or monitoring malfunctions, other than the time associated with zero and span calibration checks, and any corrective action taken.
 - (vi) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by subrule (12)(g) of this rule.
 - (vii) A signed statement by the responsible official, as defined by the applicable renewable operating permit program, certifying the truth, accuracy, and completeness of the information provided in the report.
- (b) The major stationary source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL requirements, including periods where monitoring is not available. A report submitted under R 336.1213(3)(c) shall satisfy the reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the major source's renewable operating permit. The reports shall contain all of the following information:
- (i) The identification of owner and operator and the permit number.
 - (ii) The PAL requirement that experienced the deviation or that was exceeded.
 - (iii) Emissions resulting from the deviation or the exceedance.
 - (iv) A signed statement by the responsible official, as defined by the renewable operating permit, certifying the truth, accuracy, and completeness of the information provided in the report.
- (c) The owner or operator shall submit to the department the results of any revalidation test or method within 3 months after completion of the test or method.
- (15) The owner or operator of a facility complying with an actuals PAL may install a new emissions unit without first obtaining a permit to install under R 336.1201, if the following requirements are met:
- (a) The new emissions unit will not cause a meaningful change in the nature or quantity of toxic air contaminants emitted from the major stationary source, unless the new emissions unit is otherwise exempt under R 336.1278 to R 336.1290. In determining whether the new emissions unit will cause a meaningful change in the nature or quantity of toxic air contaminants, the following shall apply:
 - (i) The owner or operator shall demonstrate to the department that a meaningful change in the nature or quantity of toxic air contaminants has not occurred. The owner or operator may devise its own method to perform this demonstration subject to approval by the department. However, if the applicant demonstrates that all toxic air contaminant emissions from a new emissions unit are within the levels specified in R 336.1226 or R 336.1227, then a meaningful change in toxic air contaminants has not occurred.
 - (ii) If, using the methods described in paragraph (i) of this subdivision, the owner or operator determines that the installation of new emission units will cause a meaningful change in the nature or quantity of toxic air contaminant emissions, then the owner or operator shall obtain a state-only enforceable permit to install under R 336.1201(1)(b).
 - (iii) A copy of the demonstration required by paragraph (i) of this subdivision shall be kept on site for the life of the new emissions unit and made available to the department upon request.
 - (b) The new emissions unit will not emit a regulated new source review pollutant that is not subject to a PAL, unless the new emissions unit is eligible for an exemption listed in R 336.1201 to R 336.1290.
 - (c) The new emissions unit will not be a newly constructed or reconstructed major source of hazardous air pollutants.
 - (d) The installation of the new emissions unit will not cause the violation of any other applicable requirement.
 - (e) The owner or operator shall notify the department of the installation of a new emissions unit using the procedure specified in R 336.1215(3)(c).

History: 2006 AACs; 2019 MR 1, Eff. Jan 2, 2019.

R 336.2830

Source: 2012 AACs.

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

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AIR QUALITY DIVISION

PART 19. NEW SOURCE REVIEW FOR MAJOR SOURCES IMPACTING NONATTAINMENT AREAS

R 336.2901 Definitions.

Rule 1901. The following definitions apply to terms used in this part. If a term defined here is also defined elsewhere in these rules, then the definition contained here supersedes for this part only:

(a) “Actual emissions” means the actual rate of emissions of a regulated new source review pollutant from an emissions unit, as determined under R 336.1101(b), except that this definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a plant wide applicability limit under R 336.2907. Instead, the terms “projected actual emissions” and “baseline actual emissions” shall apply for those purposes.

(b) “Baseline actual emissions” means the rate of emissions, in tons per year, of a regulated new source review pollutant, as determined by the following:

(i) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The department shall allow the use of a different time period upon a determination that it is more representative of normal source operation. The following shall apply:

(A) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(B) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.

(C) For a regulated new source review pollutant, when a project involves multiple emissions units, only one consecutive 24-month period shall be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period may be used for each regulated new source review pollutant.

(D) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraph (i)(B) of this subdivision.

(ii) For an existing emissions unit, other than an electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the department for a permit required under R 336.1201, whichever is earlier, except that the 10-year period shall not include any period earlier than November 15, 1990. All of the following shall apply:

(A) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(B) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

(C) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had the major stationary source been required to comply with the limitations during the consecutive 24-month period. However, if an emission limitation is part of a maximum achievable control technology standard that the United States environmental protection agency proposed or promulgated under 40 C.F.R. part 63, adopted by reference in R 336.1902, then the baseline actual emissions need only be adjusted if the department has taken credit for such emissions reductions in an attainment demonstration or maintenance plan. –

(D) For a regulated new source review pollutant, when a project involves multiple emissions units, only 1 consecutive 24-month period shall be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period may be used for each regulated new source review pollutant.

(E) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by subparagraphs (B) and (C) of this paragraph.

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(iii) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit.

(iv) For a plant wide applicability limit for a major stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units under paragraph (i) of this subdivision, for other existing emissions units under paragraph (ii) of this subdivision, and for a new emissions unit under paragraph (iii) of this subdivision.

(c) "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. "A change in method of operation" refers to those on-site activities other than preparatory activities which mark the initiation of the change.

(d) "Best available control technology" or "BACT" means an emissions limitation, including a visible emissions standard, based on the maximum degree of reduction for each regulated new source review pollutant which would be emitted from any proposed major stationary source or major modification which the department, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. Application of best available control technology shall not result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 C.F.R. part 60 or 61, adopted by reference in R 336.1902. If the department determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, then a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. The standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of the design, equipment, work practice, or operation, and shall provide for compliance by means which achieve equivalent results.

(e) "Building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on 1 or more contiguous or adjacent properties, and are under the control of the same person, or persons under common control, except the activities of any vessel. Pollutant-emitting activities are part of the same industrial grouping if they have the same 2-digit major group code associated with their primary activity. Major group codes and primary activities are described in the standard industrial classification manual, 1987. For assistance in converting North American industrial classification system codes to standard industrial classification codes see <http://www.census.gov/epcd/naics02/>.

(f) "Clean coal technology" means any technology, including technologies applied at the precombustion, combustion, or post-combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

(g) "Clean coal technology demonstration project" means a project using funds appropriated under the heading "department of energy-clean coal technology," up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the United States environmental protection agency. The federal contribution for a qualifying project shall be at least 20% of the total cost of the demonstration project.

(h) [Reserved]

(i) "Commence" as applied to construction of a major stationary source or major modification means that the owner or operator has all necessary preconstruction approvals or permits and has either of the following:

(i) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time.

(ii) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(j) "Construction" means any physical change or change in the method of operation, including fabrication, erection, installation, demolition, or modification of an emissions unit, that would result in a change in emissions.

(k) "Continuous emissions monitoring system" or "CEMS" means all of the equipment that may be required to meet the data acquisition and availability requirements of this rule, to sample, condition, if applicable, analyze, and provide a record of emissions on a continuous basis.

(l) "Continuous emissions rate monitoring system" or "CERMS" means the total equipment required for the determination and recording of the pollutant mass emissions rate, in terms of mass per unit of time.

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- (m) "Continuous parameter monitoring system" or "CPMS" means all of the equipment necessary to meet the data acquisition and availability requirements of this rule, to monitor process and control device operational parameters and other information, and to record average operational parameter values on a continuous basis.
- (n) "Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than 1/3 of its potential electric output capacity and more than 25 megawatts electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.
- (o) "Emissions unit" means any part of a stationary source that emits or would have the potential to emit any regulated new source review pollutant. The term emissions unit includes an electric steam generating unit. Each emissions unit can be classified as either new or existing based on the following:
- (i) A new emissions unit is any emissions unit that is, or will be, newly constructed and that has existed for less than 2 years from the date the emissions unit first operated.
 - (ii) An existing emissions unit is any emissions unit that does not meet the definition of a new emissions unit. A replacement unit is an existing emissions unit and no creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced. Replacement unit means all of the following:
 - (A) The emissions unit is a reconstructed unit as defined within R 336.1118(b) or the emissions unit completely takes the place of an existing emissions unit.
 - (B) The emissions unit is identical to or functionally equivalent to the replaced emissions unit.
 - (C) The replacement does not alter the basic design parameters of the process unit.
 - (D) The replaced emissions unit is permanently removed from the major stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.
- (p) "Federal land manager" means, with respect to any lands in the United States, the secretary of the department with authority over such lands.
- (q) "Functionally equivalent component" means a component that serves the same purpose as the replaced component.
- (r) "Hydrocarbon combustion flare" means either a flare used to comply with an applicable new source performance standard or maximum achievable control technology standard, including uses of flares during startup, shutdown, or malfunction permitted under such a standard, or a flare that serves to control emissions of waste streams comprised predominately of hydrocarbons and containing not more than 230 milligrams per dry standard cubic meter hydrogen sulfide.
- (s) "Lowest achievable emission rate" or "LAER" means, for any source, the more stringent rate of emissions based on either of the following:
- (i) The most stringent emissions limitation that is contained in the implementation plan of any state for the same class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that the limitations are not achievable.
 - (ii) The most stringent emissions limitation that is achieved in practice by the same class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within a stationary source. Application of the term shall not permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source performance standard.
- (t) "Major modification" means the following:
- (i) Any physical change in or change in the method of operation of a major stationary source that would result in both of the following:
 - (A) A significant emissions increase of a regulated new source review pollutant.
 - (B) A significant net emissions increase of that pollutant from the major stationary source.
 - (ii) Any significant emissions increase from any emissions units or net emissions increase at a major stationary source that is significant for volatile organic compounds shall be considered significant for ozone.
 - (iii) A physical change or change in the method of operation shall not include any of the following:
 - (A) Routine maintenance, repair, and replacement.
 - (B) Use of an alternative fuel or raw material by reason of an order under sections 2 (a) and (b) of the energy supply and environmental coordination act of 1974, 15 U.S.C. §792 et seq., or any superseding legislation, or by reason of a natural gas curtailment plan under the federal power act of 1995, 16 U.S.C. §791-828c et seq.
 - (C) Use of an alternative fuel by reason of an order or rule under section 125 of the clean air act.

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- (D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.
- (E) Use of an alternative fuel or raw material by a stationary source which meets either of the following:
- (1) The source was capable of accommodating before December 21, 1976, unless the change would be prohibited under any federally enforceable permit condition that was established after December 12, 1976, under prevention of significant deterioration of air quality regulations or new source review for major sources in nonattainment areas regulations.
 - (2) The source is approved to use under any permit issued under R 336.1201(1)(a).
- (F) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition that was established after December 21, 1976, under R 336.1201(1)(a).
- (G) Any change in ownership at a stationary source.
- (H) [Reserved]
- (I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with both of the following:
- (1) The state implementation plan.
 - (2) Other requirements necessary to attain and maintain the national ambient air quality standard during the project and after it is terminated.
- (iv) This definition shall not apply with respect to a particular regulated new source review pollutant when the major stationary source is complying with the requirements of R 336.2907 for a plant wide applicability limit for that pollutant. Instead, the definition in R 336.2907(1)(h) shall apply.
- (v) For the purposes of applying the requirements of R 336.2902(8) to modifications at major stationary sources of nitrogen oxides located in ozone nonattainment areas or in ozone transport regions, whether or not subject to subpart 2, part D, title 1 of the clean air act, any significant net emissions increase of nitrogen oxides is considered significant for ozone.
- (vi) Any physical change in, or change in the method of operation of, a major stationary source of volatile organic compounds that results in any increase in emissions of volatile organic compounds from any discrete operation, emissions unit, or other pollutant emitting activity at the source shall be considered a significant net emissions increase and a major modification for ozone, if the major stationary source is located in an extreme ozone nonattainment area that is subject to subpart 2, part D, title 1 of the clean air act.
- (u) "Major stationary source" means all of the following:
- (i) Any of the following:
 - (A) Any stationary source of air pollutants that emits or has the potential to emit 100 tons per year or more of any regulated new source review pollutant, except that lower emissions thresholds shall apply in areas subject to subpart 2, subpart 3, or subpart 4 of part D, title 1 of the clean air act, according to the following:
 - (1) In any serious ozone nonattainment area, 50 tons per year of volatile organic compounds.
 - (2) In an area within ozone transport region except for any severe or extreme ozone nonattainment area, 50 tons per year of volatile organic compounds.
 - (3) In any severe ozone nonattainment area, 25 tons per year of volatile organic compounds.
 - (4) In any extreme ozone nonattainment area, 10 tons per year of volatile organic compounds.
 - (5) In any serious nonattainment area for carbon monoxide, where the department has determined that stationary sources contribute significantly to carbon monoxide levels in the area, 50 tons per year of carbon monoxide.
 - (6) In any serious nonattainment area for PM-10, 70 tons per year of PM-10.
 - (B) For the purposes of applying the requirements of R 336.2902(8) to stationary sources of nitrogen oxides located in an ozone nonattainment area or in an ozone transport region, any stationary source which emits, or has the potential to emit, 100 tons per year or more of nitrogen oxide emissions, except that the following emission thresholds shall apply in areas subject to subpart 2 of part D, title 1 of the clean air act:
 - (1) In any ozone nonattainment area classified as marginal or moderate, 100 tons per year or more of nitrogen oxides.
 - (2) In any ozone nonattainment area classified as a transitional, submarginal, or incomplete or no data area, when such area is located in an ozone transport region, 100 tons per year or more of nitrogen oxides.
 - (3) In any area designated under section 107(d) of the clean air act as attainment or unclassifiable for ozone that is located in an ozone transport region, 100 tons per year or more of nitrogen oxides.
 - (4) In any serious nonattainment area for ozone, 50 tons per year or more of nitrogen oxides.
 - (5) In any severe nonattainment area for ozone, 25 tons per year or more of nitrogen oxides.
 - (6) In any extreme nonattainment area for ozone, 10 tons per year or more of nitrogen oxides.
- (C) Any physical change that would occur at a stationary source not qualifying under R 336.2901(u)(i)(A) or (B) as a major stationary source, if the change would constitute a major stationary source by itself.

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- (ii) A major stationary source that is major for volatile organic compounds shall be considered major for ozone.
- (iii) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this paragraph whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:
 - (A) Coal cleaning plants, with thermal dryers.
 - (B) Kraft pulp mills.
 - (C) Portland cement plants.
 - (D) Primary zinc smelters.
 - (E) Iron and steel mills.
 - (F) Primary aluminum ore reduction plants.
 - (G) Primary copper smelters.
 - (H) Municipal incinerators capable of charging more than 250 tons of refuse per day.
 - (I) Hydrofluoric, sulfuric, or nitric acid plants.
 - (J) Petroleum refineries.
 - (K) Lime plants.
 - (L) Phosphate rock processing plants.
 - (M) Coke oven batteries.
 - (N) Sulfur recovery plants.
 - (O) Carbon black plants, furnace process.
 - (P) Primary lead smelters.
 - (Q) Fuel conversion plants.
 - (R) Sintering plants.
 - (S) Secondary metal production plants.
 - (T) Chemical process plants. The term chemical process plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in North American Industrial Classification System codes 325193 or 312140.
 - (U) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input.
 - (V) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.
 - (W) Taconite ore processing plants.
 - (X) Glass fiber processing plants.
 - (Y) Charcoal production plants.
 - (Z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input.
- (AA) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the clean air act.
- (v) "Necessary preconstruction approvals or permits" mean a permit issued under R 336.1201(1)(a) that is required by R 336.2802 or R 336.2902.
- (w) "Net emissions increase" means all of the following:
 - (i) With respect to any regulated new source review pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:
 - (A) The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated under R 336.2902(2).
 - (B) Any other increases and decreases in actual emissions at the major stationary source that occur within the contemporaneous period and are otherwise creditable.
 - (ii) The contemporaneous period must meet all of the following:
 - (A) Begins on the date 5 years before construction on the particular change commences.
 - (B) Ends on the date that the increase from the particular change occurs.
 - (iii) An increase or decrease in actual emissions is creditable only if the department has not relied on it in issuing a permit under R 336.1201(1)(a) or R 336.1214a, which permit is in effect when the increase in actual emissions from the particular change occurs.
 - (iv) The magnitude of a creditable, contemporaneous increase in actual emissions is determined by the amount that the allowable emissions following the increase exceed the emissions unit's baseline actual emissions prior to the increase. This means allowable emissions and baseline actual emissions are determined from the date of the contemporaneous increase. Baseline actual emissions shall be determined as provided in the definition of baseline

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actual emissions, except that subdivision (b)(i)(C) and (b)(ii)(D) of this rule shall not apply.

(v) A contemporaneous decrease in actual emissions is creditable only to the extent that all of the following occur:

(A) The magnitude of a creditable contemporaneous decrease is determined by the lower of the following:

(1) The amount by which the emission unit's baseline actual emissions prior to the decrease exceed the level of allowable emissions following the decrease.

(2) The amount by which the emission unit's allowable emissions prior to the decrease exceed the level of allowable emissions following the decrease.

(3) In determining the magnitude of a creditable contemporaneous decrease, allowable emissions and baseline actual emissions are determined from the date of the contemporaneous decrease. Baseline actual emissions shall be determined as provided in the definition of baseline actual emissions except that subdivision (b)(i)(C) and (b)(ii)(D) of this rule shall not apply.

(B) It is enforceable as a practical matter at and after the time that actual construction on the particular change begins.

(C) The department has not relied on it in issuing any permit under R 336.1201(1)(a) or R 336.1214a.

(D) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(vi) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

(vii) The definition of actual emissions in R 336.1101(b) shall not apply for determining creditable increases and decreases after a change, instead the definitions of the terms "projected actual emissions" and "baseline actual emissions" shall be used.

(x) "Nonattainment major new source review" or "NSR" program means the requirements of this rule, R 336.1220, or R 336.1221. A permit issued under any of these rules is a major new source review permit.

(y) [Reserved]

(z) "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally legally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

(aa) "Predictive emissions monitoring system" or "PEMS" means all of the equipment necessary to monitor process and control device operational parameters and other information and calculate and record the mass emissions rate on a continuous basis.

(bb) "Prevention of significant deterioration" or "PSD" permit means any permit that is issued under R 336.2802 or the prevention of significant deterioration of air quality regulations under 40 C.F.R. §52.21, adopted by reference in R 336.1902.

(cc) "Process Unit" means any collection of structures or equipment, or both that processes, assembles, applies, blends, or otherwise uses material inputs to produce or store an intermediate or a completed product. A single stationary source may contain more than one process unit, and a process unit may contain more than one emissions unit.

(i) Pollution control equipment is not part of the process unit, unless it serves a dual function as both process and control equipment. Administrative and warehousing facilities are not part of the process unit.

(ii) For replacement cost purposes, components shared between two or more process units are proportionately allocated based on capacity.

(iii) The following list identifies process units at specific categories of stationary sources.

(A) For a steam electric generating facility, the process unit consists of those portions of the plant that contribute directly to the production of electricity. For example, at a pulverized coal-fired facility, the process unit would generally be the combination of those systems from the coal receiving equipment through the emission stack (excluding post-combustion pollution controls), including the coal handling equipment, pulverizers or coal crushers, feedwater heaters, ash handling, boiler, burners, turbine-generator set, condenser, cooling tower, water treatment system, air preheaters, and operating control systems. Each separate generating unit is a separate process unit.

(B) For a petroleum refinery, there are several categories of process units: those that separate or distill, or both petroleum feedstocks; those that change molecular structures; petroleum treating processes; auxiliary facilities, such

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as steam generators and hydrogen production units; and those that load, unload, blend or store intermediate or completed products.

(C) For an incinerator, the process unit would consist of components from the feed pit or refuse pit to the stack, including conveyors, combustion devices, heat exchangers and steam generators, quench tanks, and fans.

(dd) “Project” means a physical change in, or change in the method of operation of, an existing major stationary source.

(ee) “Projected actual emissions” means the following:

(i) The maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated new source review pollutant in any one of the 5 12-month periods following the date the unit resumes regular operation after the project, or in any 1 of the 10 12-month periods following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit of that regulated new source review pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.

(ii) In determining the projected actual emissions before beginning actual construction, the owner or operator of the major stationary source shall do the following:

(A) Consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity, and the company's highest projections of business activity, the company's filings with the state or federal regulatory authorities, and compliance plans under the approved state implementation plan.

(B) Include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(C) Exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions of this rule and that are also unrelated to the particular project, including any increased utilization due to product demand growth.

(D) Elect to use the emissions unit's potential to emit in tons per year instead of calculating projected actual emissions.

(ff) “Regulated new source review pollutant” means any of the following:

(i) Oxides of nitrogen or any volatile organic compounds.

(ii) Any pollutant for which a national ambient air quality standard has been promulgated.

(iii) Any pollutant that is a constituent or precursor of a general pollutant listed under paragraphs (i) or (ii) of this subdivision, provided that a constituent or precursor pollutant may only be regulated under new source review as part of regulation of the general pollutant.

(gg) “Secondary emissions” means emissions that would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this rule, secondary emissions shall be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility that would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions that come directly from a mobile source such as emissions from the tailpipe of a motor vehicle, from a train, or a vessel.

(hh) “Significant” means all of the following:

(i) “Significant” means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants at a rate of emissions that would equal or exceed any of the following pollutant emission rates:

(A) Carbon monoxide: 100 tons per year.

(B) Nitrogen oxides: 40 tons per year.

(C) Sulfur dioxide: 40 tons per year.

(D) Ozone: 40 tons per year of volatile organic compounds or of nitrogen oxides.

(E) Lead: 0.6 tons per year.

(F) PM-10: 15 tons per year of PM-10.

(G) PM 2.5: 10 tons per year of PM 2.5; 40 tons per year of sulfur dioxide emissions; 40 tons per year of nitrogen oxide emissions.

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(ii) Notwithstanding the significant emissions rate for ozone in R 336.2901(hh) (i)(D), significant means, in reference to an emissions increase or a net emissions increase, any increase in actual emissions of volatile organic compounds that would result from any physical change in, or change in the method of operation of, a major stationary source located in a serious or severe ozone nonattainment area that is subject to subpart 2, part D, title 1 of the clean air act, if such emissions increase of volatile organic compounds exceeds 25 tons per year.

(iii) For the purposes of applying the requirements of R 336.2902(8) to modifications at major stationary sources of nitrogen oxides located in an ozone nonattainment area or in an ozone transport region, the significant emission rates and other requirements for volatile organic compounds in R 336.2901(hh)(i)(D), R 336.2901(hh)(ii) and R 336.2901(hh)(v) shall apply to nitrogen oxides emissions.

(iv) Notwithstanding the significant emissions rate for carbon monoxide in R 336.2901(hh)(i)(A), significant means, in reference to an emissions increase or a net emissions increase, any increase in actual emissions of carbon monoxide that would result from any physical change in, or change in the method of operation of, a major stationary source in a serious nonattainment area for carbon monoxide if such increase equals or exceeds 50 tons per year, provided that the United States environmental protection agency has determined that the stationary sources contribute significantly to carbon monoxide levels in that area.

(v) Notwithstanding the significant emissions rates for ozone in R 336.2901(hh)(i)(D) and R 336.2901(hh)(ii), any increase in actual emissions of volatile organic compounds from any emissions unit at a major stationary source of volatile organic compounds located in an extreme ozone nonattainment area that is subject to subpart 2, part D, title 1 of the clean air act shall be considered a significant net emissions increase.

(ii) "Significant emissions increase" means, for a regulated new source review pollutant, an increase in emissions that is significant for that pollutant.

(jj) "Stationary source" means any building, structure, facility, or installation which emits or may emit a regulated new source review pollutant.

(kk) "Temporary clean coal technology demonstration project" means a clean coal technology demonstration project that is operated for a period of 5 years or less, and that complies with the state implementation plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

History: 2008 AACs; 2011 AACs; 2012 AACs; 2019 MR 1, Eff. Jan 2, 2019.

Editor's Note: An obvious error in R 336.2901 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2019 MR 1. The memorandum requesting the correction was published in Michigan Register, 2019 MR 2.

R 336.2901a Rescinded.

History: 2008 AACs; 2019 MR 1, Eff. Jan 2, 2019.

R 336.2902 Applicability.

Rule 902. (1) This part applies to the construction of each new major stationary source or major modification that is both of the following:

(a) Located in a nonattainment area.

(b) Major for the pollutant for which the area is designated nonattainment.

For areas designated as nonattainment for ozone, this part shall apply only to any new major stationary source or major modification that is major for volatile organic compounds or nitrogen oxides.

(2) This part applies to the construction of new major sources and major modifications to existing major sources as follows:

(a) Except as otherwise provided in subrule (3) of this rule, and consistent with the definition of major modification, a project is a major modification for a regulated new source review pollutant if it causes both of the following emissions increases:

(i) A significant emissions increase.

(ii) A significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

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(b) The procedure for calculating whether a significant emissions increase will occur depends upon the type of emissions units being modified. The procedure for calculating whether a significant net emissions increase will occur at the major stationary source is contained in the definition of net emissions increase. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

(c) The actual-to-projected-actual applicability test may be used for projects that only involve existing emissions units. A significant emissions increase of a regulated new source review pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, for each existing emissions unit, equals or exceeds the significant amount for that pollutant.

(d) The actual-to-potential test may be used for projects that involve construction of new emissions units or modification of existing emissions units. A significant emissions increase of a regulated new source review pollutant is projected to occur if the sum of the difference between the potential to emit from each new or modified emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.

(e) The hybrid test may be used for projects that involve multiple types of emissions units. A significant emissions increase of a regulated new source review pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the appropriate methods specified above in this subrule as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant.

(3) Any major stationary source for a plant wide applicability limit for a regulated new source review pollutant shall comply with R 336.2907.

(4) The provisions of this rule do not apply to a source or modification that would be a major stationary source or major modification only if fugitive emissions to the extent quantifiable are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:

(a) Coal cleaning plants, with thermal dryers.

(b) Kraft pulp mills.

(c) Portland cement plants.

(d) Primary zinc smelters.

(e) Iron and steel mills.

(f) Primary aluminum ore reduction plants.

(g) Primary copper smelters.

(h) Municipal incinerators capable of charging more than 250 tons of refuse per day.

(i) Hydrofluoric, sulfuric, or citric acid plants.

(j) Petroleum refineries.

(k) Lime plants.

(l) Phosphate rock processing plants.

(m) Coke oven batteries.

(n) Sulfur recovery plants.

(o) Carbon black plants, furnace process.

(p) Primary lead smelters.

(q) Fuel conversion plants.

(r) Sintering plants.

(s) Secondary metal production plants.

(t) Chemical process plants.

(u) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input.

(v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.

(w) Taconite ore processing plants.

(x) Glass fiber processing plants.

(y) Charcoal production plants.

(z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input.

(aa) Any other stationary source category which, as of August 7, 1980, is regulated under section 111 or 112 of the clean air act.

(5) The following additional construction and permitting requirements apply:

(a) Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with any other applicable requirements and any other requirements under local, state, or federal law.

(b) At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforcement limitation that was established after August 7, 1980, on the capacity

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of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of R 336.2908 shall apply to the source or modification as though construction had not yet commenced on the source or modification.

(6) The following provisions apply to projects at existing emissions units at a major stationary source that is subject to either prevention of significant deterioration of air quality regulations or new source review for major sources in nonattainment areas regulations in circumstances where there is a reasonable possibility that a project that is not a part of a major modification may result in a significant emissions increase and the owner or operator elects to use the method in R 336.2901(dd) or R 336.2801(II) for calculating projected actual emissions:

(a) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

(i) A description of the project.

(ii) Identification of the emissions units whose emissions of a regulated new source review pollutant may be affected by the project.

(iii) A description of the applicability test used to determine that the project is not a major modification for any regulated new source review pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under R 336.2901(dd)(ii)(C) and an explanation for why such amount was excluded, and any netting calculations, if applicable.

(b) If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information required by subdivision (a) of this subrule to the department. This subdivision does not require the owner or operator of such a unit to obtain any determination from the department before beginning actual construction.

(c) The owner or operator shall monitor the emissions of any regulated new source review pollutant that could increase as a result of the project and that is emitted by any emissions units identified under subdivision (a)(ii) of this subrule and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity or potential to emit of that regulated new source review pollutant at the emissions unit.

(d) If the unit is an existing electric utility steam generating unit, then the owner or operator shall submit a report to the department within 60 days after the end of each year during which records shall be generated under subdivision (c) of this subrule setting out the unit's annual emissions during the year that preceded submission of the report.

(e) If the unit is an existing unit other than an electric utility steam generating unit, then the owner or operator shall submit a report to the department if the annual emissions, in tons per year, from the project identified pursuant to this subrule, exceed the baseline actual emissions by a significant amount for that regulated new source review pollutant, and if such emissions differ from the preconstruction projection. The report shall be submitted to the department within 60 days after the end of such year. The report shall contain all of the following information:

(i) The name, address and telephone number of the major stationary source.

(ii) The annual emissions as calculated under subdivision (c) of this subrule.

(iii) Any other information that the owner or operator wishes to include in the report, for example, an explanation as to why the emissions differ from the preconstruction projection.

(f) A reasonable possibility that a project may result in a significant emissions increase occurs when the project is subject to R 336.1201(1)(a) and is not exempted from the requirement to obtain a permit to install by R 336.1278 to R 336.1290. If the owner or operator determines that the project is exempted by R 336.1278 to R 336.1290, then the owner or operator may proceed with the project without obtaining a permit to install. If an owner or operator develops calculations for the project pursuant to R 336.2901(dd) or R 336.2801(II), the calculations may be used for the purpose of demonstrating compliance with R 336.1278a(1)(c).

(7) The owner or operator of the source shall make the information required to be documented and maintained under this rule available for review upon a request for inspection by the department, or the general public under section 5516(2) of the act, MCL 324.5516(2).

(8) The requirements of this part that apply to major stationary sources and major modifications of volatile organic compounds shall also apply to nitrogen oxides emissions from major stationary sources and major modifications of nitrogen oxides in an ozone transport region or in any ozone nonattainment area, except in ozone nonattainment areas or portions of an ozone transport region where the United States environmental protection agency has granted a NOx waiver applying the standards set forth under section 182(f) of the clean air act and the waiver continues to apply.

History: 2008 AACs; 2019 MR 1, Eff. Jan 2, 2019.

R 336.2903

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Source: 2012 AACS.

R 336.2907 Actuals plant wide applicability limits or PALs.

Rule 1907. (1) The following definitions apply to the use of actuals PALs. If a term is not defined in these paragraphs, then it shall have the meaning given in R 336.2901:

- (a) "Actuals PAL for a major stationary source" means a PAL based on the baseline actual emissions of all emissions units at the source that emit or have the potential to emit the PAL pollutant.
- (b) "Allowable emissions" means allowable emissions as defined in R 336.1101(k), except this definition is modified in the following manner:
 - (i) The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.
 - (ii) An emissions unit's potential to emit shall be determined using the definition in R 336.2901(z), except that the words "or enforceable as a practical matter" shall be added after "legally enforceable."
- (c) "Small emissions unit" means an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant.
- (d) "Major emissions unit" means either of the following:
 - (i) Any emissions unit that emits or has the potential to emit 100 tons per year or more of the PAL pollutant in an attainment area.
 - (ii) Any emissions unit that emits or has the potential to emit the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the clean air act for nonattainment areas. For example, in accordance with the definition of major stationary source in section 182(c) of the clean air act, an emissions unit is a major emissions unit for volatile organic compounds if the emissions unit is located in a serious ozone nonattainment area and it emits or has the potential to emit 50 or more tons of volatile organic compounds per year.
- (e) "Plant wide applicability limitation" or "PAL" means an emission limitation, expressed in tons per year, for a pollutant at a major stationary source that is enforceable as a practical matter and established source-wide in accordance with this rule.
- (f) "PAL effective date" generally means the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.
- (g) "PAL effective period" means the period beginning with the PAL effective date and ending 10 years later.
- (h) "PAL major modification" means, notwithstanding R 336.2901(s) and (v), the definitions for major modification and net emissions increase, any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.
- (i) "PAL permit" means the permit to install that establishes a PAL for a major stationary source.
- (j) "PAL pollutant" means the pollutant for which a PAL is established at a major stationary source.
- (k) "Significant emissions unit" means an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit.

(2) The following requirements pertain to applicability:

- (a) The department may approve the use of an actuals PAL for any existing major stationary source if the PAL meets the requirements of this rule. "PAL" means "actuals PAL" in this rule.
- (b) The department shall not allow an actuals PAL for volatile organic compounds or nitrogen oxides for any major stationary source located in an extreme ozone nonattainment area.
- (c) For physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements of this rule, and complies with the PAL permit, all of the following shall apply:
 - (i) Is not a major modification for the PAL pollutant.
 - (ii) Does not have to be approved through the permitting requirements of this rule.
 - (iii) Is not subject to the provisions in R 336.2902(5)(b), restrictions on relaxing enforceable emission limitations that the major stationary source used to avoid applicability of the nonattainment major new source review program.
- (d) Except as provided under subdivision (c)(iii) of this subrule, a major stationary source shall continue to comply with all applicable federal, state, or local requirements, emission limitations, and work practice requirements that were established before the effective date of the PAL.

(3) As part of a permit application requesting a PAL, the owner or operator of a major stationary source shall submit all of the following information to the department for approval:

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- (a) A list of all emissions units at the source designated as small, significant, or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, federal, state, or local applicable requirements, emission limitations, or work practices apply to each unit.
- (b) Calculations of the baseline actual emissions with supporting documentation. Baseline actual emissions shall include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown, and malfunction.
- (c) The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by subrule (13)(a) of this rule.
- (4) The following general requirements apply for establishing PALs:
 - (a) The department may establish a PAL at a major stationary source, provided that, at a minimum, all the following requirements are met:
 - (i) The PAL shall impose an annual emission limitation in tons per year, which is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first 12 months of establishing a PAL, the major stationary source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL (a 12-month total, rolled monthly). For each month during the first 11 months from the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.
 - (ii) The PAL shall be established in a permit to install that meets the public participation requirements in subrule (5) of this rule.
 - (iii) The PAL permit to install shall contain all the requirements of subrule (7) of this rule.
 - (iv) The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.
 - (v) Each PAL shall regulate emissions of only one pollutant.
 - (vi) Each PAL shall have a PAL effective period of 10 years.
 - (vii) The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in subrules (12) to (14) of this rule for each emissions unit under the PAL through the PAL effective period.
 - (b) At no time, during or after the PAL effective period, are emissions reductions of a PAL pollutant, which occur during the PAL effective period, creditable as decreases for purposes of offsets under R 336.2908(5) unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.
- (5) PALs for existing major stationary sources shall be established, renewed, or increased through a permit to install issued under R 336.1201(1)(a). The department shall provide the public with notice of the proposed approval of a PAL permit and at least a 30-day period for submittal of public comment. The department shall address all material comments before taking final action on the permit.
- (6) The following apply to setting the 10-year actuals PAL level.
 - (a) Except as provided in subdivision (b) of this subrule, the actuals PAL level for a major stationary source shall be established as the sum of the baseline actual emissions of the PAL pollutant for each emissions unit at the source; plus an amount equal to the applicable significant level for the PAL pollutant. When establishing the actuals PAL level, for a PAL pollutant, only one consecutive 24-month period shall be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period shall be subtracted from the PAL level. The department shall specify a reduced PAL level, in tons per year, in the PAL permit to become effective on the future compliance date of any applicable federal or state regulatory requirements before issuance of the PAL permit. For instance, if the source owner or operator will be required to reduce emissions from industrial boilers in half from baseline emissions of 60 parts per million nitrogen oxides to a new rule limit of 30 parts per million, then the permit shall contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline emissions of such unit.
 - (b) For newly constructed units, which do not include modifications to existing units, on which actual construction began after the 24-month period, instead of adding the baseline actual emissions as specified in subdivision (a) of this subrule, the emissions shall be added to the PAL level in an amount equal to the potential to emit of the units.
- (7) The PAL permit shall contain, at a minimum, all of the following information:
 - (a) The PAL pollutant and the applicable source-wide emission limitation in tons per year.
 - (b) The PAL permit effective date and the expiration date of the PAL (PAL effective period).

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- (c) Specification in the PAL permit that if a major stationary source owner or operator applies to renew a PAL under subrule (10) of this rule before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period. The PAL shall remain in effect until a revised PAL permit is issued by the department.
 - (d) A requirement that emission calculations for compliance purposes include emissions from startups, shutdowns, and malfunctions.
 - (e) A requirement that, once the PAL expires, the major stationary source is subject to subrule (9) of this rule.
 - (f) The calculation procedures that the major stationary source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by subrule (13)(a) of this rule.
 - (g) A requirement that the major stationary source owner or operator monitor all emissions units under subrule (12) of this rule.
 - (h) A requirement to retain on-site the records required under subrule (13) of this rule. The records may be retained in an electronic format.
 - (i) A requirement to submit the reports required under subrule (14) of this rule by the required deadlines.
 - (j) Any other requirements that the department determines necessary to implement and enforce the PAL.
- (8) The following shall apply to the PAL effective period and reopening of the PAL permit:
- (a) The department shall specify a PAL effective period of 10 years.
 - (b) The following shall apply to reopening of the PAL permit:
 - (i) During the PAL effective period, the department shall reopen the PAL permit to do any of the following:
 - (A) Correct typographical or calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL.
 - (B) Reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets under R 336.2908(5)(b) through (h).
 - (C) Revise the PAL to reflect an increase in the PAL as provided under subrule (11) of this rule.
 - (ii) The department may reopen the PAL permit for any of the following:
 - (A) Reduce the PAL to reflect newly applicable federal requirements with compliance dates after the PAL effective date.
 - (B) Reduce the PAL consistent with any other requirement, that is enforceable as a practical matter, and that the department may impose on the major stationary source under the state implementation plan.
 - (C) Reduce the PAL if the department determines that a reduction is necessary to avoid causing or contributing to a national ambient air quality standard or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a federal class I area by a federal land manager and for which information is available to the general public.
 - (iii) Except for a permit reopening for the correction of typographical or calculation errors that do not increase the PAL level, all other reopenings shall be carried out in accordance with the public participation requirements of subrule (5) of this rule.
- (9) Any PAL, which is not renewed in accordance with the procedures in subrule (10) of this rule, shall expire at the end of the PAL effective period, and the following requirements of this paragraph shall apply:
- (a) Each emissions unit, or each group of emissions units, that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to the following procedures:
 - (i) Within the time frame specified for PAL renewals in subrule (10)(b) of this rule, the major stationary source shall submit a proposed allowable emission limitation for each emissions unit, or each group of emissions units, if such a distribution is more appropriate as determined by the department, by distributing the PAL allowable emissions for the major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under subrule (10)(e) of this rule, then the distribution shall be made as if the PAL had been adjusted.
 - (ii) The department shall determine whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the department determines is appropriate.
 - (b) Each emissions unit shall comply with the allowable emission limitation on a 12-month rolling basis. The department may approve the use of monitoring systems other than CEMS, CERMS, PEMS or CPMS to demonstrate compliance with the allowable emission limitation.
 - (c) Until the department issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.

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(d) Any physical change or change in the method of operation at the major stationary source shall be subject to the nonattainment major new source review requirements if the change meets the definition of major modification in R 336.2901(s).

(e) The major stationary source owner or operator shall continue to comply with all state, federal, or local applicable requirements that may have applied either during the PAL effective period or before the PAL effective period, except for those emission limitations that were eliminated by the PAL under subrule (2)(c)(iii) of this rule.

(10) The following shall apply to renewal of a PAL:

(a) The department shall follow the procedures specified in subrule (5) of this rule in approving any request to renew a PAL for a major stationary source, and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the department.

(b) A major stationary source owner or operator shall submit a timely application to the department to request renewal of a PAL. A timely application is one that is submitted at least 6 months before, but not earlier than 18 months from, the date of permit expiration. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major stationary source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.

(c) The application to renew a PAL permit shall contain all of the following information:

(i) The information required in subrule (3) of this rule.

(ii) A proposed PAL level.

(iii) The sum of the potential to emit of all emissions units under the PAL with supporting documentation.

(iv) Any other information the owner or operator wishes the department to consider in determining the appropriate level for renewing the PAL.

(d) In determining whether and how to adjust the PAL, the department shall consider either of the options outlined in paragraphs (i) and (ii) of this subdivision. The adjustment shall comply with paragraph (iii) of this subdivision.

(i) If the emissions level calculated in accordance with subrule (6) of this rule is equal to or greater than 80% of the PAL level, the department may renew the PAL at the same level without considering the factors in paragraph (ii) of this subdivision.

(ii) The department may set the PAL at a level that it determines to be more representative of the source's baseline actual emissions, or that it determines to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the department in its written rationale.

(iii) Notwithstanding paragraphs (i) and (ii) of this subdivision, both of the following shall apply:

(A) If the potential to emit of the major stationary source is less than the PAL, then the department shall adjust the PAL to a level not greater than the potential to emit of the source.

(B) The department shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with subrule (11) of this rule.

(e) If the compliance date for a state, federal, or local requirement that applies to the PAL source occurs during the PAL effective period, and if the department has not already adjusted for such requirement, then the PAL shall be adjusted at the time of PAL permit renewal or renewable operating permit renewal, whichever occurs first.

(11) The following shall apply to increasing a PAL during the PAL effective period:

(a) The department may increase a PAL emission limitation only if the major stationary source complies with the following provisions:

(i) The owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. The application shall identify the emissions units contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.

(ii) As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT equivalent controls, plus the sum of the allowable emissions of the new or modified emissions units exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit shall currently comply.

(iii) The owner or operator obtains a major new source review permit for all emissions units identified in paragraph (i) of this subdivision, regardless of the magnitude of the emissions increase resulting from them (that is, no significant

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levels apply). These emissions units shall comply with any emissions requirements resulting from the nonattainment major new source review program process (for example, LAER), even though they have also become subject to the PAL or continue to be subject to the PAL.

(iv) The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(b) The department shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units, assuming application of BACT equivalent controls as determined in subdivision (a)(ii) of this subrule, plus the sum of the baseline actual emissions of the small emissions units.

(c) The PAL permit shall be revised to reflect the increased PAL level under the public notice requirements of subrule (5) of this rule.

(12) The following shall apply to monitoring requirements for PALs:

(a) The following general requirements shall apply:

(i) Each PAL permit shall contain enforceable requirements for the monitoring system that accurately determines plant wide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit shall be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by the system shall meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.

(ii) The PAL monitoring system shall employ one or more of the 4 general monitoring approaches meeting the minimum requirements set forth in subdivision (b) of this subrule and shall be approved by the department.

(iii) Notwithstanding paragraph (ii) of this subdivision, an owner or operator may also employ an alternative monitoring approach that meets paragraph (i) of this subdivision if approved by the department.

(iv) Failure to use a monitoring system that meets the requirements of this rule renders the PAL invalid.

(b) Minimum performance requirements for approved monitoring approaches. The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in subdivisions (c) to (i) of this subrule:

(i) Mass balance calculations for activities using coatings or solvents.

(ii) CEMS.

(iii) CPMS or PEMS.

(iv) Emission factors.

(c) An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet all of the following requirements:

(i) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit.

(ii) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process.

(iii) Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, then the owner or operator shall use the highest value of the range to calculate the PAL pollutant emissions unless the department determines there is site-specific data or a site-specific monitoring program to support another content within the range.

(d) An owner or operator using CEMS to monitor PAL pollutant emissions shall meet both of the following requirements:

(i) CEMS shall comply with applicable performance specifications found in 40 C.F.R. part 60, appendix B, adopted by reference in R 336.1902.

(ii) CEMS shall sample, analyze, and record data at least every 15 minutes while the emissions unit is operating.

(e) An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet both of the following requirements:

(i) The CPMS or the PEMS shall be based on current site-specific data demonstrating a correlation between the monitored parameters and the PAL pollutant emissions across the range of operation of the emissions unit.

(ii) Each CPMS or PEMS shall sample, analyze, and record data at least every 15 minutes, or at another less frequent interval approved by the department, while the emissions unit is operating.

(f) An owner or operator using emission factors to monitor PAL pollutant emissions shall meet all of the following requirements:

(i) All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development.

(ii) The emissions unit shall operate within the designated range of use for the emission factor, if applicable.

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(iii) If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within 6 months of PAL permit issuance, unless the department determines that testing is not required.

(g) A source owner or operator shall record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the PAL permit.

(h) Notwithstanding the requirements in subdivision (c) to (g) of this subrule, if an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameters and the PAL pollutant emissions rate at all operating points of the emissions unit, then the department shall, at the time of permit issuance do either of the following:

(i) Establish default values for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating points.

(ii) Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameters and the PAL pollutant emissions is a violation of the PAL.

(i) All data used to establish the PAL pollutant must be re-validated through performance testing or other scientifically valid means approved by the department. Testing shall occur at least once every 5 years after issuance of the PAL.

(13) All of the following recordkeeping requirements shall apply:

(a) The PAL permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with this rule and of the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for 5 years from the date of the record.

(b) The PAL permit shall require an owner or operator to retain a copy of all of the following records for the duration of the PAL effective period plus 5 years:

(i) A copy of the PAL permit application and any applications for revisions to the PAL.

(ii) Each annual certification of compliance pursuant to renewable operating permit and the data relied on in certifying the compliance.

(14) The owner or operator shall submit semiannual monitoring reports and prompt deviation reports to the department in accordance with the source's renewable operating permit. The reports shall meet all of the following requirements:

(a) The semiannual report shall be submitted to the department within 30 days of the end of each reporting period. This report shall contain all of the following information:

(i) The identification of owner and operator and the permit number.

(ii) Total annual emissions, tons per year, based on a 12-month rolling total for each month in the reporting period recorded under subrule (13)(a) of this rule.

(iii) All data relied upon, including, but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant emissions.

(iv) A list of any emissions units modified or added to the major stationary source during the preceding 6-month period.

(v) The number, duration, and cause of any deviations or monitoring malfunctions, other than the time associated with zero and span calibration checks, and any corrective action taken.

(vi) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by subrule (12)(g) of this rule.

(vii) A signed statement by the responsible official, as defined by the applicable renewable operating permit, certifying the truth, accuracy, and completeness of the information provided in the report.

(b) The major stationary source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL requirements, including periods where no monitoring is available. A report submitted under R 336.1213(3)(c)(ii) shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the source's renewable operating permit. The reports shall contain all of the following information:

(i) The identification of owner and operator and the permit number.

(ii) The PAL requirement that experienced the deviation or that was exceeded.

(iii) Emissions resulting from the deviation or the exceedance.

(iv) A signed statement by the responsible official, as defined by the source's renewable operating permit, certifying the truth, accuracy, and completeness of the information provided in the report.

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(c) The owner or operator shall submit to the department the results of any re-validation test or method within 3 months after completion of the test or method.

History: 2008 AACs; 2019 MR 1, Eff. Jan 2, 2019.

R 336.2908 Conditions for approval of a major new source review permit in a nonattainment area.

Rule 1908. (1) The department may only issue a permit approving the construction of a new major stationary source or major modification in a nonattainment area if the department has determined that the owner or operator of the major stationary source or major modification will comply with all of the provisions of this rule.

(2) The owner or operator of the proposed major stationary source or major modification shall provide an analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed major stationary source or major modification which demonstrates that the benefits of the proposed major stationary source or major modification significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(3) The major stationary source or major modification shall comply with the lowest achievable emissions rate for each regulated new source review pollutant for which the area is designated as nonattainment.

(4) All stationary sources which have a potential to emit 100 or more tons per year of any air contaminant regulated under the clean air act, which are located in the state, and which are owned or controlled by the owner, operator, or an entity controlling, controlled by, or under common control with, the owner or operator of the proposed major stationary source or major modification shall be in compliance with all applicable local, state, and federal air quality regulations or and shall be in compliance with a legally enforceable permit condition or order of the department specifying a plan and timetable for compliance.

(5) Before the start-up of the new major stationary source or major modification, an emission reduction offset for each major nonattainment air contaminant shall be provided consistent with the following provisions:

(a) The baseline for determining credit for emissions reductions is the emissions limit under the state implementation plan in effect at the time the application to construct is filed, except that the offset baseline shall be the actual emissions of the source from which offset credit is obtained where either of the following occurs:

(i) The demonstration of reasonable further progress and attainment of ambient air quality standards is based upon the actual emissions of sources located within the nonattainment area.

(ii) The state implementation plan does not contain an emissions limitation for that source or source category.

(b) The following requirements apply to emissions offset credits:

(i) Where the allowable emissions are greater emissions than the potential to emit of the source, emissions offset credit shall be allowed only for control below this potential.

(ii) For an existing fuel combustion source, credit shall be based on the source's allowable emissions for the type of fuel being burned at the time the application to construct is filed. If the existing source commits to switch to a cleaner fuel at some future date, then emissions offset credit based on the allowable, or actual, emissions for the fuels involved is not acceptable, unless the permit is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date. The department shall ensure that adequate long-term supplies of the new fuel are available before granting emissions offset credit for fuel switches.

(c) An emission reduction credit shall not be creditable as an emission offset unless it meets the following requirements:

(i) Emissions reductions that have been achieved by shutting down an existing emission unit or curtailing production or operating hours may be generally credited for offsets only if they meet all of the following requirements:

(A) The reductions are surplus, permanent, quantifiable and federally enforceable.

(B) The shutdown or curtailment occurred after the last day of the base year for the SIP planning process. The department may choose to consider a prior shutdown or curtailment to have occurred after the last day of the base year if the projected emissions inventory used to develop the attainment demonstration explicitly includes emissions from such previously shutdown or curtailed emission units. However, credit shall not be given for shutdowns that occurred before August 7, 1977.

(ii) Emissions reductions that are achieved by shutting down an existing emissions unit or curtailing production or operating hours and that do not meet the requirements of R 336.2908(5)(c)(i)(A) and (B) may be generally credited only if they meet either of the following:

(A) The shutdown or curtailment occurred on or after the date the construction permit application is filed.

(B) The applicant can establish that the proposed new emissions unit is a replacement for the shutdown or curtailed emissions unit, and the emissions reductions are surplus, permanent, quantifiable and federally enforceable.

(d) Emissions credit shall not be allowed for replacing 1 hydrocarbon compound with another of lesser reactivity,

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except for those compounds listed in table 1 of the United States environmental protection agency's "Recommended Policy on Control of Volatile Organic Compounds," 42 FR 35314, adopted by reference in R 336.1902.

(e) All emission reductions claimed as offset credit shall be federally enforceable.

(f) Offsets shall be obtained from the same nonattainment area as the proposed major source or major modification, except another nonattainment area may be used if both of the following conditions are met:

(i) The other area has an equal or higher nonattainment classification than the area in which the proposed source is located.

(ii) Nonattainment air contaminant emissions from the other area contribute to a violation of a national ambient air quality standard in the nonattainment area in which the proposed major source or major modification would be located.

(g) Credit for an emissions reduction may be claimed to the extent that the reviewing authority has not relied on it in issuing any permit required by R 336.1220 or R 336.2902 and the department has not relied on it in demonstrating attainment or reasonable further progress.

(h) The total tonnage of increased emissions, in tons per year, resulting from a major modification that must be offset shall be determined by summing the difference between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit. Unless specified otherwise in this rule, the offset ratio for each nonattainment air pollutant that will be emitted in significant amounts from a new major source or major modification located in a nonattainment area that is subject to subpart 1, part D, title 1 of the clean air act shall be at least 1:1.

(i) The provisions of this subrule do not apply to emissions resulting from proposed major sources or major modifications to the extent that the emissions are temporary and will not prevent reasonable further progress towards attainment of any applicable standard. Examples of temporary emissions include emissions from all of the following:

(i) Pilot plants.

(ii) Portable facilities which will be relocated outside the nonattainment area within 18 months.

(iii) The construction phase of a new major stationary source or major modification.

(6) For facilities meeting the emissions offset requirements of R 336.2908(5) for ozone nonattainment areas that are subject to subpart 2, part D, title 1 of the clean air act, the facility must meet the following requirements:

(a) The ratio of total actual emissions reductions of Volatile Organic Compound (VOC) or Oxides of Nitrogen (NO_x) to the emissions increase of VOC or NO_x shall be as follows:

(i) In any marginal nonattainment area for ozone, the ratio shall be 1.1:1.

(ii) In any moderate nonattainment area for ozone, the ratio shall be 1.15:1.

(iii) In any serious nonattainment area for ozone, the ratio shall be 1.2:1.

(iv) In any severe nonattainment area for ozone, the ratio shall be 1.3:1, except that the ratio may be 1.2:1 if all existing major sources in the severe nonattainment area use BACT for the control of VOC.

(v) In any extreme nonattainment area for ozone, the ratio shall be 1.5:1, except that the ratio may be 1.2:1 if all existing major sources in the extreme nonattainment area use BACT for the control of VOC.

(b) Notwithstanding the requirements of R 336.2908(6)(a) for meeting the requirements of R 336.2908(5), the ratio of total actual emissions reductions of VOC to the emissions increase of VOC shall be 1.15:1 for all areas within an ozone transport region that is subject to subpart 2, part D, title 1 of the clean air act except for serious, severe, and extreme ozone nonattainment areas that are subject to subpart 2, part D, title 1 of the clean air act.

(c) For each facility meeting the emissions offset requirements of R 336.2908(5) for ozone nonattainment areas that are subject to subpart 1, part D, title 1 of the clean air act but are not subject to subpart 2, part D, title 1 of the clean air act, including 8-hour ozone nonattainment areas subject to 40 C.F.R. 51.902(b), adopted by reference in R 336.1902, the ratio of total actual emissions reductions of VOC to the emissions increase of VOC shall be 1:1.

(7) The requirements of this section that apply to major stationary sources and major modifications of PM-10 and PM 2.5 shall also apply to major stationary sources and major modifications of PM-10 and PM 2.5 precursors, except when the department determines that such sources do not contribute significantly to PM-10 and PM 2.5 levels that exceed the PM-10 and PM 2.5 ambient standards in the area.

History: 2008 AACS; 2012 AACS; 2019 MR 1, Eff. Jan 2, 2019.

Editor's Note: An obvious error in R 336.2901 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2019 MR 1. The memorandum requesting the correction was published in Michigan Register, 2019 MR 2.

R 336.2910

Source: 2011 AACS.

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

AUDIOLOGY - GENERAL RULES

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 1978 PA 368, MCL 333.1101 to 333.25211, also known as the public health code.
- (c) "Department" means the department of licensing and regulatory affairs.
- (d) "Endorsement" means the acknowledgement that the licensing criteria in 1 jurisdiction is substantially equivalent to the criteria established and described in section 16186 of the code, MCL 333.16186.
- (2) Except as otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.

History: 2005 AACCS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.1a Training standards for identifying victims of human trafficking; requirements.

Rule 1a. (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 shall 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 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 may 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 shall 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 renewals beginning with the 2017 renewal cycle and for initial licenses issued after April 22, 2021.

History: 2016 AACCS; 2019 MR 1, Eff. Jan. 7, 2019.

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R 338.2 Application for audiologist license; requirements.

Rule 2. (1) An applicant for an audiologist license, in addition to meeting the requirements of the code and the administrative rules promulgated under the code, shall comply with 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 that is acceptable to the board under R 338.8.
- (c) Successfully completed a minimum of 9 months of supervised clinical experience in audiology as demonstrated by 1 of the following:
 - (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 that is acceptable to the board under R 338.8.
 - (ii) For an applicant who possesses 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 certification of clinical competence in audiology (CCC-A) from the American speech-language-hearing association (ASHA) or board certification in audiology by the American board of audiology (ABA) that has been held up to September 1, 1995, then it is presumed that the applicant meets the requirements of subdivisions (b), (c), and (d) of subrule (1) of this rule.

History: 2005 AACs; 2019 MR 1, Eff. Jan. 7, 2019.

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 meeting 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 an audiologist in that state, then it is presumed that the applicant meets the requirements of section 16811(1)(a) or (b), and (2) or (3) of the code, MCL 333.16811(1)(a) or (b), and (2) or (3).

(3) If an applicant does not meet the requirements of subrule (2) of this rule, then the applicant shall meet all of the following, in addition to meeting the requirements of the code:

- (a) Possess a master's or doctoral degree in audiology from an accredited educational program that is acceptable to the board 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 located 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 certification of clinical competence in audiology (CCC-A) from the American speech-language-hearing association (ASHA) or board certification in audiology by the American board of audiology (ABA).

History: 2005 AACs; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.4

Source: 2005 AACs.

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) shall comply with the following requirements:

- (a) The experience shall be obtained under the supervision of a licensed audiologist.
- (b) The experience shall 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 shall comply with the following requirements:
 - (a) The experience shall be obtained under the supervision of a licensed audiologist.
 - (b) The experience shall be part time, which means at least 15 hours per week, and be obtained within 36 consecutive months.

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History: 2005 AACs; 2019 MR 1, Eff. Jan. 7, 2019.

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:

(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 shall accept 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 is authorized to 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 shall include the record of any disciplinary action taken or pending against the applicant.

(c) That the applicant whose audiology educational program was taught in a language other than English demonstrates a working knowledge of the English language. To demonstrate a working knowledge of the English language, an applicant shall establish that he or she has obtained a total score of not less than 80 on the test of English as a foreign language internet-based test (TOEFL-IBT) administered by the educational testing service and obtained the following section scores:

(i) Not less than 18 on the reading section.

(ii) Not less than 18 on the listening section.

(iii) Not less than 22 on the speaking section.

(iv) Not less than 20 on the writing section.

(d) That the applicant has completed, in the United States, 9 months of supervised clinical experience under a licensed audiologist, and the supervised clinical experience meets R 338.5.

History: 2005 AACs; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.7

Source: 2013 AACs.

R 338.8 Educational standards; adoption by reference.

Rule 8. (1) The board adopts by reference in these rules the standards of either of the following organizations:

(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, MD 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 cost from the Board of Audiology, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, Lansing, MI 48909. Completion of an accredited audiology education program at the level required by the code shall be evidence of completion of a program acceptable to the department and approved by the board.

(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, VA 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 cost from the Board of Audiology, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, Lansing, MI 48909.

(2) 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 or the recognition procedures and criteria of the United States department of education. The board adopts by reference the recognition standards and criteria of the council for higher education accreditation (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 Title 34, Part 602 of the Code of Federal Regulations, CFR 34 §§ 602.10 to 602.38. Copies of the standards and criteria of the council for

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higher education accreditation (CHEA) and the United States department of education are available for inspection and distribution at cost from the Board of Audiology, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, MI 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.

History: 2005 AACs; 2019 MR 1, Eff. Jan. 7, 2019.

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(3), 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 meets 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(4), 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(3).

(d) Complies with either of the following requirements:

(i) Pass an examination required under R 338.7.

(ii) Presents evidence to the department that he or she was registered or licensed as an audiologist in another state during the 2-year period immediately preceding 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 shall include the record of any disciplinary action taken or pending against the applicant.

History: 2005 AACs; 2019 MR 1, Eff. Jan. 7, 2019.

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 by the board under these rules during the 2 years immediately preceding the application for renewal.

(3) Submission of an application for renewal shall constitute the applicant's certification of compliance with the requirements of this rule. A licensee shall retain documentation of meeting 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(h).

History: 2005 AACs; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.11 Acceptable continuing education; requirements; limitations.

Rule 11. (1) The 20 hours of continuing education required pursuant to R 338.10(2) for the renewal of an audiology license shall comply with the following:

(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 shall be earned during a 24-hour period.

(c) A licensee shall 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.

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(d) Pursuant to section 16204 of the code, MCL 333.16204, at least 1 hour of continuing education shall 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 MCL 333.16811. The requirement specified in this subrule applies to license renewals beginning with the first renewal cycle after the promulgation of this amended rule.

(2) The board shall consider the following as acceptable continuing education:

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES

Activity Code	Activity and Proof Required	Number of continuing education hours granted/permitted per activity
a	<p>Initial presentation of a continuing education program related to the practice of audiology provided to a state, regional, national, or international audiology organization.</p> <p>To receive credit, the presentation shall not be a part of the licensee's regular job description and shall comply with 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>Three hours of continuing education shall be granted for each 50 to 60 minutes of presentation.</p> <p>No additional credit shall be granted for preparation of a presentation.</p> <p>A maximum of 9 hours of continuing education may be earned for this activity in each renewal period.</p> <p>Pursuant to R 338.11(1)(c), credit for a presentation shall be 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 shall 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 evidence of presentation or a letter from the program sponsor verifying the length and date of the presentation.</p>	<p>Two hours of continuing education shall be granted for each 50 to 60 minutes of presentation.</p> <p>No additional credit shall be granted for preparation of a presentation.</p> <p>A maximum of 6 hours of continuing education may be earned for this activity in each renewal period.</p> <p>Pursuant to R 338.11(1)(c), credit for a presentation shall be 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 by the board 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 shall be granted for each academic credit hour passed.</p> <p>Three hours of continuing education shall be granted for each academic term or quarter credit hour passed.</p> <p>A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.</p>
d	<p>Attendance at a continuing education program that has been granted approval by the board under R 338.12.</p> <p>If audited, the licensee shall submit a program</p>	<p>One continuing education clock hour shall be earned for each 50 to 60 minutes of program attendance.</p> <p>A maximum of 20 hours of continuing education</p>

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	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.	may be earned for this activity in each renewal period.
e	<p>Attendance at a continuing education program that has been granted approval 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 shall be earned for each 50 to 60 minutes of program attendance.</p> <p>A maximum of 20 hours of continuing education may be earned 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 shall be granted for each article. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.</p> <p>Pursuant to R 338.11(1)(c), credit for publication shall be granted once per renewal period.</p>
g	<p>Initial publication of a chapter related to the practice of audiology in either of the following: 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 shall be granted for serving as the primary author.</p> <p>Two hours of continuing education shall be granted for serving as the secondary author.</p> <p>Pursuant to R 338.11(1)(c), credit for publication shall be granted once per renewal period.</p>
h	<p>Reading an audiology professional journal and successfully completing an evaluation created for continuing 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>One hour of continuing education shall be granted for each 50 to 60 minutes of this activity.</p> <p>A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.</p>
i	<p>Attendance at a program approved 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</p>	<p>One continuing education clock hour shall be earned for each 50 to 60 minutes of program attendance.</p> <p>A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.</p>

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	completed.	
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 is considered acceptable by the board if it enhances 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 shall be granted for each committee, board, council, or association.</p> <p>A maximum of 2 hours of continuing education may be earned for this activity in each renewal period.</p>

History: 2005 AACs; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12 Continuing audiology education programs; methods of approval.

Rule 12. (1) The board approves and adopts by reference in these rules 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", August 2015, which is available at no cost from the American Speech-Language-Hearing Association, 2200 Research Boulevard, Rockville, MD 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 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, MI 48909.

(2) The board approves and adopts by reference in these rules the standards of the American academy of audiology for approved continuing education programs in the document entitled "Continuing Education Algorithm", September 2015, which is available at no cost from the American Academy of Audiology, 11480 Commerce Park Drive, Suite 220, Reston, VA 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, MI 48909.

(3) A course or program may be reviewed and approved by the board or any organization that has been authorized by the board to approve such courses or programs.

(4) Courses or programs that need to be reviewed and preapproved by the board or its designee shall submit the following:

- (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) The method for delivering the course or program is described.
- (e) Defined measurements of pre-knowledge and post-knowledge or skill improvement are included.
- (f) Participant attendance at program or course is monitored.
- (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 shall receive a certificate or written evidence 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.

History: 2005 AACs; 2019 MR 1, Eff. Jan. 7, 2019.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

DECLARATORY RULINGS

R 338.81

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Source: 2001 AACs.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OSTEOPATHIC MEDICINE AND SURGERY - GENERAL RULES

CONTINUING EDUCATION

R 338.91

Source: 2016 AACs.

R 338.92

Source: 2016 AACs.

R 338.93

Source: 1991 AACs.

R 338.94

Source: 2016 AACs.

R 338.95

Source: 2016 AACs.

R 338.96

Source: 2016 AACs.

R 338.97

Source: 2016 AACs.

R 338.98

Source: 2016 AACs.

R 338.99

Source: 2016 AACs.

R 338.101

Source: 2016 AACs.

R 338.102

Source: 2016 AACs.

R 338.103

Source: 2016 AACs.

R 338.105

Source: 2016 AACs.

R 338.106

Source: 2016 AACs.

R 338.107

Source: 2016 AACs.

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R 338.107a
Source: 2016 AACS.

R 338.108
Source: 2013 AACS.

R 338.108a
Source: 2016 AACS.

R 338.108b
Source: 2016 AACS.

R 338.109a
Source: 2016 AACS.

PART 2. ADMINISTRATIVE HEARINGS

R 338.110
Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OSTEOPATHIC MEDICINE AND SURGERY - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.111
Source: 2016 AACS.

R 338.113
Source: 2016 AACS.

R 338.115
Source: 2016 AACS.

R 338.117
Source: 2016 AACS.

R 338.119
Source: 2016 AACS.

R 338.120
Source: 2016 AACS.

PART 2. LICENSES

R 338.121

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Source: 2016 AACS.

R 338.123

Source: 2016 AACS.

R 338.125

Source: 2016 AACS.

R 338.127

Source: 2016 AACS.

R 338.129

Source: 2016 AACS.

R 338.131

Source: 2016 AACS.

R 338.133

Source: 2016 AACS.

PART 3. CONTINUING EDUCATION

R 338.141

Source: 2016 AACS.

R 338.143

Source: 2016 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF PROFESSIONAL LICENSING

A STANDING ORDER FOR DISPENSING OPIOID ANTAGONISTS

R 338.201

Source: 2018 AACS.

R 338.202

Source: 2018 AACS.

R 338.203

Source: 2018 AACS.

R 338.204

Source: 2018 AACS.

LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BOARD OF OPTOMETRY - GENERAL RULES

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- R 338.241**
Source: 2010 AACS.
- R 338.251**
Source: 2016 AACS.
- R 338.252**
Source: 2016 AACS.
- R 338.253**
Source: 2016 AACS.
- R 338.254**
Source: 2016 AACS.
- R 338.255**
Source: 2010 AACS.
- R 338.256**
Source: 2016 AACS.
- R 338.256a**
Source: 2016 AACS.
- R 338.256b**
Source: 2016 AACS.
- R 338.257**
Source: 2016 AACS.
- R 338.258**
Source: 2016 AACS.
- R 338.259**
Source: 2016 AACS.
- R338.260**
Source: 1997 AACS.
- R 338.261**
Source: 2010 AACS.
- R 338.262**
Source: 1997 AACS.
- R 338.263**
Source: 1998-2000 AACS.
- R 338.264**
Source: 1997 AACS.
- R 338.265**
Source: 1998-2000 AACS.
- R 338.266**
Source: 1997 AACS.

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R 338.267
Source: 1998-2000 AACS.

R 338.268
Source: 1997 AACS.

R 338.269
Source: 1998-2000 AACS.

R 338.270
Source: 2016 AACS.

R 338.271
Source: 1997 AACS.

R 338.272
Source: 1995 AACS.

R 338.273
Source: 1995 AACS.

R 338.275
Source: 2016 AACS.

R 338.276
Source: 2016 AACS.

R 338.277
Source: 2016 AACS.

R 338.278
Source: 2016 AACS.

R 338.279
Source: 1983 AACS.

ADMINISTRATIVE HEARINGS—OPTOMETRY

R 338.281
Source: 1997 AACS.

R 338.282
Source: 1997 AACS.

R 338.283
Source: 1997 AACS.

R 338.284
Source: 1997 AACS.

R 338.285
Source: 1997 AACS.

R 338.286
Source: 1997 AACS.

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R 338.287

Source: 1997 AACs.

R 338.288

Source: 1997 AACs.

UNETHICAL AND ETHICAL CONDUCT

R 338.291

Source: 2016 AACs.

R 338.292

Source: 1997 AACs.

LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BOARD OF OPTOMETRY - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.301 Definitions.

Rule 1. As used in these rules:

(a) "Adverse drug reaction" means an adverse physical or psychological reaction that is experienced by a person resulting from diagnostic therapeutic agents administered by an optometrist and that occurs within 24 hours after the drug is administered. An adverse drug reaction may be indicated by symptoms that include any of the following:

- (i) Red eye.
- (ii) Painful eye.
- (iii) Decrease in vision.
- (iv) Pale or red swelling of the periocular or periorbital tissues.
- (v) Nausea.
- (vi) Vomiting.
- (vii) Fainting.
- (viii) Mental confusion.
- (ix) Cessation of respiration.

(b) "Board" means the Michigan board of optometry.

(c) "Classroom hour," for the purpose of determining whether a course of study meets the requirements of section 17412(2)(a) or 17435(2)(b) of the code, MCL 333.17412(2)(a) or MCL 333.17435(2)(b), means a 50 to 60 minute period of lecture, group discussion, or laboratory directly associated with a course in pharmacology. Time spent working in a clinic other than as part of a laboratory directly associated with a course in pharmacology does not qualify as a "classroom hour."

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

(e) "Course of study in general and clinical pharmacology" means a course of study that is completed in a board-approved school or college, in general and clinical pharmacology as it relates to optometry, with the characteristics described in section 17412(2)(a) of the code, MCL 333.17412(2)(a). Not less than 30 of the 60 classroom hours of the course of study must be allocated to ocular pharmacology and must emphasize the systemic effects of, and reactions to, topical ocular diagnostic pharmaceutical agents, including the emergency management and referral of any adverse reactions that may occur.

(f) "Course of study relating to the didactic and clinical use of therapeutic pharmaceutical agents" means a course of study that is comprised of a minimum of 10 quarter hours or 7 semester hours of credit or 100 classroom hours of study, is completed in a board-approved school or college and is in subjects relating to the didactic and clinical use of therapeutic pharmaceutical agents related to optometry.

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

(h) "Established patient" means a person who has received a professional service from a provider within the optometrist's practice group within the preceding 3 years and 1 day of the last professional service received.

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- (i) "Examination and evaluation," means that term as defined in section 5553 of the code, MCL 333.5553.
- (j) "Informed consent for an established patient" means consent by a patient or his or her legal representative for treatment, medication, or services after there has been full disclosure of the facts needed for a patient or his or her legal representative to make a voluntary decision based on the elements of knowledge, comprehension, and willingness to receive the treatment, medication, or service.
- (k) "Informed consent for a new patient" means a written agreement or documentation of a verbal agreement by a patient or his or her legal representative for treatment, medication, or services after there has been full disclosure of the facts needed for a patient or his or her legal representative to make a voluntary decision based on the elements of knowledge, comprehension, and willingness to receive the treatment, medication, or service.
- (l) "New patient" means a patient who has not received a professional service from a provider in the optometrist's practice group within the preceding 3 years and 1 day of the last professional service received.
- (m) "Telehealth," means that term as defined in section 16283 of the code, MCL 333.16283.

History: 2016 AACs; 2019 MR 22, Eff. Nov 19, 2019.

R 338.302 Opioid and other controlled substances awareness training for prescribers and dispensers of controlled substances.

Rule 2. An individual who applies for a controlled substance license or who is licensed to prescribe or dispense controlled substances shall complete training in opioid and controlled substances awareness as prescribed in R 338.3135.

History: 2019 MR 22, Eff. Nov 19, 2019.

R 338.303 Training standards for identifying victims of human trafficking; requirements.

Rule 3. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual who is licensed or seeking licensure shall complete training in identifying victims of human trafficking that meets the following standards:

- (a) Training content that 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) Identifying 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 may 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 shall 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 renewals beginning with the 2019 renewal cycle and for an initial license issued on or after December 21,

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History: 2016 AACCS; 2019 MR 22, Eff. Nov 19, 2019.

R 338.304 Minimum English language standard.

Rule 4. (1) Pursuant to section 16174(1)(d) of the code, MCL 333.16174(1)(d) an applicant who applies for initial licensure shall demonstrate a working knowledge of the English language if his or her educational or training program was taught outside the United States, unless exempted under subrule (3) of this rule.

(2) To demonstrate a working knowledge of the English language, an applicant shall submit proof that he or she obtained a total score of not less than 84 on the test of English as a foreign language internet-based test (TOEFL-IBT) administered by the Educational Testing Service and obtained the following scores:

- (a) A score of 21 for the speaking section of the test.
- (b) A score of 21 for the writing section of the test.
- (c) A score of 21 for the listening section of the test.
- (d) A score of 21 for the reading section of the test.

(3) If an applicant's educational or training program was taught in English within one or more of the following countries, he or she is exempted from the requirements of subrule (1) of this rule:

- (a) Canada, except Quebec.
- (b) England.
- (c) Ireland.
- (d) New Zealand.
- (e) Australia.

History: 2019 MR 22, Eff. Nov 19, 2019.

R 338.305 Professional optometric degree program; approval standards.

Rule 5. (1) The board approves and adopts by reference the standards of the Accreditation Council on Optometric Education set forth in the publication entitled "Accreditation Manual: Professional Optometric Degree Programs" dated August 2014, and revised July 1, 2017, which provide for the accreditation of professional optometric degree programs.

(2) A professional optometric degree program accredited by the Accreditation Council on Optometric Education is considered approved by the board.

(3) Copies of the Accreditation Manual of the Accreditation Council on Optometric Education are available free of charge from the American Optometric Association, 243 N. Lindbergh Blvd., St. Louis, MO 63141 or from the association's website at <http://www.aoa.org>. Printed copies also are available for inspection and distribution at cost from the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, Ottawa Building, 611 W. Ottawa, P.O. Box 30670, Lansing, MI 48909.

History: 2016 AACCS; 2019 MR 22, Eff. Nov 19, 2019.

R 338.306 Telehealth services; requirements.

Rule 6. (1) An optometrist who provides telehealth services shall obtain informed consent for an established patient or informed consent for a new patient before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.

(2) An optometrist who provides a telehealth service shall maintain evidence of the informed consent in the patient record and shall retain evidence of the informed consent in compliance with section 16213 of the code, MCL 333.16213.

(3) An optometrist who provides a telehealth service shall comply with section 16285 of the code, MCL 333.16285.

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

(5) An optometrist may provide a telehealth service only when he or she complies with all of the following:

- (a) Part 174 of the code, MCL 333.17401 to 333.17437.
- (b) The eye care consumer protection law, part 55A of the code, MCL 333.5551 to 333.5571, including the duty to perform an examination and evaluation, pursuant to sections 5551 to 5559 of the code, MCL 333.5551 to 333.5559.
- (6) An optometrist who provides a telehealth service shall exercise the same standard of care applicable to a

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traditional, face-to-face health care service, including any necessary face-to-face appointments with a patient to assess, reassess, and update the patient's medical condition and the effectiveness of treatment modalities.

History: 2019 MR 22, Eff. Nov 19, 2019.

PART 2. LICENSES

R 338.307

Source: 2016 AACs.

R 338.309 Licensure by endorsement.

Rule 9. (1) An applicant for a Michigan optometry license by endorsement shall submit a completed application on forms provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated under the code, an applicant shall have graduated from a professional optometric degree program approved by the board, pursuant to R 338.305, and satisfy the requirements of this rule.

(2) An applicant shall be an optometrist who is engaged in the practice of optometry, holds a doctor of optometry degree, and is currently licensed at the highest level authorized in another state of the United States or province of Canada that has licensure requirements that are equivalent to those required in this state, as determined by the board. This subrule does not grant license authority that exceeds the level of privileges granted to individuals who are licensed under the code to engage in the practice of optometry.

(3) An applicant shall have achieved a passing score on parts I, II, and III of the NBEO examinations, including a passing score on the TMOE examination, in a state of the United States or province of Canada for his or her initial licensure.

(4) An applicant who was first licensed in another state of the United States or province of Canada is presumed to have met the requirements of section 16186(1)(a) and (b) of the code, MCL 333.16186(1)(a) and (b), if he or she meets all of the following requirements:

(a) Provides verification of his or her license by the licensing agency of another state of the United States or province of Canada in which the applicant holds a current license or ever held a license as an optometrist, which includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(b) Achieves a minimum scaled score of 75 on the examination of Michigan laws and rules related to the practice of optometry that is developed and administered by the department, or an entity approved by the department.

(5) An applicant shall hold a license granting therapeutic prescriptive certification at the highest level authorized in the state of the United States or province of Canada where he or she currently practices.

History: 2016 AACs; 2019 MR 22, Eff. Nov 19, 2019.

R 338.311

Source: 2016 AACs.

R 338.313 Relicensure.

Rule 13. An applicant whose Michigan license has lapsed, under the provisions of section 16201(3) or (4) of the code, MCL 333.16201(3) or (4), as applicable, may be relicensed by complying with the following requirements as noted by (√):

		Lapsed 3 years or less.	Lapsed more than 3 years, but less than 6 years.	Lapsed 6 years or more.
(1)	Application and fee: submit a completed application on a form provided by the department, together with the required fee.	√	√	√
(2)	Good moral character: establish that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to MCL 338.47.	√	√	√

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(3)	Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174(3).		√	√
(4)	Continuing education: submit proof of having completed 40 hours of continuing education as required under R 338.321, which was earned within the 2-year period immediately preceding the date of relicensure, subject to both of the following: (a) At least 2 of the 40 hours of continuing education must be in pain and symptom management, as provided under R 338.321(3). (b) If certified to administer therapeutic pharmaceutical agents, at least 20 of the 40 hours of continuing education must be in pharmacological management of ocular conditions, as provided in R 338.321(2).	√	√	√
(5)	Examination: achieve a minimum scaled score of 75 on the examination of Michigan laws and rules related to the practice of optometry that is developed and administered by the department, or an entity approved by the department.	√	√	√
(6)	Examination: achieve a passing score on parts I, II, and III of the NBEO examination, including a passing score on the Continued Professional Development in Optometry (CPDO) examination given by NBEO or its successor organization, unless he or she holds a current, valid, unrestricted license in another state or a province of Canada.			√
(7)	Proof of license verification from another state or province of Canada: An applicant's license shall be verified by the licensing agency of each state of the United States or province of Canada in which the	√	√	√

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	applicant holds or has ever held a license as an optometrist. Verification must include the record of any disciplinary action taken or pending against the applicant.			
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History: 2016 AACs; 2019 MR 22, Eff. Nov 19, 2019.

R 338.315

Source: 2016 AACs.

R 338.317

Source: 2016 AACs.

PART 3. CONTINUING EDUCATION

R 338.319 Adoption of standards and criteria by reference; board approval by application.

Rule 19. (1) The board approves and adopts by reference the standards and criteria of the Council on Optometric Practitioner Education (COPE) that are set forth in the publication entitled "Criteria for COPE Qualification of Continuing Education," revised July 2015. A copy of the publication may be obtained at no cost from the Association of Regulatory Boards of Optometry, 200 South College St., Suite 2030 Charlotte, NC 28202, or from the council's website at <http://www.arbo.org>. Printed copies also are available for inspection and distribution at cost from the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, Ottawa Building, 611 W. Ottawa, P.O. Box 30670, Lansing, MI 48909.

(2) A continuing education program that has been accredited by COPE is considered approved by the board.

(3) A continuing education program that is not accredited by COPE or approved as provided in R 338.320 may apply for board approval by submitting an application to the department. The application must be received not less than 90 days before the program presentation. The application must be reviewed by the board's continuing education subcommittee. After review and recommendation of the program by the board's continuing education subcommittee, approval of the continuing education program may be granted after a vote of the full board.

(4) Applications for approval of a continuing education program must include all the following:

- (a) The sponsor's name.
- (b) The sponsor's address.
- (c) The program name.
- (d) The program date.
- (e) The program location.
- (f) The program outline, including all of the following:
 - (i) An explanation of how the program is designed to further educate the licensee through acquisition and application of knowledge which results in improved patient outcomes.
 - (ii) The topics and the name of the speaker of each topic.
 - (iii) The times of the specific topics and breaks included in the program.
- (g) The résumé of each speaker or instructor for the program.
- (h) A description of the delivery method, or methods to be used, and the techniques that will be employed to assure active participation.
 - (i) A brief description of the sponsoring organization.
 - (j) The name, title, and address of the program director and a description of his or her qualifications to direct the program.
 - (k) A description of how participants will be notified that continuing education credit has been earned.
 - (l) A description of the physical facilities or laboratory available to assure a proper learning environment.
 - (m) A description of how attendance is monitored and the name of the person monitoring attendance.
- (n) The number of hours of course instruction including all of the following:
 - (i) The number of hours related to clinical optometry, which may include any of the following COPE categories:
 - (A) Contact lenses (CL).
 - (B) Functional vision/pediatrics (FV).

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- (C) General optometry (GO).
- (D) Low vision/vision impairment & rehabilitation (LV).
- (E) Public health (PB).
- (ii) The number of hours related to practice management, which may include the following COPE categories:
 - (A) Practice management (PM).
 - (B) Ethics/jurisprudence (EJ).
- (iii) The number of hours related to pharmaceutical management, which may include any of the following COPE categories:
 - (A) Glaucoma (GL).
 - (B) Injection skills (IS).
 - (C) Laser procedures (LP).
 - (D) Peri-operative management of ophthalmic surgery (PO).
 - (E) Refractive surgery management (RS).
 - (F) Surgery procedures (SP).
 - (G) Treatment and management of ocular disease: anterior segment (AS).
 - (H) Treatment and management of ocular disease: posterior segment (PS).
 - (I) Neuro-optometry (NO).
 - (J) Oral pharmaceuticals (OP).
 - (K) Pharmacology (PH).
 - (L) Principles of diagnosis (PD).
 - (M) Systemic/ocular disease (SD).
- (iv) The number of hours related to pain management, which may include any of the following COPE categories:
 - (A) Oral pharmaceuticals (OP).
 - (B) Pharmacology (PH).
 - (C) Treatment and management of ocular disease: anterior segment (AS).
 - (D) Treatment and management of ocular disease: posterior segment (PS).
 - (E) Functional vision/pediatrics (FV).

History: 2016 AACs; 2019 MR 22, Eff. Nov 19, 2019.

R 338.320 Approved continuing education; limitations; documentation

Rule 20. The board approves all of the following as continuing education if the subject matter falls within an approved COPE category as listed in R 338.319(4)(n):

	Activity and Proof of Completion	Number of Continuing Education Hours Granted or Permitted for Activity
(1)	<p>Successful completion of a course or courses offered for credit by an accredited optometry school or college approved by the board under R 338.305.</p> <p>If audited, a licensee shall submit an official transcript documenting successful completion of the course.</p>	<p>Ten hours of continuing education may be earned for each academic quarter credit hour earned.</p> <p>Fifteen hours of continuing education may be earned for each academic semester credit hour earned. Hours may be earned without limitation.</p>
(2)	<p>Successful completion of a continuing education program offered by an accredited optometry school or college approved by the board under R 338.319.</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 was held or activity completed.</p>	<p>One continuing education hour may be granted for each 50 to 60 minutes of program attendance, without limitation.</p>
(3)	<p>Attendance at a continuing education program related to the practice of optometry offered by an educational program approved by the board under R 338.319(3) or approved by another state board of</p>	<p>One continuing education hour may be granted for each 50 to 60 minutes of program attendance, without limitation.</p>

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	<p>optometry.</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 was held or activity completed.</p>	
(4)	<p>Initial presentation of or at a continuing education program approved by the board.</p> <p>If audited, a licensee shall submit a letter from the program's sponsor, verifying the licensee's presentation of educational materials and lecture at the continuing education program.</p>	One continuing education in the appropriate COPE category may be granted for each 50 to 60 minutes of program presentation, without limitation.
(5)	<p>Attendance at a continuing education program related to optometric topics approved for category 1 continuing education by the Michigan board of medicine or the Michigan board of osteopathic medicine and surgery.</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 was held or activity completed.</p>	One continuing education hour in clinical optometry may be granted for each 50 to 60 minutes of program attendance, limited to 8 hours per renewal cycle.
(6)	<p>Attendance at a continuing education program related to optometric pharmacological topics approved for continuing education by the Michigan board of pharmacy.</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 was held or activity completed.</p>	One continuing education hour in pharmacological management may be granted for each 50 to 60 minutes of program attendance, limited to 8 hours per renewal period. Applicants for renewal who hold certification to administer topical ocular diagnostic pharmaceutical agents or certification to administer and prescribe therapeutic pharmaceutical agents, or both, may earn hours without limitation.
(7)	<p>Initial presentation of a scientific exhibit, poster, or paper to a professional optometric organization.</p> <p>If audited, the licensee shall submit a copy of the document presented with evidence of presentation or a letter from the program sponsor verifying the date of the presentation.</p>	Two hours of continuing education in clinical optometry shall be granted for each presentation. No additional credit shall be granted for preparation of the presentation.
(8)	<p>Initial publication of either of the following:</p> <p>(a) A scientific article relating to the practice of optometry in a peer-reviewed journal or periodical.</p> <p>(b) A chapter or a portion of a chapter related to the practice of optometry in either a professional</p>	Six hours of continuing education in clinical optometry shall be granted for serving as the primary author. Three hours of continuing education in clinical optometry shall be granted for serving as a secondary author.

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	health care textbook or peer-reviewed textbook. 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.	
(9)	Participating on either of the following: (a) A peer review committee dealing with quality of patient care as it relates to the practice of optometry. (b) A national or state committee, board, council, or association related to the practice of optometry. Participation on 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 optometry. 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.	Six hours of continuing education in clinical optometry shall be granted for participating on a committee. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period.
(10)	Taking and passing any nationally recognized advanced competency examination in optometry.	Every 2 years, 12 hours of continuing education in pharmacology management or clinical optometry shall be granted.

History: 2019 MR 22, Eff. Nov 19, 2019.

R 338.321 License renewal; continuing education, requirements, limitations.

Rule 21. (1) An applicant for license renewal shall accumulate not less than 40 continuing education hours approved by the board pursuant to R 338.319 or R 338.320 during the 2 years immediately preceding the expiration date of the license.

(2) An applicant for license renewal who holds certification to administer topical ocular diagnostic pharmaceutical agents or certification to administer and prescribe therapeutic pharmaceutical agents, or both, shall accumulate not less than 20 hours of board-approved continuing education in pharmacological management of ocular conditions. The 20 required hours are part of, and not in addition to, the 40 hours required in subrule (1) of this rule. A continuing education program that falls within the COPE categories listed in R 338.319(4)(n)(iii)(A) to (M) meets the requirements of this subrule.

(3) An applicant for license renewal shall accumulate not less than 2 hours of board approved continuing education in pain and symptom management related to the practice of optometry. A continuing education program that falls within the COPE categories listed in R 338.319(4)(n)(iv)(A) to (E) meets the requirements of this subrule. Continuing education hours in pain and symptom management, as they relate to the practice of optometry, may include, but are not limited to, the following:

- (a) Ethics and health policy related to pain.
- (b) Pain definitions.
- (c) Basic sciences related to pain, including pharmacology, psychology, sociology, and anthropology.
- (d) Clinical sciences related to pain, including specific pain conditions and pain in special contexts and settings.
- (e) Clinician-patient communications related to pain.
- (f) Management of pain, including evaluation and treatment; non-pharmacological and pharmacological management.
- (g) Ensuring quality pain care.
- (h) Michigan programs and resources relevant to pain.

(4) A minimum of 20 of the required continuing education hours must be completed in a face-to-face real-time learning format. The remaining hours may be completed in any other format including but not limited to self-evaluation journal

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tests, multimedia education, real time webinars, video conferencing, webcasts, and podcasts.

(5) An applicant for license renewal may earn a maximum of 9 continuing education hours per licensure cycle in practice management. A continuing education program that falls within the COPE categories listed in R 338.319(4)(n)(ii)(A) and (B) meets the requirements of this subrule.

(6) Submission of an application for renewal constitutes the applicant's certificate of compliance with the requirements of this rule. An optometrist shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal. The board may require an applicant or licensee to submit evidence to demonstrate compliance with this rule. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221(h).

(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.

History: 2016 AACCS; 2019 MR 22, Eff. Nov 19, 2019.

R 338.323 Rescinded.

History: 2016 AACCS; 2019 MR 22, Eff. Nov 19, 2019.

**BOARD OF REGISTRATION IN PODIATRY
SCOPE OF EXAMINATIONS FOR LICENSURE**

R 338.311

Source: 1997 AACCS.

R 338.312

Source: 1997 AACCS.

**BOARD OF PODIATRIC MEDICINE AND SURGERY
ADMINISTRATIVE HEARINGS**

R 338.341

Source: 1997 AACCS.

R 338.342

Source: 1997 AACCS.

R 338.343

Source: 1997 AACCS.

R 338.344

Source: 1997 AACCS.

R 338.345

Source: 1997 AACCS.

R 338.346

Source: 1997 AACCS.

R 338.347

Source: 1997 AACCS.

R 338.348

Source: 1997 AACCS.

R 338.349

Source: 1997 AACCS.

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R 338.350
Source: 1997 AACS.

R 338.351
Source: 1997 AACS.

R 338.352
Source: 1997 AACS.

R 338.353
Source: 1997 AACS.

R 338.354
Source: 1997 AACS.

R 338.355
Source: 1997 AACS.

R 338.356
Source: 1997 AACS.

R 338.357
Source: 1997 AACS.

R 338.358
Source: 1997 AACS.

R 338.359
Source: 1997 AACS.

R 338.360
Source: 1997 AACS.

R 338.361
Source: 1997 AACS.

R 338.362
Source: 1997 AACS.

R 338.363
Source: 1997 AACS.

R 338.364
Source: 1997 AACS.

R 338.365
Source: 1997 AACS.

R 338.366
Source: 1997 AACS.

R 338.367
Source: 1997 AACS.

R 338.368
Source: 1997 AACS.

R 338.369
Source: 1997 AACS.

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R 338.370
Source: 1997 AACS.

R 338.371
Source: 1997 AACS.

R 338.372
Source: 1997 AACS.

R 338.373
Source: 1997 AACS.

R 338.374
Source: 1997 AACS.

R 338.375
Source: 1997 AACS.

R 338.376
Source: 1997 AACS.

R 338.377
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R 338.378
Source: 1997 AACS.

R 338.379
Source: 1997 AACS.

R 338.380
Source: 1997 AACS.

R 338.381
Source: 1997 AACS.

R 338.382
Source: 1997 AACS.

R 338.383
Source: 1997 AACS.

R 338.384
Source: 1997 AACS.

DIRECTOR'S OFFICE

PHARMACY

PART 1. GENERAL PROVISIONS

R 338.471
Source: 1979 AC.

R 338.471a
Source: 2013 AACS.

R 338.471b Training standards for identifying victims of human trafficking; requirements.

Rule 1b. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or who is

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licensed shall complete training in identifying victims of human trafficking that meets the following standards:

- (a) Training content shall 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 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 may 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 shall 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 the promulgation of this rule and for initial licenses issued 5 or more years after the promulgation of this rule.

History: 2017 MR 21, Eff. Nov. 13, 2017.

R 338.472

Source: 2013 AACs.

R 338.473

Source: 2013 AACs.

R 338.473a

Source: 2013 AACs.

R 338.473b

Source: 2013 AACs.

R 338.473c

Source: 1986 AACs.

R 338.473d

Source: 2013 AACs.

R 338.474

Source: 2013 AACs.

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R 338.474a

Source: 2013 AACCS.

R 338.475

Source: 2013 AACCS.

R 338.476

Source: 1980 AACCS.

R 338.477

Source: 1998-2000 AACCS.

R 338.477a

Source: 1979 AC.

R 338.477b

Source: 2013 AACCS.

R 338.477c

Source: 2013 AACCS.

R 338.477d

Source: 2013 AACCS.

R 338.478

Source: 1979 AC.

R 338.477b

Source: 2013 AACCS.

R 338.477c

Source: 2013 AACCS.

R 338.477d

Source: 2013 AACCS.

R 338.479

Source: 2013 AACCS.

R 338.479a

Source: 2013 AACCS.

R 338.479b

Source: 2013 AACCS

R 338.479c

Source: 1998-2000 AACCS.

R 338.480

Source: 2013 AACCS.

R 338.480a

Source: 1998-2000 AACCS.

R 338.481

Source: 2013 AACCS.

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R 338.482

Source: 2013 AACCS.

R 338.483

Source: 1997 AACCS.

R 338.485

Source: 1997 AACCS.

R 338.485a

Source: 1997 AACCS.

R 338.485b

Source: 1997 AACCS.

R 338.485c

Source: 1997 AACCS.

R 338.485d

Source: 1997 AACCS.

R 338.485e

Source: 1997 AACCS.

R 338.485f

Source: 1997 AACCS.

R 338.485g

Source: 1997 AACCS.

R 338.485h

Source: 1997 AACCS.

R 338.485i

Source: 1997 AACCS.

R 338.485j

Source: 1997 AACCS.

R 338.485k

Source: 1997 AACCS.

R 338.485l

Source: 1997 AACCS.

R 338.485m

Source: 1997 AACCS.

R 338.485n

Source: 1997 AACCS.

R 338.485o

Source: 1997 AACCS.

R 338.485p

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Source: 1997 AACS.

R 338.485q

Source: 1997 AACS.

R 338.485r

Source: 1997 AACS.

R 338.485s

Source: 1997 AACS.

R 338.485t

Source: 1997 AACS.

R 338.485u

Source: 1997 AACS.

R 338.485v

Source: 1997 AACS.

R 338.485w

Source: 1997 AACS.

R 338.485x

Source: 1997 AACS.

R 338.485y

Source: 1997 AACS.

R 338.486

Source: 2013 AACS.

R 338.488

Source: 2013 AACS.

R 338.489

Source: 2007 AACS.

R 338.490

Source: 1998-2000 AACS.

PART 2. MANUFACTURING AND DISTRIBUTION OF PRESCRIPTION DRUGS

R 338.493a

Source: 1998-2000 AACS.

R 338.493b

Source: 2013 AACS.

R 338.493c

Source: 1992 AACS.

R 338.493d

Source: 1992 AACS.

R 338.493e

Source: 1998-2000 AACS.

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R 338.493f
Source: 1981 AACS.

R 338.493g
Source: 1992 AACS.

R 338.493h
Source: 1997 AACS.

R 338.494
Source: 1997 AACS.

R 338.495
Source: 1998-2000 AACS.

R 338.496
Source: 1998-2000 AACS.

R 338.497
Source: 2014 AACS.

PART 3. MEDICATION DRUG BOX EXCHANGE PROGRAMS FOR HOSPICE

R 338.500
Source: 1995 AACS.

**BOARD OF REGISTRATION FOR ARCHITECTS,
PROFESSIONAL ENGINEERS, AND LAND SURVEYORS
BYLAWS AND RULES**

R 338.551
Source: 1997 AACS.

R 338.552
Source: 1997 AACS.

R 338.553
Source: 1997 AACS.

R 338.554
Source: 1997 AACS.

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R 338.560
Source: 1997 AACS.

R 338.561
Source: 1997 AACS.

R 338.562
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R 338.563
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R 338.581
Source: 1997 AACS.

R 338.582
Source: 1997 AACS.

R 338.583
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R 338.584
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R 338.585
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R 338.586
Source: 1997 AACS.

R 338.587
Source: 1997 AACS.

R 338.588
Source: 1997 AACS.

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SPEECH-LANGUAGE PATHOLOGY - GENERAL RULES

R 338.601
Source: 2016 AACS.

338.602
Source: 2016 AACS.

R 338.603
Source: 2011 AACS.

R 338.604
Source: 2016 AACS.

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R 338.605
Source: 2011 AACS.

R 338.607
Source: 2016 AACS.

R 338.609
Source: 2016 AACS.

R 338.611
Source: 2016 AACS.

R 338.613
Source: 2016 AACS.

R 338.615
Source: 2011 AACS.

R 338.617
Source: 2016 AACS.

R 338.619
Source: 2016 AACS.

R 338.621
Source: 2016 AACS.

R 338.623
Source: 2016 AACS.

R 338.625
Source: 2016 AACS.

R 338.627
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R 338.629
Source: 2016 AACS.

R 338.641
Source: 2016 AACS.

R 338.645
Source: 2016 AACS.

R 338.647
Source: 2016 AACS.

R 338.649
Source: 2016 AACS.

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MASSAGE THERAPY - GENERAL RULES

PART 1. GENERAL RULES

R 338.701 Definitions.

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

- (a) "Board" means the Michigan board of massage therapy created under section 17955 of the code, MCL 333.17955.
 - (b) "Classroom instruction" means 50 to 60 minutes of educational instruction, which constitutes 1 hour of classroom instruction, and meets either of the following:
 - (i) Is provided at a physical location where the students and an instructor are present.
 - (ii) Is provided by distance education.
 - (c) "Code" means 1978 PA 368, MCL 333.1101 et seq.
 - (d) "Department" means the department of licensing and regulatory affairs.
 - (e) "Distance education" means the same as defined under section 17959 of the code, MCL 333.17959.
 - (f) "Endorsement" means the acknowledgement that the licensing criteria in 1 jurisdiction is substantially equivalent to the criteria established and described in section 16186 of the code, MCL 333.16186.
 - (g) "Members of the public" mean individuals who are not currently enrolled in the massage therapy student's supervised curriculum.
 - (h) "Supervised curriculum" means a massage therapy curriculum that meets the requirements of R 338.722 and is taught in a school as defined in section 17951(1)(e) of the code, MCL 333.17951(1)(e).
 - (i) "Supervised student clinic" means practical instruction required as part of a supervised curriculum that consists of a student providing massages under the supervision of a licensed massage therapist to members of the public.
- (2) Except as otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.

History: 2012 AACCS; 2017 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.703

Source: 2017 AACCS.

R 338.704 Rescinded.

History: 2017 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.705 Rescinded.

History: 2012 AACCS; 2017 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.707 Rescinded.

History: 2012 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.709 Rescinded.

History: 2012 AACCS; 2017 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.711 Rescinded.

History: 2012 AACCS; 2017 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.713 Rescinded.

History: 2012 AACCS; 2017 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.715 Rescinded.

History: 2012 AACCS; 2017 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.717 Rescinded.

History: 2012 AACCS; 2017 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.719 Rescinded.

History: 2012 AACCS; 2017 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

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R 338.721

Source: 2017 AACCS.

PART 2. EDUCATION

R 338.722 Supervised curriculum; massage therapists; requirements.

Rule 22. (1) For students enrolled before August 1, 2017, a supervised curriculum shall include, at a minimum, 500 hours of courses or coursework, and both of the following:

(a) Classroom instruction as defined in R 338.701(1)(b)(i), including both of the following:

(i) Forty hours performing massage therapy services in a student clinic that are supervised by a licensed massage therapist and meet the requirements under R 338.724.

(ii) Two hundred hours of massage and bodywork assessment, theory, and application instruction.

(b) Classroom instruction as defined in R 338.701(1)(b)(i) or (ii), including all of the following:

(i) One hundred twenty-five hours of instruction on the body systems that include anatomy, physiology, and kinesiology.

(ii) Forty hours of pathology.

(iii) Ten hours of business, professional practice, or ethics instruction with a minimum of 6 hours in ethics.

(iv) Eighty-five hours of instruction in an area or related field, as determined by the school, that complete the massage therapy program of study.

(2) For students enrolled 1 year after promulgation of this rule, a supervised curriculum shall meet both of the following:

(a) The requirements of R 338.726.

(b) A minimum of 625 hours of courses or coursework including both of the following:

(i) Classroom instruction as defined in R 338.701(1)(b)(i), including both of the following:

(A) Seventy-five hours performing massage therapy services in a student clinic that is supervised by a licensed massage therapist and meets the requirements under R 338.724.

(B) Two hundred hours of massage and bodywork assessment, theory, and application instruction.

(ii) Classroom instruction as defined in R 338.701(1)(b)(i) or (ii), including all of the following:

(A) One hundred twenty-five hours of instruction on the body systems that include anatomy, physiology, and kinesiology.

(B) Forty hours of pathology.

(C) Twenty-five hours of business, professional practice, or ethics instruction with a minimum of 10 hours in ethics.

(D) One hundred sixty hours of instruction in an area or related field, as determined by the school, that complete the massage therapy program of study.

History: 2019 MR 1, Eff. Jan. 10, 2019.

R 338.723 Rescinded.

History: 2012 AACCS; 2017 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.724 Supervised student clinic; requirements.

Rule 24. (1) Before beginning the supervised student clinic required under R 338.722, a student shall complete not less than 20 hours of courses or coursework in pathology.

(2) A supervised student clinic shall satisfy all of the following requirements:

(a) A minimum of 55 supervised clinic hours shall be held on school premises. A maximum of 20 supervised clinic hours may be held off school premises.

(b) The clinic shall be supervised by a licensed massage therapist who is a faculty member of the school offering the supervised curriculum. The supervising massage therapist shall be present on the premises and be readily accessible to the students at all times during the clinic.

(c) The ratio of students to supervising massage therapists shall not exceed 15 students to 1 supervising massage therapist.

(3) A supervising massage therapist shall ensure that a student possesses the appropriate education, experience, and skills before allowing the student to provide a massage to any member of the public during a supervised student clinic.

History: 2019 MR 1, Eff. Jan. 10, 2019.

R 338.725

Source: 2017 AACCS.

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R 338.726 Accreditation; standards; adoption by reference.

Rule 26. The board shall approve a massage therapy supervised curriculum that meets the requirements of R 338.722(2) and complies with 1 of the following:

- (a) Is a national certification board for therapeutic massage and bodywork's (ncbtmb) assigned school that is researched and approved by the ncbtmb and meets ncbtmb's minimum curriculum requirements.
- (b) 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 agencies of the United States department of education, effective July 1, 2000, as contained in title 34, part 602 of the code of federal regulations, and the policies and procedures for recognition of accrediting organizations of chea, effective June 28, 2010. Copies of the standards and criteria of chea accreditation and the United States department of education are available for inspection and distribution at cost from the Board of Massage Therapy, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. 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>.

History: 2019 MR 1, Eff. Jan. 10, 2019.

R 338.727 Rescinded.

History: 2012 AACS; 2017 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

PART 3. LICENSURE

R 338.731 Rescinded.

History: 2017 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.732 Training standards for identifying victims of human trafficking; requirements.

Rule 32. (1) Pursuant to sections 16148 and 17060 of the code, MCL 333.16148 and MCL 333.17060, an individual who is licensed or seeking licensure shall complete training in identifying victims of human trafficking that meets the following standards:

- (a) Training content that covers 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) Identifying 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 may 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 shall include the individual's name and either of the following:

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(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 renewals beginning with the 2017 renewal cycle and for initial licenses issued after March 14, 2022.

History: 2019 MR 1, Eff. Jan. 10, 2019.

R 338.733 Rescinded.

History: 2017 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.734 Examinations; passing scores.

Rule 34. An applicant for licensure shall pass either of the following:

(a) The massage and bodywork licensure examination (mblex), or its replacement, offered by the federation of state massage therapy boards (fsmtb). The passing score for the mblex examination is the passing score recommended by the fsmtb.

(b) The national certification examination for therapeutic massage and bodywork (ncetmb) offered by the national certification board for therapeutic massage and bodywork (ncbtmb), if taken prior to November 1, 2014. The passing score for the ncetmb examination is the passing score recommended by ncbtmb. Ncetmb examination scores will be accepted by the department.

History: 2019 MR 1, Eff. Jan. 10, 2019.

R 338.735 Licensure; massage therapist; requirements.

Rule 35. An applicant for a massage therapist license by examination 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 these rules, the applicant shall satisfy both of the following requirements:

(a) Have successfully completed a supervised curriculum that satisfies the requirements in R 338.722.

(b) Pass an examination required under R 338.734.

History: 2019 MR 1, Eff. Jan. 10, 2019.

R 338.736 Foreign-trained applicants; licensure; requirements.

Rule 36. An applicant for a massage therapist license who completed a massage therapy curriculum outside of the United States 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 these rules, the applicant shall satisfy all of the following requirements:

(a) Have successfully completed a massage therapy curriculum that is substantially equivalent to a supervised curriculum that meets the requirements in R 338.722. Evidence of having completed a massage therapy curriculum that is substantially equivalent to a supervised curriculum includes an evaluation of the applicant's education by a recognized and accredited credential evaluation agency that is a member of the national association of credential evaluation services.

(b) Pass an examination required under R 338.734.

(c) Demonstrate a working knowledge of the English language if the applicant's massage therapy curriculum was taught in a language other than English. To demonstrate a working knowledge of the English language, the applicant shall establish that he or she has obtained a total score of not less than 80 on the test of English as a foreign language internet-based test (toefl-ibt) administered by the educational testing service.

History: 2019 MR 1, Eff. Jan. 10, 2019.

R 338.737 Licensure by endorsement; requirements.

Rule 37. (1) An applicant for a license by endorsement as a massage therapist shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant who satisfies the requirements of the code and this rule, is presumed to satisfy the requirements of section 16186 of the code, MCL 333.16186.

(2) An applicant who was first registered or licensed as a massage therapist in another state of the United States for 5 years or more immediately preceding the date of filing an application for a Michigan massage therapist license shall have passed an examination required under R 338.734.

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(3) An applicant who was first registered or licensed as a massage therapist in another state of the United States for less than 5 years immediately preceding the date of filing an application for a Michigan massage therapist license shall satisfy all of the following requirements:

- (a) Have successfully completed a supervised curriculum that meets the requirements in R 338.722 or R 338.736(a).
- (b) Have passed an examination required under R 338.734.
- (c) Meet the requirements in R 338.736(c) if the applicant's educational curriculum was taught in a language other than English.

(4) An applicant shall have his or her license, certification, or registration verified by the licensing agency of any state in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as a massage therapist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

History: 2019 MR 1, Eff. Jan. 10, 2019.

R 338.738 Relicensure.

Rule 38. (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(3), 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 MCL 338.47.

(c) Submits proof to the department of accumulating not less than 18 hours of continuing education credit that meets the requirements of R 338.739 and R 338.741 during the 3 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(4), 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) 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 MCL 338.47.
- (c) Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174(3).

(d) Does either of the following requirements:

- (i) Passes an examination required under R 338.734.
- (ii) Submits evidence to the department that he or she was registered or licensed as a massage therapist in another state during the 3-year period immediately preceding 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 a massage therapist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

History: 2019 MR 1, Eff. Jan. 10, 2019.

R 338.739 License renewals; massage therapist; requirements; applicability.

Rule 39. (1) This rule applies to applications for renewal of a massage therapist license under sections 16201 and 17965 of the code, MCL 333.16201 and MCL 333.17965, which are renewed beginning with the 2018 renewal cycle.

(2) An applicant for license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall accumulate not less than 18 hours of continuing education in activities approved by the board under these rules during the 3 years immediately preceding the application for renewal.

(3) Submission of an application for renewal shall constitute the applicant's certification of compliance with the requirements of this rule. A licensee shall retain documentation of meeting 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(h).

(4) The requirements of this rule do not apply to a licensee during his or her initial licensure cycle.

History: 2019 MR 1, Eff. Jan. 10, 2019.

PART 4. CONTINUING EDUCATION

R 338.741 Acceptable continuing education; requirements; limitations.

Rule 41. (1) The 18 hours of continuing education required pursuant to R 338.739(2) for the renewal of a massage

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therapy license shall comply with the following:

- (a) Not more than 12 hours of continuing education shall be earned during a 24-hour period.
 - (b) A licensee shall 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) A licensee shall not earn credit for continuing education programs or activities that primarily focus on practices excluded from licensure under section 17957 of the code, MCL 333.17957.
 - (d) Pursuant to section 16204 of the code, MCL 333.16204, at least 1 hour of continuing education shall 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.
 - (e) At least 2 hours of continuing education shall be earned in the area of professional ethics or boundaries.
- (2) The board shall consider any of the following as acceptable continuing education:

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES

Activity Code	Activity and Proof Required	Number of continuing education hours granted/permitted per activity
1	<p>Attendance at or participation in a continuing education program or activity related to the practice of massage therapy, or any non-clinical subject relevant to massage therapy practice, education, administration, management, or science, 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 or other self-study programs approved or offered by any of the following:</p> <p>The ncbtmb, or a sponsor approved by the ncbtmb. The fsmtb, or a sponsor approved by the fsmtb. A school as defined in section 17951(1)(e) of the code, MCL 333.17951(1)(e), which meets the supervised curriculum requirements of R 338.722 and defined in R 338.701(h).</p> <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, 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>	The number of continuing education hours granted shall be the number of hours approved by the sponsor or the approving organization for the specific program or activity. A maximum of 18 hours of continuing education may be earned for this activity in each renewal period.
2	<p>Initial presentation of a continuing education program related to the practice of massage therapy provided to a state, regional, national, or international massage therapy organization.</p> <p>To receive credit, the presentation shall not be a part of the licensee's regular job description and shall be approved or offered for continuing education credit by any of the following:</p> <p>The ncbtmb, or a sponsor approved by the ncbtmb. The fsmtb, or a sponsor approved by the fsmtb. A school as defined in section 17951(1)(e) of the code, MCL 333.17951(1)(e), which meets the supervised curriculum requirements of R 338.722 and defined in R 338.701(h).</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>	Two hours of continuing education shall be granted for each 50 to 60 minutes of presentation. No additional credit shall be granted for preparation of a presentation. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period. Pursuant to R 338.741(1)(c), credit for a presentation shall be granted once per renewal period.
3	Initial presentation of a scientific exhibit, poster, scientific paper, or clinical demonstration to a massage therapy organization.	Two hours of continuing education shall be granted for each 50 to 60 minutes of

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	<p>To receive credit, the presentation shall 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 evidence of presentation or a letter from the program sponsor verifying the length and date of the presentation.</p>	<p>presentation. No additional credit shall be granted for preparation of a presentation. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period. Pursuant to R 338.741(1)(c), credit for a presentation shall be granted once per renewal period.</p>
4	<p>Initial publication of an article related to the practice of massage therapy 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 shall be granted for each article. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period. Pursuant to R 338.741(1)(c), credit for publication shall be granted once per renewal period.</p>
5	<p>Initial publication of a chapter related to the practice of massage therapy in either of the following: A professional or health care textbook. A 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 shall be granted for serving as the primary author. Two hours of continuing education shall be granted for serving as the secondary author. Pursuant to R 338.741(1)(c), credit for publication shall be granted once per renewal period.</p>
6	<p>Identifying, researching, and resolving an event or issue related to clinical or professional practice.</p> <p>If audited, the licensee shall submit a completed experiential activity form approved provided by the department for each issue or event.</p>	<p>One hour of continuing education shall be granted for each 50 to 60 minutes spent identifying, researching, and resolving the issue or event. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</p>
7	<p>Participating on a state or national committee, board, council, or association related to the field of massage therapy. 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 massage therapy.</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>Five hours of continuing education shall be granted for each committee, board, council, or association. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</p>
8	<p>Participating on any of the following: A peer review committee dealing with quality patient care as it relates to the practice of massage therapy. A committee dealing with utilization review as it relates to the practice of massage therapy. A health care organization committee dealing with patient care issues related to the practice of massage therapy.</p>	<p>Five hours of continuing education shall be granted for participating on a committee. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</p>

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	If audited, the licensee shall submit a letter from an organization official verifying the licensee's participation on the committee.	
9	<p>Providing clinical supervision for students at a supervised student clinic as set forth in R 338.701(i).</p> <p>To receive credit, this activity shall not be part of the licensee's regular job description.</p> <p>If audited, the licensee shall submit a letter from an authorized official at the agency employing the licensee verifying the licensee's role and the number of supervision hours the licensee provided.</p>	One hour of continuing education shall be granted for each 50 to 60 minutes of supervision provided. A maximum of 4 hours of continuing education may be earned for this activity in each renewal period.
10	<p>Participating in peer supervision or consultation with professional colleagues.</p> <p>If audited, the licensee shall submit an affidavit from the colleague that was involved in the peer supervision or consultation. The affidavit shall attest to the licensee's role and the number of hours the licensee spent participating in these activities.</p>	One hour of continuing education shall be granted for each 50 to 60 minutes of participation. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period.
11	<p>Participating in case conferences, including multidisciplinary conferences, for training purposes.</p> <p>If audited, the licensee shall submit a letter from the administrative or clinical supervisor verifying the types of conferences and the number of hours the licensee spent participating in the conferences.</p>	One hour of continuing education shall be granted for each 50 to 60 minutes of participation. A maximum of 4 hours of continuing education may be earned for this activity in each renewal period.
12	<p>Providing individual supervision for a student in supervised curriculum beyond the hours required by R 338.722. Supervision provided as part of a disciplinary sanction may be included under this activity.</p> <p>If audited, the licensee shall submit an affidavit from the student who received the supervision. The affidavit shall attest to the licensee's role as a supervisor and the number of hours the licensee spent providing supervision to the student.</p>	One hour of continuing education shall be granted for each 50 to 60 minutes of supervision provided beyond the hours of supervision required per month. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period.
13	<p>Participation in a panel discussion relevant to the practice of massage therapy in an approved continuing education program or an organized health care setting.</p> <p>If audited, the licensee shall submit documentation from the organizer of the panel discussion verifying the topic of the panel discussion and the number of hours the licensee spent participating in the discussion.</p>	One hour of continuing education shall be granted for each 50 to 60 minutes spent participating in the panel discussion. A maximum of 4 hours of continuing education may be earned for this activity in each renewal period.
14	<p>Maintenance of a current cardiopulmonary resuscitation (cpr) card.</p> <p>If audited, the licensee shall submit a copy of a 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 activity completed.</p>	One hour of continuing education shall be granted for each 50 to 60 minutes of participation. A maximum of 4 hours of continuing education may be earned for this activity in each renewal period.

History: 2019 MR 1, Eff. Jan. 10, 2019.

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PART 5. STANDARDS OF PRACTICE

R 338.751 Prohibited conduct.

Rule 51. Prohibited conduct includes, but is not limited to, the following acts or omissions by an individual licensed under these rules:

- (a) Practicing outside of the boundaries of professional competence, based on education, training, and experience. This includes, but is not limited to, providing massage therapy services without ensuring the safety, comfort, and privacy of the client.
- (b) Engaging in harassment or unfair discrimination based on age, gender, gender identity, race, ethnicity, national origin, religion, sexual orientation, disability, or any basis proscribed by law. This requirement does not prevent a licensee from terminating a massage therapy session with someone or refusing to treat any person who suggests or requests that the licensee engage in conduct that is inappropriate, unsafe, or unethical.
- (c) Soliciting or engaging in a sexual relationship with a current client, supervisee, or student.
- (d) Exploiting a current or former client, supervisee, or student to further the licensee's personal, religious, political, business, or financial interests.

History: 2019 MR 1, Eff. Jan. 10, 2019.

R 338.752 Client records.

Rule 52. (1) A licensee shall maintain a legible client record for each client, which accurately reflects the licensee's assessment and treatment of the client. Entries in the client record shall be made in a timely fashion.

(2) The client record shall contain all of the following information:

- (a) The name of the massage therapist providing treatment.
- (b) The client's full name, address, date of birth, gender, and other information sufficient to identify the client.
- (c) If the client is less than 18 years of age, written permission of either a parent or guardian for the minor client's receipt of massage therapy.
- (d) Information identifying any pre-existing conditions the client may have or verification that the client has no pre-existing conditions.
- (e) Dates of service and date of entry in the client record.
- (f) A client record entry for an initial client visit that includes all of the following:
 - (i) History, including description of presenting condition.
 - (ii) Therapeutic assessment, if applicable.
 - (iii) Treatment or care provided, if applicable. Outcome, if available.
- (g) A client record entry for subsequent assessments, treatments, or care provided that includes all of the following:
 - (i) Change in condition.
 - (ii) Therapeutic assessment, if applicable.
 - (iii) Treatment or care provided, if applicable. Outcome, if available.
 - (h) If applicable, a referral to another health care provider.

(3) For massage therapy treatment provided at a special event, a licensee shall maintain a client record that satisfies the requirements of subrules (1) and (2) of this rule or an abbreviated client record, as specified in subrule (4) of this rule. For purposes of this subrule, "special event" means any of the following:

- (a) A charitable, community, or sporting events.
- (b) One-time events.
- (c) Massages performed at any location that are 20 minutes or less in duration.
- (4) An abbreviated client record allowed under subrule (3) of this rule shall consist of, at a minimum, a completed intake form that contains all of the following information:
 - (a) The client's full name, date of birth, and an address or telephone number where the client can be contacted.
 - (b) The information listed in subrule (2)(a), (c), (d) and (e) of this rule.
- (5) In addition to complying with the requirements of this rule, a licensee shall retain client records as required under section 16213 of the code, MCL 333.16213.

History: 2019 MR 1, Eff. Jan. 10, 2019.

BOARD OF EXAMINERS IN MORTUARY SCIENCE

GENERAL RULES

R 338.863

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Source: 1997 AACS.

R 338.864

Source: 1997 AACS.

R 338.865

Source: 1997 AACS.

R 338.866

Source: 1997 AACS.

R 338.867

Source: 1997 AACS.

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Source: 1997 AACS.

R 338.869

Source: 1997 AACS.

HEARINGS

R 338.881

Source: 1997 AACS.

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MECHANICAL RULES LICENSE EXAMINATION PROCEDURES

R 338.901

Source: 2014 AACS.

R 338.902

Source: 2014 AACS.

R 338.903

Source: 2014 AACS.

R 338.904

Source: 2014 AACS.

R 338.905

Source: 2014 AACS.

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R 338.907

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R 338.909

Source: 2014 AACS.

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338.910

Source: 2014 AACs.

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Source: 2014 AACs.

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Source: 2014 AACs.

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R 338.921

Source: 2014 AACs.

R 338.921a

Source: 2014 AACs.

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Source: 2014 AACS.

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R 338.931b
Source: 2014 AACS.

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REFUND OF FEES

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Source: 2014 AACS.

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Source: 2014 AACS.

**HEALTH CODE BOARDS DISCIPLINARY
PROCEEDINGS—FILINGS BEFORE APRIL 1, 1994**

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Source: 2007 AACS.

R 338.952
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ELECTRICAL RULES

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Source: 1997 AACS.

R 338.1001a
Source: 1994 AACS.

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Source: 1997 AACS.

R 338.1088
Source: 1997 AACS.

R 338.1099a
Source: 1994 AACS.

**STATE BOARD OF PHYSICAL THERAPY REGISTRATION
GENERAL RULES**

R 338.1131
Source: 1997 AACS.

R 338.1132
Source: 1997 AACS.

R 338.1133
Source: 1997 AACS.

R 338.1134
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Source: 1997 AACS.

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R 338.1151

Source: 1997 AACS.

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PHYSICAL THERAPY

PART 3. ADMINISTRATIVE HEARINGS

R 338.1161

Source: 1997 AACS.

R 338.1162

Source: 1997 AACS.

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Source: 1997 AACS.

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R 338.1185
Source: 1997 AACS.

OCCUPATIONAL THERAPISTS

R 338.1191
Source: 2014 AACS.

R 338.1192
Source: 2014 AACS.

R 338.1194

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Source: 2014 AACCS.

R 338.1196

Source: 2014 AACCS.

R 338.1197

Source: 2014 AACCS.

R 338.1197a

Source: 2014 AACCS.

R 338.1198

Source: 2014 AACCS.

R 338.1200

Source: 2014 AACCS.

PART 1. DEFINITIONS

R 338.1211

Source: 2014 AACCS.

PART 2. GENERAL PROVISIONS

R 338.1212

Source: 2014 AACCS.

R 338.1213

Source: 2014 AACCS.

R 338.1215 Training standards for identifying victims of human trafficking; requirements.

Rule 15. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or licensed under article 15 of 1978 PA 368 shall complete training in identifying victims of human trafficking that meets all the following standards:

(a) Training content shall 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) Identifying resources for reporting suspected victims of human trafficking.

(b) Acceptable providers or methods of training including 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 in an educational program that has been approved by the advisory committee for initial license or registration, or by a college or university.

(iv) Reading an article related to the identification 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 article.

(c) Acceptable modalities of training including 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.

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(b) A self-certification statement by an individual. The certification statement shall 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 the 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 license renewal beginning with the first renewal cycle after the promulgation of this rule and for initial or licenses issued 5 or more years after the promulgation of this rule.

History: 2017 MR 20, Eff. Oct. 19, 2017.

PART 3. OCCUPATIONAL THERAPISTS

R 338.1221

Source: 2014 AACCS.

R 338.1222

Source: 2014 AACCS.

R 338.1223 Application for occupational therapist license; requirements.

Rule 23. An applicant for an occupational therapist license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant must meet all of the following requirements:

(a) Graduate from an occupational therapist education program that is accredited by ACOTE or approved by WFOT, or their predecessor organizations, and meets the standards adopted by the board under R 338.1222 or meets the requirements of R 338.1225.

(b) Within 3 years preceding the application for licensure, the applicant shall pass the occupational therapist licensure examination adopted in R 338.1224.

(c) Within 3 years preceding the application for licensure, the applicant shall pass the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.

(d) Meet the requirements of R 338.1213 if the applicant's occupational therapist educational program was taught in a language other than English.

History: 2014 AACCS; 2017 MR 20, Eff. Oct. 19, 2017.

R 338.1223a Application for license; occupational therapist with lapsed registration; requirements.

Rule 23a. (1) An applicant for an occupational therapist license whose registration as an occupational therapist in this state lapsed on or before January 13, 2009, shall submit the required fee and a completed application on a form, provided by the department, prior to June 11, 2015. An applicant shall meet all of the following requirements:

(a) Maintain certification as an occupational therapist by the National Board for Certification in Occupational Therapy (NBCOT) after the registration lapsed.

(b) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.

(c) Complete a supervised practice experience that meets the requirements of R 338.1228. The duration of the experience shall be as follows:

(i) If the applicant's registration has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

(ii) If the applicant's registration has lapsed for 7 years or more but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.

(iii) If the applicant's registration has lapsed for 15 years or more, the applicant shall complete not less than 600 hours of supervised practice experience.

(2) An applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

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(3) An applicant for licensure who was registered in this state as an occupational therapist before January 1, 2009, whose registration had lapsed, and who did not apply for licensure prior to June 11, 2015, shall complete the requirements of subrule (1) of this rule and R 338.1223.

(4) For purposes of meeting the requirements of subrule (1)(c) of this rule, the board may grant an applicant a limited license to complete the supervised practice experience.

(5) A limited license granted under subrule (4) of this rule is valid for 1 year and may not be renewed.

History: 2014 AACCS; 2017 MR 20, Eff. Oct. 19, 2017.

R 338.1224 Examinations; occupational therapist; adoption and approval; passing scores.

Rule 24. (1) The board approves and adopts the certification examination for occupational therapists that was developed, administered, and scored by the NBCOT as the licensure examination for occupational therapists in this state. The board shall adopt the passing score recommended by the NBCOT for the certification examination.

(2) The board approves the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department. The passing score on the laws and rules examination is a converted score of not less than 75.

(3) An applicant who fails to achieve a passing score on the examination required in subrule (2) of this rule may retake the examination without limitation.

History: 2014 AACCS; 2017 MR 20, Eff. Oct. 19, 2017.

R 338.1225

Source: 2014 AACCS.

R 338.1226 Licensure by endorsement; occupational therapist; requirements.

Rule 26. (1) An applicant for an occupational therapist license by endorsement shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant meets the requirements of section 16186 of the code, MCL 333.16186, if the applicant satisfies the requirements of this rule, as applicable.

(2) If an applicant was first registered or licensed in another state of the United States for 5 years or more immediately preceding the date of filing an application for a Michigan occupational therapist license, then the applicant shall comply with both of the following:

(a) Have previously taken and passed the NCBOT certification examination for occupational therapists with a score adopted by the board under R 338.1224(1) or the predecessor examination that was administered by the AOTA.

(b) Within 3 years preceding the application for endorsement, the applicant must pass the examination on state laws and rules related to the practice of occupational therapy that is developed and administered by the department or an entity approved by the department with a minimum converted score of 75.

(3) If an applicant was first registered or licensed in another state of the United States for less than 5 years immediately preceding the date of filing an application for a Michigan occupational therapist license, then the applicant shall comply with all of the following:

(a) Graduate from an occupational therapist education program that is accredited by ACOTE, or approved by WFOT, or their predecessor organizations, and meets the standards adopted by the board in R 338.1222.

(b) Meet the requirements of subrule (2)(a) and (b) of this rule.

(c) Meet the requirements of R 338.1213 if the applicant's occupational therapist educational program was taught in a language other than English.

(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

History: 2014 AACCS; 2017 MR 20, Eff. Oct. 19, 2017.

R 338.1227 Requirements for relicensure; occupational therapist.

Rule 27. (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(3), if the applicant meets 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.

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(c) Completes the continuing education required in R 338.1252.

(2) An applicant for relicensure whose license has lapsed for 3 years or more preceding the date of application may be relicensed under section 16201(4) of the code, MCL 333.16201(4), if the applicant meets 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.

(c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3).

(d) Completes continuing education required in R 338.1252.

(e) Within 3 years preceding the application date for relicensure, passes the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.

(f) Either of the following:

(i) Takes and passes the NBCOT certification examination for occupational therapists, with a score adopted by the board under R 338.1224(1), within three years preceding the application for relicensure and completes supervised practice experience pursuant to subrule (3) of this rule.

(ii) Presents evidence to the department that he or she was actively registered or licensed as an occupational therapist in another state during the 3-year period immediately preceding the application for relicensure.

(3) An applicant who meets the requirements of subrule (2)(f)(i) of this rule shall complete a supervised practice experience that meets the requirements of R 338.1228. The duration of the experience shall be as follows:

(a) If the applicant's license has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

(b) If the applicant's license has lapsed for 7 years or more but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.

(c) If the applicant's license has lapsed for more than 15 years, the applicant shall complete not less than 600 hours of supervised practice experience.

(4) In addition to meeting the requirements of either subrule (1) or subrules (2) and (3) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(5) For purposes of meeting the requirements of subrule (3) of this rule, the department may grant an applicant a limited license to complete the supervised practice experience.

(6) A limited license granted under subrule (5) of this rule is valid for 1 year and may be renewed one time.

History: 2014 AACCS; 2017 MR 20, Eff. Oct. 19, 2017.

R 338.1228

Source: 2014 AACCS.

R 338.1229 Delegation of limited assessments, tasks or interventions to an occupational therapy assistant; supervision of an occupational therapy assistant; requirements.

Rule 29. (1) An occupational therapist who delegates the performance of selected limited assessments, tasks or interventions to an occupational therapy assistant as permitted under section 16215 of the code, MCL 333.16215, shall supervise the occupational therapy assistant consistent with section 16109(2) of the code, MCL 333.16109(2), and satisfy the requirements of this rule. As used in this rule, "limited assessment" means those parts of an evaluation that an occupational therapy assistant is qualified by education and training to perform while under the supervision of an occupational therapist.

(2) An occupational therapist who delegates limited assessments, tasks, or interventions to an occupational therapy assistant shall ensure the qualifications of the occupational therapy assistant under the occupational therapist's supervision, including verification of the occupational therapy assistant's training, education, and licensure.

(3) An occupational therapist who delegates limited assessments, tasks, or interventions to an occupational therapy assistant shall determine and provide the appropriate level of supervision required for the occupational therapy assistant's performance of the delegated limited assessment, task, or intervention. The appropriate level of supervision shall be determined based on the occupational therapy assistant's education, training, and experience and includes 1 of the following:

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- (a) “General supervision” means that the occupational therapist is not required to be physically present on site, but shall be continuously available at the time the limited assessment, task, or intervention is performed. Continuously available includes availability by telecommunication or other electronic device.
- (b) “Direct supervision” means that the occupational therapist is physically present with the occupational therapy assistant or immediately available for direction and onsite supervision at the time the limited assessment, task, or intervention is performed, and that the occupational therapist has direct contact in the physical presence of the patient or client during each visit.
- (4) An occupational therapist who delegates limited assessments, tasks, or interventions under subrules (2) and (3) of this rule shall also comply with all of the following:
- (a) Examine and evaluate the patient or client before delegating limited assessments, tasks, or interventions to be performed by an occupational therapy assistant.
- (b) Supervise an occupational therapy assistant to whom limited assessments, tasks, or interventions have been delegated.
- (c) Provide predetermined procedures and protocols for limited assessments, tasks, or interventions that have been delegated.
- (d) Monitor an occupational therapy assistant’s practice and provision of assigned limited assessments, tasks, or interventions.
- (e) Maintain a record of the names of the occupational therapy assistants to whom limited assessments, tasks, or interventions have been delegated pursuant to section 16213 of the code, MCL 333.16213.
- (f) Meet using live, synchronous contact at least once per month with the occupational therapy assistant to whom limited assessments, tasks, or interventions have been delegated to evaluate the assistant’s performance, review client or patient records, and educate the occupational therapy assistant on the limited assessments, tasks, or interventions that have been delegated to facilitate professional growth and development. The occupational therapist shall maintain documentation of the meeting that has been signed by both the occupational therapist and the occupational therapy assistant. Compliance with this subdivision shall not be used as a substitute for the ongoing supervision required under subrules (3) and (4) of this rule.
- (5) An occupational therapist shall not delegate the performance of either of the following to an occupational therapy assistant:
- (a) The sole development of a treatment plan.
- (b) The sole evaluation and interpretation of evaluation results.
- (6) An occupational therapist shall not supervise more than 4 occupational therapy assistants who are providing services to patients at the same time.

History: 2014 AACCS; 2017 MR 20, Eff. Oct. 19, 2017.

R 338.1229a

Source: 2014 AACCS.

PART 4. OCCUPATIONAL THERAPY ASSISTANTS

R 338.1231

Source: 2014 AACCS.

R 338.1233 Application for occupational therapy assistant license; requirements.

Rule 33. An applicant for an occupational therapy assistant license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:

- (a) Graduate from an accredited occupational therapy assistant educational program that meets the standards adopted by the board under R 338.1232.
- (b) Within 3 years preceding the application for licensure, the applicant shall pass an occupational therapy assistant licensure examination that is approved by the board.
- (c) Within 3 years preceding the application for licensure, the applicant shall pass the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.
- (d) Meet the requirements of R 338.1213 if the applicant’s occupational therapy assistant educational program was taught in a language other than English.

History: 2014 AACCS; 2017 MR 20, Eff. Oct. 19, 2017.

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R 338.1233a Application for license; occupational therapy assistant with lapsed registration; requirements.

Rule 33a. (1) An applicant for an occupational therapy assistant license whose registration as an occupational therapy assistant in this state lapsed on or before January 13, 2009, shall submit the required fee and a completed application on a form, provided by the department, prior to June 11, 2015. An applicant shall meet all of the following requirements:

(a) Maintain certification as an occupational therapy assistant by the National Board for Certification in Occupational Therapy (NCBOT) after the registration lapsed.

(b) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.

(c) Complete a supervised practice experience that meets the requirements of R 338. 1237. The duration of the experience shall be as follows:

(i) If the applicant's registration has lapsed for 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

(ii) If the applicant's registration has lapsed for 7 years or more but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.

(iii) If the applicant's registration has lapsed for 15 years or more, the applicant shall complete not less than 600 hours of supervised practice experience.

(2) An applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(3) An applicant for licensure who was registered in this state as an occupational therapy assistant prior to January 13, 2009, whose registration had lapsed, and who did not apply for licensure prior to June 11, 2015, shall complete the requirements of subrule (1) of this rule and of R 338.1233.

(4) For purposes of meeting the requirements of subrule (1)(c) of this rule, the board may grant an applicant a limited license to complete the supervised practice experience.

(5) A limited license granted under subrule (4) of this rule is valid for 1 year and may not be renewed.

History: 2014 AACCS; 2017 MR 20, Eff. Oct. 19, 2017.

R 338.1234 Examinations; occupational therapy assistant; adoption and approval; passing scores.

Rule 34. (1) Under R 338.1233(b), the board approves and adopts the certification examination for occupational therapy assistants that was developed, administered, and scored by the NCBOT as the licensure examination for occupational therapy assistants in this state. The board shall adopt the passing score recommended by the NCBOT for the certification examination.

(2) The board approves the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department. The passing score on the laws and rules examination is a converted score of not less than 75.

(3) An applicant who fails to achieve a passing score on the examination required in subrule (2) of this rule may retake the examination without limitation.

History: 2014 AACCS; 2017 MR 20, Eff. Oct. 19, 2017.

R 338.1235 Licensure by endorsement of occupational therapy assistant; requirements.

Rule 35. (1) An applicant for an occupational therapy assistant license by endorsement shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant meets the requirements of section 16186 of the code, MCL 333.16186, if the applicant satisfies the requirements of this rule, as applicable.

(2) If an applicant was first registered or licensed in another state of the United States for 5 years or more immediately preceding the date of filing an application for a Michigan occupational therapy assistant license, then the applicant shall comply with both of the following:

(a) Have previously taken and passed the NBCOT certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1).

(b) Within 3 years preceding the application for endorsement, the applicant shall pass the examination on state laws and rules related to the practice of occupational therapy that is developed and administered by the department or an entity approved by the department. The passing score on the laws and rules examination is a converted score of not less than 75.

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(3) If an applicant was first registered or licensed in another state of the United

States for less than 5 years immediately preceding the date of filing an application for a Michigan occupational therapy assistant license, then the applicant shall comply with all of the following:

(a) Graduate from an occupational therapy assistant education program that is accredited by ACOTE, or its predecessor organization that meets the standards adopted by the board in

R 338.1232.

(b) Meet the requirements of subrule (2) of this rule.

(c) Meet the requirements of R 338.1213 if the applicant's occupational therapy assistant educational program was taught in a language other than English.

(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

History: 2014 AACCS; 2017 MR 20, Eff. Oct. 19, 2017.

R 338.1236 Requirements for relicensure; occupational therapy assistant.

Rule 36. (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(3), if the applicant meets 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.

(c) Completes the continuing education required in R 338.1252.

(2) An applicant for relicensure whose license has lapsed for 3 years or more preceding the date of application may be relicensed under section 16201(4) of the code, MCL 333.16201(4), if the applicant meets 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.

(c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3).

(d) Completes continuing education required in R 338.1252.

(e) Within 3 years preceding the application date for relicensure, passes the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.

(f) Either of the following:

(i) Takes and passes the NBCOT certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1) within three years preceding the application for relicensure and completes supervised practice experience pursuant to subrule (3) of this rule.

(ii) Presents evidence to the department that he or she was actively registered or licensed as an occupational therapy assistant in another state during the 3-year period immediately preceding the application for relicensure.

(3) An applicant who meets the requirements of subrule (2)(f)(i) of this rule shall complete a supervised practice experience that meets the requirements of R 338.1237. The duration of the experience shall be as follows:

(a) If the applicant's license has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

(b) If the applicant's license has lapsed for 7 years or more but 15 years or less, the applicant shall complete not less than 400 hours of supervised practice experience.

(c) If the applicant's license has lapsed for more than 15 years, the applicant shall complete not less than 600 hours of supervised practice experience.

(4) In addition to meeting the requirements of either subrule (1) or subrules (2) and (3) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(5) For purposes of meeting the requirements of subrule (3) of this rule, the department may grant an applicant a limited license to complete the supervised practice experience.

(6) A limited license granted under subrule (5) of this rule is valid for 1 year and may be renewed one time.

History: 2014 AACCS; 2017 MR 20, Eff. Oct. 19, 2017.

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R 338.1237 Supervised practice experience; occupational therapy assistant; requirements.

Rule 37. (1) The supervised practice experience required for relicensure under R 338.1236 shall comply with all of the following:

- (a) The supervised practice experience shall be obtained under the supervision of an occupational therapist licensed in this state having not less than 3 years clinical experience and no past or pending disciplinary actions.
- (b) The supervising occupational therapist shall provide the board with verification of the applicant's completion of the supervised practice experience on a form provided by the department.
- (2) The supervised practice experience shall consist of, at a minimum, professional and clinical instruction in all of the following areas:
 - (a) Referral process.
 - (b) Screening process.
 - (c) Evaluations.
 - (d) Intervention plans.
 - (e) Intervention strategies.
 - (f) Discontinuation; referral for other services.
- (3) Only experience obtained in an approved supervised practice situation by an individual who holds a limited license shall count toward the experience requirement.

History: 2014 AACCS; 2017 MR 20, Eff. Oct. 19, 2017.

R 338.1238 Rescinded.

History: 2014 AACCS; 2017 MR 20, Eff. Oct. 19, 2017.

PART 4. ADMINISTRATIVE HEARINGS

R 338.1241

Source: 1997 AACCS.

R 338.1242

Source: 1997 AACCS.

R 338.1243

Source: 1997 AACCS.

R 338.1244

Source: 1997 AACCS.

R 338.1245

Source: 1997 AACCS.

R 338.1246

Source: 1997 AACCS.

R 338.1247

Source: 1997 AACCS.

R 338.1248

Source: 1997 AACCS.

R 338.1249

Source: 1997 AACCS.

R 338.1250

Source: 1997 AACCS.

PART 5. CONTINUING EDUCATION

R 338.1251 License renewal; occupational therapist; occupational therapy assistant; requirements.

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Rule 51. (1) This part applies to applications for renewal of licensure that are filed for the renewal cycle beginning 1 year or more after the effective date of these rules.

(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 continuing education contact hours that are approved by the board pursuant to R 338.1252 during the 2 years preceding an application for renewal.

(3) Submission of an application for renewal shall constitute the applicant's certification of compliance with the requirements of this rule.

(4) A licensee shall retain documentation of meeting 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(h).

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

(6) A request for a waiver under MCL 333.16205 shall be received by the department prior to the expiration date of the license.

(7) The requirements of this part do not apply to an applicant during an initial licensure cycle.

History: 2017 MR 20, Eff. Oct. 19, 2017.

R 338.1252 Acceptable continuing education; occupational therapist; occupational therapy assistant; requirements.

Rule 52. (1) The 20 hours of continuing education required pursuant to R 338.1251 for the renewal of a license shall comply with the following:

(a) Not more than 10 credit hours may be earned during one 24-hour period for on-line or electronic media, such as videos, internet web-based seminars, video conferences, on-line continuing education programs, and on-line journal articles.

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

(c) Pursuant to section 16204 of the code, MCL 333.16204, at least 1 hour of continuing education shall 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, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interventions as they relate to the practice of occupational therapy.

(2) One-half of the required continuing education contact hours shall be completed in person using live, synchronous contact. The remaining continuing education contact hours may be completed in any other format.

(3) The following are acceptable continuing education activities:

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES		
a	<p>Completion of an approved continuing education program or activity related to the practice of occupational therapy. A continuing education program or activity is approved if it is approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> American Occupational Therapy Association (AOTA). National Board of Certification in Occupational Therapy (NBCOT). International Association for Continuing Education and Training (IACET) authorized providers. Another state or provincial board of occupational therapy. Michigan Occupational Therapy Association (MIOTA). An occupational therapy education program approved by the board in R 338.1222. Employer-provided work place training. Third party presentation that contributes to professional growth, development, and competency of occupational therapy practitioners. <p>If audited, an applicant shall submit a copy of a letter or</p>	<p>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 hour of continuing education for each 60 minutes of participation may be earned.</p> <p>Credit in this category may be earned without limitation.</p>

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	certificate of completion showing the applicant'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.	
b	<p>Completion of academic courses related to the practice of occupational therapy offered in an occupational therapy education program approved by the board pursuant to R 338.1222.</p> <p>If audited, an applicant shall submit an official transcript that reflects completion of the academic course and number of semester or quarter credit hours earned.</p>	<p>Five hours of continuing education may be earned for each semester credit hour earned.</p> <p>Three hours of continuing education may be earned for each quarter credit hour earned.</p> <p>Credit in this category may be earned without limitation.</p>
c	<p>Initial publication of a chapter or an article related to the practice of occupational therapy in either of the following:</p> <ul style="list-style-type: none"> A peer-reviewed textbook. A professional health care textbook. A peer-reviewed journal or periodical. Practice area related article in lay publication (community newspaper and newsletter). Non-peer reviewed professional publication (such as <i>OT Practice</i>, <i>SIS Quarterly and Advance</i>). <p>If audited, an applicant shall submit a copy of the publication that identifies the applicant as the author of the publication or a publication acceptance letter.</p>	<p>A maximum of 10 hours may be earned in each renewal period.</p> <p>10 hours of continuing education can be earned for a publishing a peer-reviewed textbook, professional healthcare textbook or a peer-reviewed journal or periodical.</p> <p>2 hours of continuing education can be earned for publishing a practice related article in a lay publication.</p> <p>5 hours of continuing education can be earned for publishing a non-peer reviewed professional publication.</p>
d	<p>Independent reading of peer reviewed articles or viewing or listening to media related to the practice of occupational therapy that does not include a self-assessment component.</p> <p>If audited, an applicant shall submit an affidavit attesting to the number of hours the applicant spent participating in these activities and that includes a description of the activity.</p>	<p>One hour for each 60 minutes of participation.</p> <p>A maximum of 5 hours may be earned in each renewal period.</p>
e	<p>Initial presentation of an academic or continuing education program that is not a part of the applicant'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>Three hours may be earned for each 60 minutes of presentation.</p> <p>A maximum of 10 hours may be earned in each renewal period.</p>
f	<p>Fieldwork supervision that is not part of the applicant's primary job description.</p> <p>If audited, an applicant shall submit a copy of a letter of verification or certificate from school including dates of fieldwork and name of fieldwork student.</p>	<p>Level I: One hour for all supervision activities may be earned per student.</p> <p>Level II: One hour may be earned for each week of supervision per student supervised.</p> <p>A maximum of 12 hours may be earned in each renewal period.</p>

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g	<p>Participating on a state or national board, or board of a local chapter or association or committee, or volunteering related to the field of occupational therapy. A state or national board, or board of a local chapter or association is considered acceptable by the board if it enhances the participant's knowledge and understanding of the field of occupational therapy.</p> <p>If audited, an applicant shall submit documentation verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the board.</p>	<p>A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</p> <p>Attendance at a meeting equals 1 credit hour of continuing education.</p> <p>Attendance at a volunteering activity equals 1 credit hour of continuing education.</p>
h	<p>Primary or co-primary investigator in research activities or outcome studies, or externally funded service training projects associated with grants or post-graduation studies related to the field of occupational therapy.</p>	<p>A maximum of 10 hours of continuing education may be earned in each renewal period.</p>
i	<p>Completion of competency assessment or knowledge skills assessment activities, or both, either online or in person by an approved provider or employer.</p> <p>If audited, an applicant shall submit documentation to include a certificate of completion or similar document including name, activity, date, sponsoring organization, location and time attended.</p>	<p>A maximum of 10 hours may be earned in each renewal period.</p>

History: 2017 MR 20, Eff. Oct. 19, 2017.

R 338.1253

Source: 1997 AACs.

R 338.1254

Source: 1997 AACs.

R 338.1255

Source: 1997 AACs.

R 338.1256

Source: 1997 AACs.

R 338.1257

Source: 1997 AACs.

R 338.1258

Source: 1997 AACs.

R 338.1259

Source: 1997 AACs.

R 338.1260

Source: 1997 AACs.

R 338.1261

Source: 1997 AACs.

R 338.1262

Source: 1997 AACs.

R 338.1263

Source: 1997 AACs.

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R 338.1264

Source: 1997 AACCS.

R 338.1265

Source: 1997 AACCS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

ATHLETIC TRAINING - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.1301 Definitions.

Rule 1. As used in these rules:

- (a) "Board" means the Michigan athletic trainer board.
- (b) "BOC" means the Board of Certification, Inc.
- (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.

History: 2010 AACCS; 2017 AACCS; 2019 MR 22, Eff. Nov 19, 2019.

PART 2. LICENSURE

R 338.1303 Training standards for identifying victims of human trafficking; requirements.

Rule 3. (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 shall 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 may 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 shall 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

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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 license renewals beginning 2019 and for initial licenses issued after April 22, 2021.

History: 2016 AACS; 2019 MR 22, Eff. Nov 19, 2019.

R 338.1305

Source: 2017 AACS.

R 338.1309 Licensure by examination.

Rule 9. An applicant for an athletic trainer license by examination shall submit a completed application on a form provided by the department with the requisite fee. In addition to satisfying the requirements of the code, the applicant shall satisfy all of the following requirements:

- (a) Have graduated from an athletic training program that satisfies the requirements of R 338.1354.
- (b) Have passed the examination adopted in R 338.1325.
- (c) Have successfully completed training in all of the following from a program that satisfies the requirements of R 338.1355 within 3 years before licensure:
 - (i) First aid.
 - (ii) Cardiopulmonary resuscitation (CPR).
 - (iii) Automated external defibrillator (AED) use for health care professional or emergency services personnel.
- (d) Possess current certification in first aid and CPR from a program that satisfies the requirements of R 338.1355.

History: 2010 AACS; 2017 AACS; 2019 MR 22, Eff. Nov 19, 2019.

R 338.1313

Source: 2017 AACS.

R 338.1317 Licensure by endorsement.

Rule 17. (1) An applicant for an athletic trainer license by endorsement shall submit a completed application on a form provided by the department with the requisite fee. In addition to satisfying the requirements of the code, the applicant shall satisfy all of the following requirements:

- (a) Be licensed, registered, or certified as an athletic trainer in another state of the United States immediately preceding the application for licensure.
- (b) Establish that he or she holds a current, valid BOC certification.
- (c) Have successfully completed training in all of the following from a program that satisfies the requirements of R 338.1355 within 3 years before licensure by endorsement:
 - (i) First aid.
 - (ii) CPR.
 - (iii) AED use for health care professional or emergency services personnel.
- (2) Possess current certification in first aid and CPR from a program that satisfies the requirements of R 338.1355.

(3) An applicant's license, registration, certification, or other athletic training professional endorsement recognized by the BOC shall be verified by the licensing and regulatory agency of any state of the United States, province of Canada, or other country, in which the applicant holds or has ever held a license, registration, certification, or athletic training professional endorsement to practice as an athletic trainer or other athletic training professional recognized by the BOC for certification. Verification includes, but is not limited to, any disciplinary action taken against the license, registration, certification, or other athletic training professional endorsement.

History: 2010 AACS; 2017 AACS; 2019 MR 22, Eff. Nov 19, 2019.

R 338.1321 Licensure of foreign-trained applicants.

Rule 21. (1) If an applicant was foreign-trained and does not meet the requirements of R 338.1309 or R 338.1317, then the applicant shall satisfy all of the following requirements:

- (a) Hold a national licensure, registration, certification, or other athletic training professional endorsement recognized by the BOC.
- (b) Pass the examination adopted in R 338.1325.
- (c) Be verified, on a form provided by the department, by the licensing or registration agency of any state of the United States, province of Canada, or other country in which the applicant holds a current license or registration or has ever held a license, registration, certification, or other athletic training professional endorsement to practice as an athletic

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trainer. This includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(d) Have successfully completed training in all of the following from a program that satisfies the requirements of R 338.1355 within 3 years before licensure:

(i) First aid.

(ii) CPR.

(iii) AED use for health care professional or emergency services personnel.

(e) Possess current certification in first aid and CPR from a program that satisfies the requirements of R 338.1355.

(2) If an applicant holds current certification by the BOC, the applicant is presumed to have satisfied the requirements of subrules (1)(a) and (1)(b) of this rule.

History: 2010 AACs; 2017 AACs; 2019 MR 22, Eff. Nov 19, 2019.

R 338.1321a Minimum English language standard.

Rule 21a. (1) Pursuant to section 16174(1)(d) of the code, MCL 333.16174(1)(d), an applicant seeking initial licensure shall demonstrate a working knowledge of the English language if the applicant's educational or training program was taught outside the United States, unless exempted pursuant to subrule (3) of this rule.

(2) To demonstrate a working knowledge of the English language, an applicant shall submit proof that he or she has obtained a total score of not less than 80 on the test of English as a Foreign Language Internet-Based Test (TOEFL-IBT) administered by the Educational Testing Service.

(3) If an applicant's education or training program was taught in English in 1 or more of the following countries, he or she is exempted from the requirements of subrule (1) of this rule:

(a) Canada, except Quebec.

(b) England.

(c) Ireland.

(d) New Zealand.

(e) Australia.

History: 2019 MR 22, Eff. Nov 19, 2019.

R 338.1325

Source: 2017 AACs.

R 338.1329

Source: 2017 AACs.

R 338.1333

Source: 2017 AACs.

R 338.1337 Rescinded.

History: 2010 AACs; 2017 AACs; 2019 MR 22, Eff. Nov 19, 2019.

R 338.1341 Rescinded.

History: 2010 AACs; 2017 AACs; 2019 MR 22, Eff. Nov 19, 2019.

R 338.1345 Relicensure.

Rule 45. An applicant for relicensure whose Michigan license has lapsed, under the provisions of section 16201(3) or 16201(4) of the code, MCL 333.16201(3) or 333.16201(4), as applicable, may be relicensed by complying with the following requirements as noted by (√):

(1) For an applicant who has let his or her Michigan license lapse and who does not hold a current and valid license, registration, certification, or other athletic training professional endorsement recognized by the BOC to practice as an athletic trainer or other athletic training professional recognized by the BOC for certification in another state of the United States, province of Canada, or	Lapsed less than 3 years	Lapsed 3 years or more
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other country:			
a	Application and fee: Submit a completed application on a form provided by the department, together with the requisite fee.	√	√
b	Good moral character: Establish that he or she is of good moral character.	√	√
c	Fingerprints: Submit fingerprints as required in section 16174(3) of the code, MCL 333.16174(3).		√
d	BOC certification: Establish that he or she holds a current, valid BOC certification.	√	√
e	Training: Have successfully completed training in all of the following from a program that satisfies the requirements of R 338.1355 within 3 years before relicensure: (i) First aid. (ii) CPR. (iii) AED use for health care professional or emergency services personnel.	√	√
f	First aid and CPR certification: Establish that he or she possess current certification in first aid and CPR.	√	√
g	Continuing education: Have completed 75 hours of approved CE credits during the 3 years immediately preceding relicensure.	√	√
h	Proof of license verification from another jurisdiction: An applicant's license, registration, certification, or other athletic training professional recognized by the BOC for certification shall be verified by the licensing agency of any state or territory of the United States, province of Canada, or other country in which the applicant has ever held a license, registration, certification, or other athletic training professional endorsement recognized by the BOC to practice as an athletic trainer or other athletic training professional recognized by the BOC for certification. Verification shall 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 who holds a current and valid license, registration, certification, or other athletic training professional endorsement recognized by the BOC to practice as an athletic trainer or other athletic training professional recognized by the BOC for certification in another state of the United States, province of Canada, or other country:		Lapsed less than 3 years	Lapsed 3 years or more
a	Application and fee: Submit a completed application on a form provided by the department, together with the requisite fee.	√	√
b	Good moral character: Establish that he or she is of good moral character.	√	√

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c	Fingerprints: Submit fingerprints as required in section 16174(3) of the code, MCL 333.16174(3).		√
d	BOC certification: Establish that he or she holds a current, valid BOC certification.	√	√
e	Training: Have successfully completed training in all of the following from a program that satisfies the requirements of R 338.1355 within 3 years before relicensure: (i) First aid. (ii) CPR. (iii) AED use for health care professional or emergency services personnel.	√	√
f	First aid and CPR certification: Establish that he or she possess current certification in first aid and CPR.	√	√
g	Continuing education: Have completed 75 hours of approved CE credits during the 3 years immediately preceding relicensure.	√	√
h	Proof of license verification from another jurisdiction: An applicant's license, registration, certification, or other athletic training professional recognized by the BOC for certification shall be verified by the licensing agency of any state or territory of the United States, province of Canada, or other country in which the applicant has ever held a license, registration, certification, or other athletic training professional endorsement recognized by the BOC to practice as an athletic trainer or other athletic training professional recognized by the BOC for certification. Verification shall include the record of any disciplinary action taken or pending against the applicant.	√	√

History: 2010 AACs; 2017 AACs; 2019 MR 22, Eff. Nov 19, 2019.

R 338.1349 License renewal requirements.

Rule 49. (1) An applicant for license renewal shall satisfy all of the following requirements:

(a) Within the 3-year renewal cycle, complete training in all of the following from a program that satisfies the requirements of R 338.1355:

- (i) First aid.
- (ii) CPR.
- (iii) AED use for health care professional or emergency services personnel.

(b) Establish that he or she currently holds, and at all times during the 3-year renewal cycle held, certification in both of the following:

- (i) First aid.
- (ii) CPR.

(c) Before the expiration date of the license, complete a total of 75 hours of continuing education that comply with R 338.1357, including a minimum of 3 hours of continuing education hours in pain and symptom management, as required under section 16204 of the code, MCL 333.16204.

(2) Submission of an application for renewal of a license shall constitute the applicant's certification of compliance with this rule.

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

(4) The licensee shall retain documentation of satisfying the requirements of this rule and section 17906(2)(b) of the

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code, MCL 333.17906(2)(b), for a period of 4 years from the date of applying for license renewal.

(5) This rule does not apply to licensees in their initial licensure cycle.

(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.

History: 2010 AACCS; 2017 AACCS; 2019 MR 22, Eff. Nov 19, 2019.

R 338.1353

Source: 2017 AACCS.

PART 3. EDUCATIONAL AND TRAINING AND CERTIFICATION PROGRAMS

R 338.1354 Educational program standards; adoption by reference.

Rule 54. (1) The board adopts by reference the standards for accrediting athletic training programs adopted by the Commission on Accreditation for Athletic Training Education (CAATE) in the document entitled "Standards for the Accreditation of Professional Athletic Training Programs," July 1, 2012, as revised February 16, 2018, which is available at no cost from the CAATE website, at <http://www.caate.net>. An athletic training program that is accredited by CAATE is approved by the board.

(2) The board adopts by reference the procedures and criteria for recognizing accrediting organizations of the Council of Higher Education Accreditation (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 602 (2010). The CHEA recognition standards may be obtained from CHEA, 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 at no cost from the United States Department of Education's website at: <http://www.ed.gov/about/offices/list/OPE/index.html>.

(3) Copies of the standards and criteria adopted by reference in this rule are available for inspection and distribution at cost from the Michigan Board of Athletic Trainers, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 W. Ottawa St., P.O. Box 30670, Lansing, MI 48909.

History: 2019 MR 22, Eff. Nov 19, 2019.

R 338.1355 Approved First Aid, CPR, and AED use for health care professional or emergency services personnel training and certification programs.

Rule 55. (1) The board approves first aid, CPR, and AED use for health care professional or emergency services personnel training and certification programs that are offered or approved by the following organizations:

- (a) American Red Cross.
- (b) American Heart Association.
- (c) National Safety Council.
- (d) American Safety and Health Institute.
- (e) Emergency Care and Safety Institute.

(2) The board adopts by reference the standards for certification in basic and advanced cardiac life support set forth by the American Heart Association in the standards and guidelines for cardiopulmonary resuscitation and emergency cardiac care for professional providers and published in "2015 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care ("Circulation," Volume 132, Issue 18 Supplement 2, November 3, 2015). A copy of the guidelines for cardiopulmonary resuscitation and emergency cardiac care may be obtained from the American Heart Association, 7272 Greenville Avenue, Dallas, TX 75231 or from the association's website at <http://circ.ahajournals.org> at no cost. A copy of this document is available for inspection and distribution at cost from the Michigan Department Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa Street, P.O. Box 30670, Lansing, MI 48909.

(3) An organization that provides training that uses the standards specified in subrule (2) of this rule is considered an approved provider.

History: 2019 MR 22, Eff. Nov 19, 2019.

PART 4. CONTINUING EDUCATION

R 338.1357 Limitations for accumulating continuing education; approved continuing education.

Rule 57. (1) A licensee who accumulates the 75 hours of continuing education required pursuant to R 338.1349 for the renewal of an athletic trainer license is subject to all of the following limitations:

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- (a) A licensee shall not accumulate more than 12 credit hours of continuing education during 1 24-hour period.
- (b) A licensee shall not carry forward the continuing education hours earned during 1 renewal cycle to the next renewal cycle.
- (c) A licensee shall not earn continuing education credit for completing a program or activity that is identical or substantially identical to a program or activity for which the licensee has already earned credit during the same renewal cycle.
- (d) A licensee shall not earn more than 50 hours of continuing education per renewal cycle for activities listed in subrule (5)(d) to (g) of this rule.
- (2) Approved courses for accumulating continuing education hours in pain and symptom management, as required in R 338.1349(1)(c), include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interventions as they relate to professional practice.
- (3) The board approves and adopts by reference the standards of the BOC set forth in the publication entitled “Practice Analysis, 7th Edition, Outline: Domains and Tasks,” effective for April 2017 exam and January 1, 2018 continuing education, available at https://bocatc.org/system/document_versions/versions/24/original/boc-pa7-content-outline-20170612.pdf?1497279231.
- (4) Any continuing education program approved by the BOC is considered approved by the board.
- (5) The board approves all of the following for continuing education credit:

	Activity and Proof of Completion	Number of continuing education hours granted/permitted for each activity
a	<p>Maintenance of BOC certification.</p> <p>If audited, the licensee shall provide evidence from the BOC that shows the time period that the licensee held a valid certification.</p>	<p>Twenty-five hours of continuing education shall be granted for each year that the licensee maintained BOC certification. A maximum of 75 hours of continuing education may be earned for this activity in each renewal cycle.</p>
b	<p>Attendance at or participation in a continuing education program or activity related to the practice of athletic training, which includes but is not limited to, live and in person programs; interactive or monitored teleconference, audio-conference, or 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"> • Another state or provincial board of athletic trainers. • A state or provincial board related to the practice of medicine, osteopathic medicine and surgery, or physical therapy. <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, sponsor name or the name of the organization that approved the program or other activity for which the continuing education credit was given, and the date on which the program or activity was completed.</p>	<p>The number of continuing education hours for a specific program or activity shall be the number of hours approved by the sponsor or the approving organization for the specific program or activity. A maximum of 75 hours of continuing education credit may be earned for this activity in each renewal cycle.</p>
c	<p>Initial presentation of continuing education program related to the practice of athletic trainer to a state, regional, national, or international athletic training organization.</p> <p>To receive credit, the presentation shall not be a part of the licensee’s regular job description and shall be approved or offered for continuing education credit by any of the</p>	<p>Ten hours of continuing education credit shall be granted for each 50 to 60 minutes of presentation. No additional credit shall be granted for preparation of a presentation. A maximum of 50 hours of continuing education may be earned for this activity in each renewal cycle.</p>

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	<p>following:</p> <ul style="list-style-type: none"> • Another state or provincial board of athletic trainers. • A state or provincial board related to the practice of medicine, osteopathic medicine and surgery, or physical therapy. <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>	
d	<p>Initial presentation of a scientific exhibit, poster, scientific paper, or clinical demonstration to an athletic training organization.</p> <p>To receive credit, the presentation shall 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 evidence of presentation or a letter from the program sponsor verifying the length and date of the presentation.</p>	<p>Ten hours of continuing education shall be granted for serving as a primary presenter. Five hours of continuing education shall be granted for serving as a secondary presenter. No additional credit shall be granted for preparation of the presentation. The maximum number of credit hours permitted per renewal cycle for this activity is subject to subrule (1)(e) of this rule.</p>
e	<p>Initial publication of an article related to the practice of athletic training 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 of the publication or an acceptance letter.</p>	<p>Fifteen hours of continuing education shall be granted for serving as a primary author. Ten hours of continuing education shall be granted for serving as a secondary author. The maximum number of credit hours permitted per renewal cycle for this activity is subject to subrule (1)(e) of this rule.</p>
f	<p>Initial publication of a chapter related to the practice of athletic training in any of the following:</p> <ul style="list-style-type: none"> • A professional or health care text book. • A peer-reviewed text book. • A book related to the practice of athletic training. <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 shall be granted for serving as a primary or contributing author. The maximum number of credit hours permitted per renewal cycle for this activity is subject to subrule (1)(e) of this rule.</p>
g	<p>Passing an academic course or residency program related to the practice of athletic training that is offered by either of the following:</p> <ul style="list-style-type: none"> • An athletic training program that satisfies the standards adopted in R 338.1354(1). • A higher education institution accredited by an organization that satisfies the standards of R 338.1354(2). <p>If audited, a licensee shall submit a copy of the transcript showing credit hours of the academic course related to athletic training.</p>	<p>Ten hours of continuing education shall be granted for each course. A maximum of 60 hours per renewal cycle may be earned for this activity.</p>

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History: 2010 AACCS; 2017 AACCS; 2019 MR 22, Eff. Nov 19, 2019.

R 338.1361

Source: 2014 AACCS.

R 338.1365

Source: 2017 AACCS.

R 338.1369

Source: 2017 AACCS.

R 338.1373

Source: 2017 AACCS.

R 338.1377

Source: 2017 AACCS.

**PART 5. DELEGATION AND ADOPTION BY REFERENCE OF
PROFESSIONAL STANDARDS**

R 338.1378 Professional standards.

Rule 78. (1) The board adopts by reference the BOC's "Standards of Professional Practice" Implemented January 2018. The standards are available, free of charge on the agency's website at:

http://www.bocatc.org/system/document_versions/versions/154/original/boc-standards-of-professional-practice-2018-20180619.pdf?1529433022, or a copy may be obtained at cost, from the Board of Athletic Trainers, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 W. Ottawa St., P.O. Box 30670, Lansing, MI 48909.

(2) A licensee shall comply with the standards adopted in subrule (1) of this rule.

History: 2017 AACCS; 2019 MR 22, Eff. Nov 19, 2019.

DIRECTOR'S OFFICE

HOROLOGY

R 338.1401

Source: 1997 AACCS.

R 338.1402

Source: 1997 AACCS.

R 338.1403

Source: 1997 AACCS.

R 338.1404

Source: 1997 AACCS.

R 338.1405

Source: 1997 AACCS.

R 338.1406

Source: 1997 AACCS.

R 338.1407

Source: 1997 AACCS.

R 338.1408

Source: 1997 AACCS.

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R 338.1409
Source: 1997 AACS.

R 338.1410
Source: 1997 AACS.

R 338.1411
Source: 1997 AACS.

R 338.1412
Source: 1997 AACS.

R 338.1413
Source: 1997 AACS.

R 338.1414
Source: 1997 AACS.

R 338.1415
Source: 1997 AACS.

R 338.1416
Source: 1997 AACS.

R 338.1417
Source: 1997 AACS.

R 338.1418
Source: 1997 AACS.

R 338.1419
Source: 1997 AACS.

R 338.1420
Source: 1997 AACS.

R 338.1421
Source: 1997 AACS.

R 338.1422
Source: 1997 AACS.

R 338.1423
Source: 1997 AACS.

R 338.1424
Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

RESIDENTIAL BUILDERS AND MAINTENANCE AND ALTERATION CONTRACTORS

PART 1. GENERAL

R 338.1511
Source: 2006 AACS.

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R 338.1512
Source: 1998-2000 AACS.

R 338.1519
Source: 1990 AACS.

R 338.1511
Source: 2014 AACS.

R 338.1521
Source: 2014 AACS.

R 338.1521a
Source: 2014 AACS.

PART 2. LICENSES AND BONDS

R 338.1522
Source: 1997 AACS.

R 338.1523
Source: 1997 AACS.

R 338.1523a
Source: 1998-2000 AACS.

R 338.1524
Source: 2014 AACS.

R 338.1525
Source: 2006 AACS.

R 338.1526
Source: 2006 AACS.

R 338.1531
Source: 2014 AACS.

R 338.1532
Source: 2014 AACS.

R 338.1533
Source: 2006 AACS.

R 338.1534
Source: 2014 AACS.

R 338.1535
Source: 2006 AACS.

R 338.1536
Source: 2006 AACS.

PART 5. COMPLAINTS AND HEARINGS

R 338.1551 Complaints; filing.

Rule 51. (1) A complaint must be submitted in a form specified by the department.

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(2) Upon receipt of a valid and written complaint, the department shall assign a complaint number, acknowledge the complaint, and forward a copy of the complaint to the licensee. The licensee shall reply to the department within 15 days from receipt of the complaint and shall confirm or deny the justification for the complaint. If a complaint or a portion of the complaint is not acknowledged by the licensee as being justified, then the department shall notify the complainant of the area of disagreement.

(3) If the complaint or the information submitted by the complaining party is incomplete or disputed by the licensee, the department may require the complaining party to furnish additional information. The report must indicate what steps, if any, have been taken by the complaining party, including involvement by any other governmental agency, or any other pertinent information regarding the subject matter of the complaint. Before the department takes any further action, it may obtain a report from local building officials or proper local authorities, and if the department cannot obtain a report from the local building official or proper local authorities, then a person authorized by the department may make an inspection to determine if the complaint is justified.

(4) Failure or refusal by the licensee to correct a structural matter that is materially deficient, dangerous, or hazardous to the owners is presumed to be dishonest or unfair dealing.

(5) All construction, renovations, alterations, or repairs must comply with the Michigan construction code.

History: 1979 AC; 2006 AACs; 2019 MR 1, Eff. Jan. 4, 2019.

R 338.1554

Source: 1997 AACs.

R 338.1555 Rescinded.

History: 2002 AACs; 2019 MR 1, Eff. Jan. 4, 2019.

PART 6. EDUCATION

R 338.1560 Instructor qualifications.

Rule 60. (1) An instructor of prelicensure courses shall possess either of the following qualifications:

(a) Be qualified under the requirements of section 2404b(4) of the Occupational Code, MCL 339.2404b(4).

(b) Be qualified by experience, education, or both, to supervise and instruct a prelicensure course required under MCL 339.2404b, including at least 1 of the following:

(i) Properly licensed, certified, or approved instructor at a high school, intermediate school district, community college, university, the bureau of construction codes, the Michigan occupational safety and health administration, other government agency, or a proprietary school licensed by the department.

(ii) Currently licensed as a residential builder or maintenance and alteration contractor with at least 3 years of experience in the subject matter being taught.

(iii) Possess equivalent qualifications or relevant expertise in the subject matter being taught.

(2) An individual seeking approval as a prelicensure course instructor shall submit to the department an application on a form provided by the department. In order for the applicant to be approved as a prelicensure course instructor, the application must be approved by the department.

History: 2008 AACs; 2011 AACs; 2019 MR 1, Eff. Jan. 4, 2019.

R 338.1562

Source: 2011 AACs.

R 338.1564. Continuing competency; activities; courses; alternate activities; proof of compliance.

Rule 64. (1) Activities demonstrating continuing competency as required under section 2404b of the Occupational Code, MCL 339.2404b, such as courses and alternate activities, may include any of the following:

	Activity and Proof Required	Number of Hours Earned for Activity
a.	Completing any construction code update course approved by the bureau of construction codes and any fire safety or workplace safety course approved or sponsored by the department, and any continuing competency course or activity, regardless of the format in which it is offered, if	One continuing competency hour may be earned for each qualifying hour of attendance satisfactorily documented by the sponsor or organization.

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	<p>it is approved or offered for continuing competency credit by either of the following:</p> <ul style="list-style-type: none"> · Another state board of residential builders or alteration and maintenance contractors, other than this state. · Any national, regional or local home builder association or home builder professional organization. <p>If audited, a licensee shall submit a copy of a letter or a certificate of completion issued by the course or activity sponsor or organization showing the licensee's name, number of hours attended, sponsor name, or the name of the organization that approved the continuing competency course or activity, and the date or dates on which the course was held or the activity completed.</p>	
b.	<p>Successful completion of a college or university course.</p> <p>If audited, a licensee shall submit a copy of the transcript issued by the college or university showing the number of completed credit hours for the academic course.</p>	<p>A minimum of 15 continuing competency hours may be earned for each semester credit hour earned and a minimum of 12 continuing competency hours earned for each quarter credit hour earned.</p>
c.	<p>Successful completion of a comprehensive examination being administered by the department or by a third party under contract with the department to offer prelicensure examinations.</p> <p>If audited, a licensee shall submit proof of a passing score on the examination.</p>	<p>Five continuing competency hours may be earned for proof of a passing score on the examination.</p>
d.	<p>Participation in a school-sponsored mentoring program.</p> <p>If audited, a licensee shall submit a copy of a letter or a certificate of completion issued by the school showing the licensee's name, name of the school, the date or dates on which the mentoring program was held and attended by the licensee.</p>	<p>Two continuing competency hours may be earned for each qualifying hour of attendance satisfactorily documented by the sponsor or organization.</p>
e.	<p>Presenting or attending a seminar, in-house course, workshop, or technical presentation made at a meeting, convention, or conference by a trade association, research institute, risk management entity, manufacturer, supplier, governmental agency, consulting agency, or other entity.</p> <p>If audited, a licensee shall submit a copy of a letter or a certificate of completion issued by the sponsor or organizer of the seminar, in-house course,</p>	<p>One continuing competency hour may be earned for each qualifying hour of attendance satisfactorily documented by the sponsor or organization.</p>

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	workshop, or technical presentation made at a meeting, convention or conference showing the licensee's name, sponsor name, or the name of the organization, and the date or dates on which the activity was held and attended by the licensee.	
f.	<p>Successfully completing a distance learning course, consistent with the requirements of R 338.1566.</p> <p>If audited, a licensee shall submit a copy of a letter or a certificate of completion issued by the sponsor or organization of the distance learning course, showing the licensee's name, number of hours attended, sponsor name or the name of the organization that approved the distance learning course, and the date or dates on which the course was held, or the course was completed by the licensee.</p>	One continuing competency hour may be earned for each qualifying hour of attendance satisfactorily documented by the sponsor or organization.
g.	<p>Teaching, instructing, or presenting a department approved prelicensure course or other course approved under this rule, which is not a part of the licensee's regular job description.</p> <p>If audited, a licensee shall submit a letter issued by the course or activity sponsor or organization confirming a licensee as the teacher, instructor, or presenter of a course, together with a copy of the course syllabus, or other program documentation, showing that licensee is the instructor, the name of the course, and the date or dates the course took place.</p>	One continuing competency hour may be earned for each qualifying hour of attendance satisfactorily documented by the sponsor or organization.
h.	<p>Publication of an article in a trade journal or a regional magazine as an expert in the field.</p> <p>If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author of the publication and the publication acceptance letter showing licensee's name, article name, and date of publication.</p>	Five continuing competency hours may be earned for publishing an article as an expert in the field.
i.	<p>Active participation in an occupational or technical society, state advisory, or review committee.</p> <p>If audited, a licensee shall submit documentation, satisfactory to the department, verifying the licensee's active participation at the meeting.</p>	One continuing competency hour may be earned for each qualifying hour of satisfactorily documented attendance.
j.	Serving as a member or attending a state residential builders and maintenance and alteration contractors board meeting.	One continuing competency hour may be earned for each qualifying hour of satisfactorily documented attendance at a

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	If audited, a licensee shall submit documentation, satisfactory to the department, verifying the licensee's attendance at the board meeting.	state residential builders and maintenance and alteration contractors board meeting.
k.	Serving as a member or attending a state construction code commission meeting. If audited, a licensee shall submit documentation, satisfactory to the department, verifying the licensee's attendance at the commission meeting.	One continuing competency hour may be earned for each qualifying hour of satisfactorily documented attendance at a state construction code commission meeting.
l.	Participating in a company-sponsored seminar or training that is designed to enhance professional development in the licensee's area of professional practice. If audited, a licensee shall submit a copy of a letter or a certificate of completion issued by the company or organization presenting the seminar or training on its behalf, showing the licensee's name, company name or the name of the organization presenting the seminar or training on behalf of the company, subject of the seminar or training, and the date or dates on which the above-referenced seminar or training was held and completed by the licensee.	One continuing competency hour may be earned for each qualifying hour of attendance satisfactorily documented by the sponsor or organization.
m.	Participating in research conducted in conjunction with a college or university, trade association, or manufacturer. If audited, a licensee shall submit documentation, satisfactory to the department, verifying the licensee's participation in research conducted in conjunction with a college or university, trade association, or manufacturer.	One continuing competency hour may be earned for each qualifying hour of attendance certified by the sponsor or organization.
n.	Participating in a code hearing conducted by the International Code Council or bureau of construction codes. If audited, a licensee shall submit documentation, satisfactory to the department, verifying the licensee's participation in the code hearing.	One continuing competency hour may be earned for each qualifying hour of attendance at the code hearing.

(2) The subject matter of courses and alternate activities chosen by a licensee must meet the minimum requirements of section 2404b(2) of the Occupational Code, MCL 339.2404b(2), and must be relevant to the licensed occupation, and may include any of the following:

- (a) Prelicensure courses in the areas of competency listed in section 2404b(1)(c) of the Occupational Code, MCL 339.2404b(1)(c).
- (b) The residential maintenance and alteration contractor crafts and trades listed in section 2404(3) of the Occupational Code, MCL 339.2404(3).
- (c) Accounting and safekeeping for monies received from a customer, including requirements of section 1 of 1931 PA 259, MCL 570.151, regarding building contract fund.
- (d) Accounting, finance, and taxes.
- (e) Personnel management.
- (f) Communication and customer service.
- (g) Environmental or land use analysis.
- (h) Life safety.

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(i) Green or sustainable building practices; the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle from siting to design, which may include construction, operation, maintenance, renovation and deconstruction.

(j) Zoning and governance policies and procedures.

(k) Mold, lead, asbestos, or other hazardous material mitigation.

(3) Under section 2404(6) of the Occupational Code, MCL 339.2404(6), the licensee shall maintain documentation that is sufficient to verify participation in a course or activity, and time spent in meeting the continuing competency requirements under the act.

(4) Unless otherwise specified in the rules, the department shall give continuing competency credit based on the length of a qualifying program, with 50 minutes of continuous instruction constituting 1 qualifying hour. One-half-credit of continuing competency will be granted for every additional 25 minutes of instruction, after the first hour of credit is earned. As used in this subrule, "continuous instruction" means education time, not including breakfast, lunch, or dinner periods, coffee breaks, or any other breaks in the program.

History: 2011 AACs; 2019 MR 1, Eff. Jan. 4, 2019.

R 338.1565 Waiver of continuing competency.

Rule 65. A request for waiver of continuing competency pursuant to section 204(2) of 1980 PA 299, MCL 339.204(2), must be received by the department prior to the expiration date of the license cycle.

History: 2019 MR 1, Eff. Jan. 4, 2019.

R 338.1566

Source: 2011 AACs.

DIRECTOR'S OFFICE

HEALTH CODE BOARDS DISCIPLINARY PROCEEDINGS

R 338.1601

Source: 2015 AACs.

R 338.1602

Source: 2015 AACs.

R 338.1603

Source: 1996 AACs.

R 338.1604

Source: 1996 AACs.

R 338.1605

Source: 1996 AACs.

R 338.1606

Source: 1996 AACs.

R 338.1607

Source: 1996 AACs.

R 338.1608

Source: 1996 AACs.

R 338.1609

Source: 1996 AACs.

R 338.1610

Source: 2015 AACs.

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R 338.1611
Source: 2015 AACs.

R 338.1612
Source: 1996 AACs.

R 338.1614
Source: 2015 AACs.

R 338.1615
Source: 1996 AACs.

R 338.1616
Source: 2015 AACs.

R 338.1617
Source: 2015 AACs.

R 338.1618
Source: 2015 AACs.

R 338.1619
Source: 2015 AACs.

R 338.1620
Source: 2015 AACs.

R 338.1621
Source: 2015 AACs.

R 338.1622
Source: 2015 AACs.

R 338.1623
Source: 2015 AACs.

R 338.1624
Source: 2015 AACs.

R 338.1625
Source: 2015 AACs.

R 338.1626
Source: 2015 AACs.

R 338.1627
Source: 2015 AACs.

R 338.1628
Source: 2015 AACs.

R 338.1629
Source: 2015 AACs.

R 338.1630

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Source: 1996 AACS.

R 338.1631

Source: 1996 AACS.

R 338.1632

Source: 1996 AACS.

R 338.1633

Source: 2015 AACS.

R 338.1634

Source: 2015 AACS.

R 338.1635

Source: 2015 AACS.

R 338.1636

Source: 2015 AACS.

R 338.1637

Source: 2015 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

COUNSELING - GENERAL RULES

R 338.1751

Source: 2012 AACS.

Rule 338.1751a

Source: 2016 AACS.

R 338.1752

Source: 2012 AACS.

R 338.1752a

Source: 2012 AACS.

R 338.1753

Source: 2012 AACS.

R 338.1753a

Source: 2012 AACS.

R 338.1753b

Source: 2012 AACS.

R 338.1753c

Source: 2012 AACS.

R 338.1754

Source: 2012 AACS.

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R 338.1755

Source: 2012 AACs.

R 338.1756

Source: 2012 AACs.

R 338.1757

Source: 2012 AACs.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BEHAVIOR ANALYSTS - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.1801 Definitions.

Rule 801. (1) As used in these rules:

- (a) "BACB" means the behavior analyst certification board, or its successor.
 - (b) "Board" means the Michigan board of behavior analysts created under section 18255 of the code, MCL 333.18255.
 - (c) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211, known as the public health code.
 - (d) "Department" means the department of licensing and regulatory affairs.
- (2) Except as otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.

History: 2019 MR 1, Eff. Jan. 7, 2019.

PART 2. LICENSURE

R 338.1821 Training standards for identifying victims of human trafficking; requirements.

Rule 821. (1) Pursuant to 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 meets the following standards:

- (a) Training content shall 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 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 may 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.

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(b) A self-certification statement by an individual. The certification statement shall 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 shall 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.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.1823 Application for license; qualifications.

Rule 823. (1) In addition to meeting the requirements of the code, the department shall issue a behavior analyst license to a person who 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) Has the BACB issue directly to the department proof of current certification in good standing with the BACB.

(d) Has not been convicted of a listed offense as that term is defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant whose application was denied under this subrule may request a hearing under section 16232 of the code, MCL 333.16232.

(2) In addition to meeting the requirements of the code, the department shall issue an assistant behavior analyst license to a person who 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) Has the BACB issue directly to the department proof of current certification in good standing with the BACB.

(d) Has not been convicted of a listed offense as that term is defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant whose application was denied under this subrule may request a hearing under section 16232 of the code, MCL 333.16232.

(e) Provides proof acceptable to the department that he or she will be supervised by a Michigan licensed behavior analyst in this state who is currently certified and in good standing with the BACB, and that the supervision complies with current BACB supervision requirements.

(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 behavior analyst or assistant behavior analyst. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.1825 Relicensure.

Rule 825. (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(3), 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) Has the BACB issue directly to the department proof of current certification in good standing with the BACB.

(d) Has not been convicted of a listed offense as that term is defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant whose application was denied under this subrule may request a hearing under section 16232 of the code, MCL 333.16232.

(e) 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.

(f) If applying for relicensure as an assistant behavior analyst, provides proof acceptable to the department that he or she will be supervised by a Michigan licensed behavior analyst in this state who is currently certified and in good standing with the BACB, and that the supervision complies with current BACB supervision requirements.

(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:

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- (a) Submits a completed application on a form provided by the department.
 - (b) Pays the required fee to the department.
 - (c) Has the BACB issue directly to the department proof of current certification in good standing with the BACB.
 - (d) Has not been convicted of a listed offense as that term is defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant whose application was denied under this subrule may request a hearing under section 16232 of the code, MCL 333.16232.
 - (e) 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.
 - (f) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174(3).
 - (g) If applying for relicensure as an assistant behavior analyst, provides proof acceptable to the department that he or she will be supervised by a Michigan licensed behavior analyst in this state who is currently certified and in good standing with the BACB, and that the supervision complies with current BACB supervision requirements.
- (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 behavior analyst or assistant behavior analyst. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.
- History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.1827 Application for renewal of license; qualifications.

Rule 827. (1) The department shall renew a behavior analyst license for a current licensee who 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) Has the BACB issue directly to the department proof of current certification in good standing with the BACB.
 - (d) Has not been convicted of a listed offense as that term is defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant whose application was denied under this subrule may request a hearing under section 16232 of the code, MCL 333.16232.
- (2) The department shall renew an assistant behavior analyst license for a current licensee who 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) Has the BACB issue directly to the department proof of current certification in good standing with the BACB.
 - (d) Has not been convicted of a listed offense as that term is defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant whose application was denied under this subrule may request a hearing under section 16232 of the code, MCL 333.16232.
 - (e) Provides proof acceptable to the department that he or she will be supervised by a Michigan licensed behavior analyst in this state who is currently certified and in good standing with the BACB, and that the supervision complies with current BACB supervision requirements.

History: 2019 MR 1, Eff. Jan. 7, 2019.

PART 3. STANDARDS OF PRACTICE

R 338.1831 Certification; requirement.

Rule 831. A licensee shall maintain active status certification with the BACB.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.1833 Adoption of standards.

Rule 833. The board adopts by reference the professional standards of the BACB, as specified in the publication entitled "Professional and Ethical Compliance Code for Behavior Analysts" August 2014. The standards are available from the BACB's website at <https://www.bacb.com/wp-content/uploads/2017/09/170706-compliance-code-english.pdf> at no cost. Copies of the standards are available for inspection and distribution at cost from the Board of Behavior Analysts, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 W. Ottawa Street, P.O. Box 30670, Lansing, MI 48909.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.1835 Permanent revocation; grounds; hearing.

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Rule 835. (1) Notwithstanding sections 16221, 16226, and 16245 of the code, MCL 333.16221, 333.16226, and 333.16245, a licensee's license shall be permanently revoked if he or she is convicted of a listed offense as that term is defined under section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722, while licensed under this part.

(2) A licensee whose license was permanently revoked under subrule (1) of this rule may request a hearing under section 16232 of the code, MCL 333.16232.

History: 2019 MR 1, Eff. Jan. 7, 2019.

MARRIAGE COUNSELORS

R 390.1801

Source: 2003 AACS.

PART 1. ORGANIZATION OF BOARD

R 338.1811

Source: 1997 AACS.

R 338.1812

Source: 1997 AACS.

R 338.1813

Source: 1997 AACS.

R 338.1814

Source: 1997 AACS.

R 338.1815

Source: 1997 AACS.

PART 2. CERTIFICATION

R 338.1821

Source: 1997 AACS.

R 338.1822

Source: 1997 AACS.

R 338.1823

Source: 1997 AACS.

R 338.1824

Source: 1997 AACS.

R 338.1825

Source: 1997 AACS.

PART 3. HEARINGS

R 338.1831

Source: 1997 AACS.

R 338.1832

Source: 1997 AACS.

R 338.1833

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Source: 1997 AACS.

R 338.1834

Source: 1997 AACS.

R 338.1835

Source: 1997 AACS.

R 338.1836

Source: 1997 AACS.

R 338.1837

Source: 1997 AACS.

R 338.1841

Source: 1998-2000 AACS.

R 338.1842

Source: 1998-2000 AACS.

R 338.1843

Source: 1998-2000 AACS.

R 338.1844

Source: 1998-2000 AACS.

R 338.1861

Source: 1998-2000 AACS.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTORS OFFICE

HEARING AID DEALERS

PART 1. LICENSING

R 338.1901

Source: 2014 AACS.

R 338.1905

Source: 2014 AACS.

R 338.1906

Source: 1998-2000 AACS.

R 338.1907

Source: 1998-2000 AACS.

R 338.1908

Source: 2014 AACS.

R 338.1909

Source: 2014 AACS.

R 338.1910

Source: 2014 AACS.

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R 338.1911

Source: 2014 AACs.

R 338.1912

Source: 2014 AACs.

R 338.1913

Source: 2014 AACs.

R 338.1914

Source: 1998-2000 AACs.

PART 2. CONDUCT OF BUSINESS

R 338.1921

Source: 2014 AACs.

R 338.1922

Source: 2014 AACs.

HEARING AID DEALERS

PART 3. COMPLAINTS AND HEARINGS

R 338.1941

Source: 1997 AACs.

R 338.1942

Source: 1997 AACs.

R 338.1943

Source: 1997 AACs.

BARBER EXAMINERS

R 338.2001

Source: 1997 AACs.

R 338.2002

Source: 1997 AACs.

R 338.2003

Source: 1997 AACs.

R 338.2004

Source: 1997 AACs.

R 338.2005

Source: 1997 AACs.

R 338.2006

Source: 1997 AACs.

R 338.2007

Source: 1997 AACs.

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R 338.2008
Source: 1997 AACS.

R 338.2009
Source: 1997 AACS.

R 338.2010
Source: 1997 AACS.

R 338.2011
Source: 1997 AACS.

R 338.2012
Source: 1997 AACS.

R 338.2013
Source: 1997 AACS.

R 338.2014
Source: 1997 AACS.

R 338.2015
Source: 1997 AACS.

R 338.2016
Source: 1997 AACS.

R 338.2017
Source: 1997 AACS.

R 338.2018
Source: 1997 AACS.

R 338.2019
Source: 1997 AACS.

R 338.2020
Source: 1997 AACS.

R 338.2021
Source: 1997 AACS.

R 338.2022
Source: 1997 AACS.

R 338.2023
Source: 1997 AACS.

R 338.2024
Source: 1997 AACS.

R 338.2025
Source: 1997 AACS.

R 338.2026
Source: 1997 AACS.

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R 338.2027
Source: 1997 AACS.

R 338.2028
Source: 1997 AACS.

R 338.2029
Source: 1997 AACS.

R 338.2030
Source: 1997 AACS.

R 338.2031
Source: 1997 AACS.

R 338.2032
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R 338.2033
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R 338.2044
Source: 1997 AACS.

R 338.2045
Source: 1997 AACS.

R 338.2046

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Source: 1997 AACS.

R 338.2047

Source: 1997 AACS.

R 338.2048

Source: 1997 AACS.

R 338.2049

Source: 1997 AACS.

R 338.2050

Source: 1997 AACS.

R 338.2051

Source: 1997 AACS.

R 338.2052

Source: 1997 AACS.

R 338.2053

Source: 1997 AACS.

R 338.2054

Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

COSMETOLOGY

PART 1. GENERAL PROVISIONS

R 338.2101 Definitions.

Rule 1. As used in these rules:

- (a) "Act means 1980 PA 299, MCL 339.101 to 339.2919.
- (b) "Apprenticeship practitioner" means a licensee who is approved by the department and who is engaged in training an apprentice within an establishment.
- (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) "Dry sanitizer" means a closed cabinet or container that holds a fumigant chemical sanitizing agent.
- (e) "Minimum practical application" means a service performed on a mannequin, student, or patron.
- (f) "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.
- (g) "Wet sanitizer" means a container that holds a liquid chemical sanitizing agent.

History: 1979 AC; 1981 AACS; 1998-2000 AACS; 2004 AACS; 2006 AACS; 2014 AACS; 2017 MR 6, Eff. Mar. 28, 2017.

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R 338.2102

Source: 2014 AACS.

R 338.2103

Source: 1998-2000 AACS.

R 338.2106

Source: 1998-2000 AACS.

R 338.2107

Source: 1998-2000 AACS.

R 338.2109

Source: 1979 AC.

PART 2. LICENSES AND PERMITS

R 338.2121

Source: 1998-2000 AACS.

R 338.2122

Source: 2014 AACS.

R 338.2123

Source: 2014 AACS.

R 338.2124

Source: 1998-2000 AACS.

R 338.2125

Source: 1998-2000 AACS.

R 338.2126

Source: 1998-2000 AACS.

R 338.2127

Source: 2006 AACS.

R 338.2128

Source: 1979 AC.

PART 3. FACILITIES AND EQUIPMENT

R 338.2131

Source: 1998-2000 AACS.

R 338.2132

Source: 1998-2000 AACS.

R 338.2132a

Source: 1998-2000 AACS.

R 338.2133

Source: 1998-2000 AACS.

R 338.2134

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Source: 2006 AACCS.

R 338.2135

Source: 2014 AACCS.

R 338.2136

Source: 1998-2000 AACCS.

R 338.2137

Source: 1998-2000 AACCS.

R 338.2138

Source: 1998-2000 AACCS.

R 338.2139

Source: 2004 AACCS.

R 338.2139a

Source: 2014 AACCS.

PART 4. SCHOOL TRAINING PROGRAMS

R 338.2141

Source: 2014 AACCS.

R 338.2142

Source: 2014 AACCS.

R 338.2143

Source: 2014 AACCS.

R 338.2144

Source: 2014 AACCS.

R 338.2145

Source: 2014 AACCS.

R 338.2146

Source: 1998-2000 AACCS.

R 338.2147

Source: 1997 AACCS.

R 338.2148

Source: 1998-2000 AACCS.

R 338.2149

Source: 1998-2000 AACCS.

PART 5. CURRICULUM

R 338.2151

Source: 2004 AACCS.

R 338.2151a

Source: 1998-2000 AACCS.

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R 338.2152
Source: 1998-2000 AACS.

R 338.2153
Source: 1998-2000 AACS.

R 338.2155
Source: 1997 AACS.

R 338.2156
Source: 1998-2000 AACS.

PART 6. HEALTH AND SAFETY

R 338.2161
Source: 1998-2000 AACS.

R 338.2161a
Source: 2004 AACS.

R 338.2161b
Source: 2004 AACS.

R 338.2162
Source: 1998-2000 AACS.

R 338.2162a
Source: 2004 AACS.

R 338.2163
Source: 1998-2000 AACS.

R 338.2163a
Source: 2004 AACS.

R 338.2163b
Source: 1998-2000 AACS.

R 338.2163c
Source: 2004 AACS.

R 338.2166
Source: 1998-2000 AACS.

R 338.2167
Source: 1998-2000 AACS.

R 338.2168
Source: 1998-2000 AACS.

R 338.2169
Source: 1998-2000 AACS.

PART 7. INSTRUCTORS AND DEMONSTRATORS

R 338.2171
Source: 1998-2000 AACS.

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R 338.2172

Source: 1998-2000 AACS.

R 338.2173

Source: 1998-2000 AACS.

R 338.2174

Source: 1998-2000 AACS.

R 338.2175

Source: 1998-2000 AACS.

R 338.2176

Source: 1998-2000 AACS.

R 338.2178

Source: 1998-2000 AACS.

R 338.2179 Capes and hair cloths; towels and linens.

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.

History: 1998-2000 AACS; 2017 MR 6, Eff. Mar. 28, 2017.

R 338.2179a

Source: 1998-2000 AACS.

R 338.2179b

Source: 1998-2000 AACS.

R 338.2179c

Source: 1998-2000 AACS.

R 338.2179d

Source: 1998-2000 AACS.

R 338.2179e

Source: 2004 AACS.

R 338.2179f

Source: 1998-2000 AACS.

R 338.2179g

Source: 2004 AACS.

R 338.2179h

Source: 1998-2000 AACS.

PART 8. STUDENTS

R 338.2181

Source: 1998-2000 AACS.

R 338.2182

Source: 1998-2000 AACS.

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R 338.2183

Source: 1998-2000 AACS.

R 338.2184

Source: 1998-2000 AACS.

R 338.2185

Source: 1998-2000 AACS.

R 338.2186

Source: 1998-2000 AACS.

PART 9. HEARINGS

R 338.2191

Source: 1997 AACS.

R 338.2192

Source: 1997 AACS.

R 338.2193

Source: 1997 AACS.

R 338.2194

Source: 1997 AACS.

R 338.2195

Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

RESPIRATORY CARE - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.2201 Definitions.

Rule 2201. As used in these rules:

- (a) "Board" means the board of respiratory care
- (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.
- (d) "Endorsement" means the acknowledgement that the licensing criteria in 1 jurisdiction is substantially equivalent to the criteria established and described in section 16186 of the code, MCL 333.16186.

History: 2006 AACS; 2019 MR 9, Eff. May 20, 2019.

R 338.2201a Training standards for identifying victims of human trafficking; requirements.

Rule 2201a. (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 shall 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:

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- (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 department in consultation with 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 (1)(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 may 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 shall 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 shall apply to license renewals beginning December 2018 and for initial licenses issued after March 16, 2021.
- History: 2016 AACS; 2019 MR 9, Eff. May 20, 2019.

PART 2. LICENSURE

R 338.2202 Application for respiratory therapist license; requirements.

Rule 2202. An applicant for a respiratory therapist license, in addition to meeting the requirements of the code and the administrative rules promulgated under the code, shall comply with all of the following:

- (a) Submit a completed application on a form provided by the department, together with the requisite fee.
- (b) Have successfully completed a respiratory therapist educational program that satisfies the requirements of R 338.2206.
- (c) Have earned at least a 2-year associate's degree from an accredited college or university that satisfies the requirements of R 338.2206.
- (d) Have earned a credential for respiratory therapists conferred by the National Board of Respiratory Care (NBRC) or by its predecessor organization.

History: 2006 AACS; 2019 MR 9, Eff. May 20, 2019.

R 338.2202a. Applicant trained outside the United States; education evaluated.

Rule 2202a. Pursuant to section 16174(1)(c) of the code, MCL 333.16174(1)(c), an applicant who was trained outside the United States or Canada shall have his or her education evaluated by an organization accredited by the National Association of Credential Evaluation Services (NACES) to determine if the applicant satisfies the requirements of R 338.2202.

History: 2019 MR 9, Eff. May 20, 2019.

R 338.2202b. Working knowledge of English language; demonstrate.

Rule 2202b. Pursuant to section 16174(1)(d) of the code, MCL 333.16174(1)(d), except as otherwise provided by the code or by another rule, an applicant shall demonstrate a working knowledge of the English language if the applicant's educational or training program was taught outside 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 (TOEFL-IBT) administered by the Educational Testing Service.

History: 2019 MR 9, Eff. May 20, 2019.

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R 338.2203 Rescinded.

History: 2006 AACs; 2019 MR 9, Eff. May 20, 2019.

R 338.2204 Rescinded.

History: 2006 AACs; 2019 MR 9, Eff. May 20, 2019.

R 338.2205 Licensure by endorsement; respiratory therapist.

Rule 2205. (1) An applicant for a respiratory therapist license by endorsement, in addition to meeting the requirements of the code and the administrative rules promulgated under the code, shall comply with all of the following:

- (a) Submit a completed application on a form provided by the department, together with the requisite fee.
- (b) Provide verification of his or her license or registration by the licensing agency of any state of the United States and any province of Canada in which the applicant has ever held a license or registration to practice respiratory care. Verification includes submitting documentation of each disciplinary action initiated against the applicant.
- (2) If the applicant has been licensed for less than 5 years immediately preceding the date of the application, he or she shall comply with all of the following:
 - (a) Submit educational information that satisfies the requirements of R 338.2202.
 - (b) Submit NBRC examination and certification information that satisfies the requirements of R 338.2202.
 - (c) Be of good moral character.

History: 2006 AACs; 2019 MR 9, Eff. May 20, 2019.

PART 3. EDUCATION

R 338.2206 Accreditation standards; adoption by reference.

Rule 2206. (1) The department in consultation with the board approves, and adopts by reference, the following standards for accrediting respiratory therapist educational programs from the Commission on Accreditation for Respiratory Care (CoARC). Copies of these standards may be obtained at cost from CoARC, 1248 Harwood Rd., Bedford, Texas 76021-4244, or at no cost from the CoARC website, www.coarc.com. Copies may be obtained at cost from the Michigan Board of Respiratory Care, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. ~~A~~ Any respiratory therapist educational program that is accredited by CoARC is a respiratory therapist educational program approved by department in consultation with the board.

- (a) "Accreditation Policies and Procedures Manual," January 1, 2018.
- (b) Accreditation Standards for Entry into Respiratory Care Professional Practice," effective June 1, 2015 and revised November 12, 2016.
- (c) "Accreditation Standards for Degree Advancement Programs in Respiratory Care," effective January 1, 2018.
- (2) 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 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. The CHEA recognition standards may be obtained from CHEA, One Dupont Circle NW, Suite 510, Washington, DC 20036-1110, or from the council's website at 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: www.ed.gov. 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 from the Board of Respiratory Care, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

History: 2006 AACs; 2019 MR 9, Eff. May 20, 2019.

PART 4. RELICENSURE

R 338.2207 Relicensure.

Rule 2207. An applicant for relicensure whose license has lapsed, under section 16201(3) or (4) of the code, MCL 333.16201(3) or (4), as applicable, may be relicensed by complying with the following requirements as noted by (√):

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(1) For an applicant who has let his or her license lapse and who does not hold a current and valid respiratory care license, registration, or certification in another state of the United States or province of Canada:	Lapsed Years or less	3 Lapsed more than 3 Years
(a) Application and fee: Submit a completed application on a form provided by the department, together with the requisite fee.	√	√
(b) Establish that the applicant is of good moral character.		√
(c) Submit fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3).		√
(d) Provide to the department documentation that the applicant passed the NBRC certification examination within the 2 years immediately preceding the application for relicensure.		√
(e) If applicable, proof of respiratory care license, registration, or certification previously held: An applicant's respiratory care license, registration, or certification must be verified by the licensing agency of any state of the United States or province of Canada in which the applicant ever held a respiratory care license, registration, or certification. 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 license lapse and holds a current and valid respiratory care license, registration, or certificate within another state of the United States or province of Canada:		
(a) Application and fee: Submit a completed application on a form provided by the department, together with the requisite fee.	√	√
(b) Establish that the applicant is of good moral character.		√
(c) Submit fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3).		√

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(d) Proof of current and valid respiratory care license, registration, or certification: An applicant's respiratory care license, registration, or certification 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 respiratory care license, registration, or certification. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√
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History: 2006 AACS; 2019 MR 9, Eff. May 20, 2019.

CHIROPRACTIC

R 338.2208

Source: 1997 AACS.

R 338.2209

Source: 1997 AACS.

R 338.2210

Source: 1997 AACS.

R 338.2211

Source: 1997 AACS.

R 338.2212

Source: 1997 AACS.

R 338.2213

Source: 1997 AACS.

R 338.2214

Source: 1997 AACS.

R 338.2215

Source: 1997 AACS.

R 338.2216

Source: 1997 AACS.

R 338.2217

Source: 1997 AACS.

R 338.2218

Source: 1997 AACS.

R 338.2219

Source: 1997 AACS.

R 338.2220

Source: 1997 AACS.

R 338.2221

Source: 1997 AACS.

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R 338.2222
Source: 1997 AACS.

R 338.2223
Source: 1997 AACS.

R 338.2224
Source: 1997 AACS.

R 338.2225
Source: 1997 AACS.

R 338.2226
Source: 1997 AACS.

R 338.2227
Source: 1997 AACS.

R 338.2228
Source: 1997 AACS.

R 338.2229
Source: 1997 AACS.

R 338.2230
Source: 1997 AACS.

R 338.2231
Source: 1997 AACS.

R 338.2232
Source: 1997 AACS.

R 338.2233
Source: 1997 AACS.

R 338.2234
Source: 1997 AACS.

R 338.2235
Source: 1997 AACS.

R 338.2236
Source: 1997 AACS.

R 338.2237
Source: 1997 AACS.

R 338.2238
Source: 1997 AACS.

R 338.2239
Source: 1997 AACS.

R 338.2240
Source: 1997 AACS.

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R 338.2241
Source: 1997 AACS.

R 338.2242
Source: 1997 AACS.

R 338.2243
Source: 1997 AACS.

R 338.2244
Source: 1997 AACS.

R 338.2245
Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

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MEDICINE - GENERAL RULES

R 338.2301
Source: 2016 AACS.

R 338.2302
Source: 2016 AACS.

R 338.2303
Source: 2013 AACS.

R 338.2304
Source: 2016 AACS.

R 338.2305
Source: 2016 AACS.

R 338.2308
Source: 2016 AACS.

R 338.2309
Source: 1979 AC.

PART 2. LICENSES

R 338.2311
Source: 1997 AACS.

R 338.2312
Source: 1997 AACS.

R 338.2313
Source: 2016 AACS.

R 338.2314
Source: 2016 AACS.

R 338.2315

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Source: 1997 AACS.

R 338.2316

Source: 2016 AACS.

R 338.2317

Source: 2016 AACS.

R 338.2318

Source: 2016 AACS.

R 338.2319

Source: 2016 AACS.

R 338.2320

Source: 1997 AACS.

R 338.2322

Source: 1997 AACS.

R 338.2323

Source: 1997 AACS.

R 338.2325

Source: 1997 AACS.

R 338.2326

Source: 2016 AACS.

R 338.2327

Source: 1997 AACS.

R 338.2327a

Source: 2016 AACS.

R 338.2328

Source: 1997 AACS.

R 338.2329

Source: 1997 AACS.

R 338.2329a

Source: 2016 AACS.

PART 3. ADMINISTRATIVE HEARINGS

R 338.2330

Source: 1997 AACS.

R 338.2331

Source: 1997 AACS.

R 338.2332

Source: 1997 AACS.

R 338.2333

Source: 1997 AACS.

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R 338.2334
Source: 1997 AACS.

R 338.2335
Source: 1997 AACS.

R 338.2336
Source: 1997 AACS.

R 338.2337
Source: 1997 AACS.

R 338.2338
Source: 1997 AACS.

R 338.2339
Source: 1997 AACS.

R 338.2340
Source: 1997 AACS.

R 338.2341
Source: 1997 AACS.

R 338.2342
Source: 1997 AACS.

R 338.2343
Source: 1997 AACS.

R 338.2344
Source: 1997 AACS.

R 338.2345
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R 338.2346
Source: 1997 AACS.

R 338.2347
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R 338.2348
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R 338.2349
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R 338.2350
Source: 1997 AACS.

R 338.2351
Source: 1997 AACS.

R 338.2352
Source: 1997 AACS.

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R 338.2353
Source: 1997 AACs.

R 338.2354
Source: 1997 AACs.

R 338.2355
Source: 1997 AACs.

R 338.2371
Source: 2016 AACs.

R 338.2372
Source: 2016 AACs.

R 338.2373
Source: 2016 AACs.

R 338.2374
Source: 2016 AACs.

R 338.2375
Source: 2016 AACs.

R 338.2376
Source: 2016 AACs.

R 338.2377
Source: 2016 AACs.

R 338.2378
Source: 2016 AACs.

R 338.2379
Source: 2016 AACs.

R 338.2380
Source: 2016 AACs.

R 338.2381
Source: 2016 AACs.

R 338.2382
Source: 2016 AACs.

PART 1. GENERAL PROVISIONS

R 338.2401
Source: 2016 AACs.

R 338.2403
Source: 2016 AACs.

R 338.2405
Source: 2016 AACs.

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Rule 338.2409
Source: 2016 AACS.

Rule 338.2411
Source: 2016 AACS.

R 338.2413
Source: 2016 AACS.

PART 2. LICENSES

R 338.2421
Source: 2016 AACS.

Rule 338.2423
Source: 2016 AACS.

R 338.2425
Source: 2016 AACS.

R 338.2427
Source: 2016 AACS.

R 338.2429
Source: 2016 AACS.

R 338.2431
Source: 2016 AACS.

R 338.2433
Source: 2016 AACS.

R 338.2435
Source: 2016 AACS.

R 338.2437
Source: 2016 AACS.

PART 3. CONTINUING EDUCATION

Rule 338.2441
Source: 2016 AACS.

Rule 338.2443
Source: 2016 AACS.

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PSYCHOLOGY - GENERAL RULES

R 338.2501
Source: 2015 AACCS.

R 338.2502
Source: 2015 AACCS.

R 338.2503
Source: 2007 AACCS.

R 338.2504
Source: 2015 AACCS.

R 338.2505
Source: 2015 AACCS.

R 338.2505a
Source: 2015 AACCS.

R 338.2506
Source: 2015 AACCS.

R 338.2507
Source: 2015 AACCS.

R 338.2507a
Source: 2015 AACCS.

R 338.2508
Source: 2003 AACCS.

R 338.2509
Source: 2003 AACCS.

R 338.2510
Source: 2015 AACCS.

R 338.2510a
Source: 2015 AACCS.

R 338.2511
Source: 2015 AACCS.

R 338.2511a
Source: 2015 AACCS.

R 338.2512
Source: 1997 AACCS.

R 338.2513
Source: 2015 AACCS.

R 338.2514
Source: 2015 AACCS.

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R 338.2515

Source: 2015 AACCS.

R 338.2516

Source: 2015 AACCS.

PART 1. GENERAL PROVISIONS

R 338.2521 Definitions.

Rule 21. (1) As used in these rules:

- (a) "Board" means the Michigan board of psychology created under section 18221 of the code, MCL 333.18221.
 - (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.
 - (d) "Extreme hardship" means economic, geographic, health, or other individual circumstances that impose an extraordinary level of hardship.
 - (e) "Organized health care setting" means a clinic, hospital, institution, organization, organized governmental entity, nonprofit organization, or private agency engaged in the delivery of health care services that provides an opportunity for professional interaction and collaboration with other disciplines, an opportunity to utilize a variety of theories, and an opportunity to work with a broad range of populations and techniques.
- (2) A term defined in the code has the same meaning when used in these rules.

History: 2015 AACCS; 2020 MR 23, Eff. Dec. 6, 2019.

R 338.2523 English language requirement.

Rule 23. An applicant for a psychologist license or psychologist limited license whose educational program was taught in a language other than English shall satisfy the requirements of the code and these rules and shall demonstrate a working knowledge of the English language. To demonstrate a working knowledge of the English language, the applicant shall establish that he or she has obtained a total score of not less than 80 on the test of English as a foreign language internet-based test (TOEFL-IBT) administered by the Educational Testing Service.

History: 2015 AACCS; 2020 MR 23, Eff. Dec. 6, 2019.

R 338.2525 Training standards for identifying victims of human trafficking; requirements.

Rule 25. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or licensed 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 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.

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(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 renewals beginning with the 2017 renewal cycle after the promulgation of this rule and for initial licenses issued after March 30, 2022.

History: 2015 AACs; 2020 MR 23, Eff. Dec. 6, 2019.

R 338.2527 Rescinded.

History: 2015 AACs; 2020 MR 23, Eff. Dec. 6, 2019.

R 338.2529 Accreditation; standards; adoption by reference.

Rule 29. (1) 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.

(2) 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, are adopted by reference in these rules. The CHEA recognition standards may 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>.

(3) The board has determined that a provincially or territorially chartered Canadian university that is acceptable to the Canadian Psychological Association for the purpose of accrediting a doctoral educational program is substantially equivalent to an accredited educational institution that satisfies the standards adopted in subrule (2) of this rule. Any provincially or territorially chartered Canadian university that satisfies these requirements satisfies the qualifications for an approved educational program.

(4) Copies of the standards and criteria adopted by reference in subrules (1) and (2) of this rule are available for inspection and distribution at cost from the Board of Psychology, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, MI 48909.

History: 2015 AACs; 2020 MR 23, Eff. Dec. 6, 2019.

PART 2. PSYCHOLOGISTS

R 338.2541 Program accreditation standards; psychologists; adoption of standards by reference; approved programs.

Rule 41. (1) The following criteria and standards for doctoral level psychology programs are adopted by reference in these rules:

(a) The designation criteria of the National Register of Health Service Psychologists and the Association of State and Provincial Psychology Boards (ASPPB) set forth in the publication entitled "Guidelines for Defining a Doctoral Degree in Psychology," which is available at no cost from the national register's website at www.nationalregister.org, or from the association's website at www.asppb.org.

(b) The accreditation guidelines and principles of the American Psychological Association (APA) as set forth in the publication entitled "Standards of Accreditation for Health Service Psychology," February, 2015, which is available at no cost from the association's website at <http://www.apa.org/ed/accreditation/index.aspx>.

(c) The accreditation standards of the Canadian Psychological Association (CPA) as set forth in the publication entitled "Accreditation Standards and Procedures for Doctoral Programmes and Internships in Professional Psychology", Fifth revision, 2011, which is available at no cost from the association's website at <http://www.cpa.ca/education/accreditation/>.

(d) The accreditation standards of the Psychological Clinical Science Accreditation System (PCSAS) as set forth in the publication entitled "Psychological Clinical Science Accreditation System Purpose, Organization, Policies, and Procedures," November, 2017, which is available at no cost from the association's website at

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<http://www.pcsas.org/about/publications-and-links/>.

(2) A doctoral program in psychology, or a closely related field, that has obtained the National Register's and ASPPB's designation or that is accredited by either the APA, the CPA, or the PCSAS is approved by the board.

(3) Copies of the standards and criteria adopted by reference in subrule (1) of this rule are available for inspection and distribution at cost from the Board of Psychology, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, MI 48909.

(4) Under section 18223(1)(a) of the code, MCL 333.18223(1)(a), a doctoral program that is in the process of obtaining the National Register's and ASPPB's designation or becoming accredited by either the APA, the CPA, or the PCSAS before August 1, 2011, and obtains the designation or accreditation on or before August 31, 2020, is approved by the board.

History: 2015 AACs; 2020 MR 23, Eff. Dec. 6, 2019.

R 338.2543 Application for licensure; psychologist; requirements.

Rule 43. Except as provided in R 338.2549, an applicant for a psychologist license under section 18223(1) of the code, MCL 333.18223(1), 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, an applicant shall satisfy all of the following requirements:

(a) Education: The applicant shall possess either a doctoral degree in psychology or a doctoral degree in a closely related field. Either degree must satisfy both of the following requirements:

(i) The degree must be from a regionally accredited college, university, or institution that satisfies the standards in R 338.2529(2).

(ii) The degree must be from a designated or accredited educational program that satisfies the standards in R 338.2541(1)(a), (b), (c), or (d).

(b) Training: The applicant shall have successfully completed an internship that was an integrated part of a doctoral degree that satisfies the requirements in subdivision (a)(i) and (a)(ii) of this rule, or an equivalent postdoctoral internship as determined by the board. A request to the board for approval of a postdoctoral internship must include, at a minimum, the following information:

(i) An explanation of the reason the internship was not an integrated part of a doctoral degree.

(ii) How the postdoctoral internship follows standards similar to those required by the Association of Psychology Postdoctoral and Internship Centers (APPIC).

(c) Experience: The applicant shall have acquired 1 year of postdoctoral degree experience in the practice of psychology that satisfies the requirements of R 338.2553(3).

(d) Licensure examination: The applicant shall have passed the licensure examination for psychologists approved by the board under R 338.2545(1).

History: 2015 AACs; 2020 MR 23, Eff. Dec. 6, 2019.

R 338.2545 Examination; psychologist; passing scores.

Rule 45. (1) An applicant for a psychologist license shall pass the examination for professional practice in psychology that was developed by ASPPB. The passing score for the examination is the score recommended by the ASPPB for psychologists in independent practice.

(2) A limited licensed psychologist who took the examination required in subrule (1) of this rule and achieved a passing score at or above the score required for licensure as a psychologist satisfies the examination requirement in R 338.2543(d).

History: 2015 AACs; 2020 MR 23, Eff. Dec. 6, 2019.

R 338.2547 Psychologist examination; eligibility.

Rule 47. Except as provided in R 338.2549, to establish eligibility for the psychologist licensure examination, an applicant shall satisfy both 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 accredited educational institution verifying the applicant satisfies the educational requirements in R 338.2543(a).

History: 2015 AACs; 2020 MR 23, Eff. Dec. 6, 2019.

R 338.2549 Foreign graduate of non-accredited postsecondary institution; psychologist examination; eligibility.

Rule 49. To establish eligibility for the psychologist licensure examination, an applicant who graduated from a foreign, non-accredited postsecondary institution shall satisfy all of the following requirements:

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- (a) Submit the required fee and a completed application on a form provided by the department.
- (b) Possess either a doctoral degree in psychology or a doctoral degree in a closely related field from an educational program that is substantially equivalent to an accredited educational program that satisfies the standards in R 338.2541(1)(a), (b), (c), or (d). In addition, the degree must be from an educational institution that is substantially equivalent to an accredited educational institution that satisfies the standards in R 338.2529(2). Evidence of satisfying these requirements must include 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).
- (c) Demonstrate a working knowledge of the English language if the applicant's educational program was taught in a language other than English. To demonstrate a working knowledge of the English language, the applicant shall establish that he or she satisfies the requirements in R 338.2523.

History: 2015 AACCS; 2020 MR 23, Eff. Dec. 6, 2019.

R 338.2551 Licensure by endorsement.

Rule 51. (1) An applicant for a psychologist license by endorsement shall submit the required fee and a completed application on a form provided by the department. An applicant who satisfies the requirements of the code and this rule is presumed to satisfy the requirements of section 16186 of the code, MCL 333.16186.

(2) An applicant for a psychologist license by endorsement shall satisfy both of the following requirements:

- (a) Have been first licensed in another state to engage in the independent practice of psychology for a minimum of 10 years before the date of filing the application for a Michigan license.
- (b) Hold a current license in the independent practice of psychology issued by the licensing agency of any state.
- (3) An applicant's license must be verified by the licensing agency of any state in which the applicant holds a current license or ever held a license as a psychologist. 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.

History: 2015 AACCS; 2020 MR 23, Eff. Dec. 6, 2019.

R 338.2553 Application for educational limited license; postdoctoral experience; requirements; supervision.

Rule 53. (1) An individual shall obtain an educational limited license before engaging in the postdoctoral experience required under section 18223(1)(b) of the code, MCL 333.18223(1)(b), and R 338.2543(c).

(2) An applicant for an educational limited license, in addition to satisfying the requirements of the code, shall satisfy both 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 educational program verifying the applicant satisfies the educational requirements in R 338.2543(a).
- (3) The postdoctoral experience must satisfy all of the following requirements:
 - (a) The experience must consist of not less than 2,000 clock hours completed under the supervision of a licensed psychologist during a period of not more than 2 consecutive years.
 - (b) The supervisee shall meet individually and in person with his or her supervisor weekly for a minimum of 4 hours a month, during which all active work functions and records of the supervisee are reviewed.
 - (c) The supervisee shall function as a psychologist using generally accepted applications of psychological knowledge and techniques acquired during the supervisee's education and training.
 - (d) The experience must be acquired in an organized health care setting, as defined in R 338.2521(1)(e).
 - (e) In cases of extreme hardship, a supervisee may request an alternative to the supervision arrangement specified in this subrule. The alternative supervision arrangement must not be implemented before the board has approved it. In deciding whether to approve the proposed alternative supervision arrangement, the board shall consider the nature of the extreme hardship and the reasonableness of the proposed alternative supervision arrangement. A request to the board for approval of an alternative to the supervision arrangement must include, at a minimum, the following information:
 - (i) The amount of clock hours currently completed.
 - (ii) The amount of clock hours left to complete.
 - (iii) Whether a previous hardship request was made and, if so, the decision on such request.
 - (iv) The cause for the hardship.
 - (v) Measures taken to remedy the hardship.
 - (vi) Whether the hardship still exists.
 - (vii) The names and addresses of all fully licensed psychologists the licensee contacted or attempted to contact, including number of times, or attempts, or both.
 - (viii) The responses received from the fully licensed psychologists contacted.

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- (ix) The qualifications and experience of the proposed alternative supervisor.
 - (4) An educational limited license must be issued for 1 year and must not be renewed more than 5 times.
- History: 2015 AACs; 2020 MR 23, Eff. Dec. 6, 2019.

R 338.2555 Relicensure; psychologist; educational limited license; requirements.

Rule 55. (1) An applicant whose psychologist 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(3), 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 accumulating not less than 30 hours of continuing education that satisfies the requirements of R 338.2581 and R 338.2583 during the 2 years immediately preceding relicensure.
- (2) An applicant whose psychologist 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 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 section (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(3).
 - (d) Meets either of the following requirements:
 - (i) Passes an examination required under R 338.2545(1).
 - (ii) Presents evidence to the department that he or she was licensed as a psychologist at the doctoral level in another state at any time during the 3-year period immediately preceding the application for relicensure.
- (3) An applicant whose educational limited license has lapsed may be relicensed under section 16201(3) or (4) of the code, MCL 333.16201(3) or (4), if the applicant satisfies subrule (1)(a) and (b) of this rule.
- (4) An applicant shall have his or her license verified by the licensing agency of any state in which the applicant holds or has ever held a license, as a psychologist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.
- History: 2015 AACs; 2020 MR 23, Eff. Dec. 6, 2019.

PART 3. LIMITED LICENSED PSYCHOLOGISTS

R 338.2561 Application for licensure; limited licensed psychologist; requirements.

Rule 61. (1) Except as provided in R 338.2567, an applicant for a limited license under section 18223(2) of the code, MCL 333.18223(2), 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 all of the following requirements:

- (a) Education: The applicant for a limited license shall have earned a master's degree in psychology from an accredited educational institution that satisfies the standards in R 338.2529(2). The degree required under this subdivision must satisfy all of the following requirements:
 - (i) The degree must be an integrated, organized sequence of study that includes at least 1 course in assessment, 1 course in treatment, and 1 course in scientific and professional ethics and standards. Effective June 30, 2009, the 1 course in scientific and professional ethics and standards must be at least 3 semester hours or 15 hours of classroom instruction per semester hour. If an applicant graduated prior to June 30, 2009, and his or her master's degree included a graduate course in scientific and professional ethics of at least 1 credit hour, the applicant has complied with this paragraph.
 - (ii) Seventy-five percent of the hours of the required course work must be primarily psychological in content. The thesis and practicum are excluded from what is considered course work. The board may require the applicant to provide such material as it deems necessary to demonstrate the psychological content of a course. To be deemed psychological in content, a course must satisfy at least 1 of the following requirements:
 - (A) Course work: The subject of the material taught is psychological.
 - (B) Psychology department: The course is taught in a psychology department.
- (b) Training: The applicant shall have completed a practicum that satisfies all of the following requirements:
 - (i) The practicum must be an integrated part of the master's degree program in any setting approved by the degree granting program. A post-degree practicum may be approved by the board if the practicum is through an accredited institution that satisfies the standards adopted in R 338.2529(2) and was completed for academic graduate credit. A request to the board for approval of a post-degree practicum must include, at a minimum, the following information:

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- (A) The name and address of the accredited institution offering the proposed practicum.
- (B) Why a practicum is being pursued post-degree instead of as an integrated part of the master's degree program.
- (C) The responsibilities the practicum will require.
- (D) When the practicum will take place and the hourly time commitment.
- (E) How the practicum will be supervised and by whom.
- (F) The demographic makeup of the geographic area where the practicum will take place.
- (G) Whether others have utilized the practicum provider.
- (ii) The practicum must require not less than 500 clock hours of psychological work.
- (iii) The applicant shall be supervised by a psychologist who is licensed in this state, eligible for licensure in this state, or licensed or certified at the independent practice level in the state where the practicum takes place.
- (iv) The applicant must meet in person with his or her supervisor for a minimum of 2 hours a week during the practicum.
- (c) Experience: The applicant shall have acquired 1 year of post-master's degree experience in the practice of psychology that satisfies the requirements of R 338.2569(4).
- (d) Examination: The applicant shall have passed the examination approved by the board under R 338.2563.
- (2) An applicant satisfies the requirements of subrule (1) of this rule if he or she was certified as a psychological examiner or eligible for certification as a psychological examiner under former 1959 PA 257 on or before September 30, 1978.
- (3) An applicant who satisfies the requirements of R 338.2567 satisfies the requirements of subrule (1)(a) and (b) of this rule.

History: 2015 AACCS; 2020 MR 23, Eff. Dec. 6, 2019.

R 338.2563 Examination; limited licensed psychologist; approval and adoption; passing scores.

Rule 63. The board approves and adopts for applicants for a limited license under section 18223(2) of the code, MCL 333.18223(2), the examination for professional practice in psychology that was developed by the Association of State and Provincial Psychology Boards (ASPPB). The board adopts the passing score on the examination recommended by the ASPPB for supervised practice.

History: 2015 AACCS; 2020 MR 23, Eff. Dec. 6, 2019.

R 338.2565 Limited licensed psychologist examination; eligibility.

Rule 65. Except as provided in R 338.2567, to establish eligibility for the examination required under R 338.2563, an applicant for a limited license under section 18223(2) of the code, MCL 333.18223(2), shall submit the required fee and a completed application on a form provided by the department. In addition, the applicant shall satisfy either of the following requirements:

- (a) Have documentation provided directly to the department from an educational institution verifying the applicant satisfies the education and training requirements for a limited license specified in R 338.2561(1)(a) and (b).
- (b) Submit acceptable documentation to the department that verifies the applicant satisfies the requirements of R 338.2561(2).

History: 2015 AACCS; 2020 MR 23, Eff. Dec. 6, 2019.

R 338.2567 Foreign graduate of non-accredited postsecondary institution; limited licensed psychologist examination; eligibility.

Rule 67. To establish eligibility for the examination required under R 338.2563, an applicant who graduated from a foreign, non-accredited postsecondary institution shall satisfy both of the following requirements:

- (a) Have documentation provided directly to the department from an educational institution verifying the applicant's possession of a master's degree that is substantially equivalent to the requirements in R 338.2561(1)(a) and (b). In addition, the applicant's master's degree shall be from an educational institution that is substantially equivalent to an accredited educational institution that satisfies the standards in R 338.2529(2). Evidence of satisfying these requirements shall include 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) Demonstrate a working knowledge of the English language if the applicant's educational program was taught in a language other than English. To demonstrate a working knowledge of the English language, the applicant shall establish that he or she satisfies the requirements of R 338.2523.

History: 2015 AACCS; 2020 MR 23, Eff. Dec. 6, 2019.

R 338.2569 Application for temporary limited license for post-master's degree experience; requirements; supervision

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Rule 69. (1) The board shall grant a temporary limited license to either of the following applicants:

(a) An individual described in section 18223(2) of the code, MCL 333.18223(2), for the purpose of obtaining the 1 year of postgraduate experience described in that section and R 338.2561(1)(c).

(b) An individual who is enrolled in a doctoral degree program that satisfies the requirements of section 18223(1) of the code, MCL 333.18223(1), which includes both of the following requirements:

(i) The program is offered in a regionally accredited college, university, or institution that satisfies the standards in R 338.2529(2).

(ii) The program is a designated or accredited educational program that satisfies the standards in R 338.2541(1)(a), (b), (c), or (d).

(2) An applicant for a temporary limited license, in addition to satisfying the requirements of the code, shall satisfy both 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 educational institution verifying the applicant satisfies the following requirements, as applicable:

(i) If applying under subrule (1)(a) of this rule, verification that the applicant's educational program satisfies the requirements in R 338.2561(1)(a) and (b) or R 338.2567.

(ii) If applying under subrule (1)(b) of this rule, verification that the applicant's educational program satisfies the requirements in R 338.2529(2) and R 338.2541(1)(a), (b), (c), or (d).

(3) An applicant who is granted a temporary limited license to complete the post-master's degree experience may take the examination approved by the board under R 338.2563.

(4) The post-master's degree experience must satisfy all of the following requirements:

(a) The experience must consist of not less than 2,000 clock hours completed under the supervision of a licensed psychologist.

(b) The supervisee shall meet individually and in person with his or her supervisor weekly for a minimum of 4 hours a month, during which all active work functions and records of the supervisee are reviewed.

(c) The supervisee shall function as a psychologist using generally accepted applications of psychological knowledge and techniques acquired during the supervisee's education and training.

(d) The experience must be acquired in an organized health care setting, as defined in R 338.2521(1)(e).

(e) In cases of extreme hardship, a supervisee may request an alternative to the supervision arrangement specified in this subrule. The alternative supervision arrangement must not be implemented before the board has approved it. In deciding whether to approve the proposed alternative supervision arrangement, the board shall consider the nature of the extreme hardship and the reasonableness of the proposed alternative supervision agreement. A request to the board for approval of an alternative to the supervision arrangement must include, at a minimum, the following information:

(i) The amount of clock hours currently completed.

(ii) The amount of clock hours left to complete.

(iii) Whether a hardship request was made and, if so, the decision on the previous request.

(iv) The cause for the hardship.

(v) Measures taken to remedy the hardship.

(vi) Whether the hardship still exists.

(vii) The names and addresses of all fully licensed psychologists the licensee contacted or attempted to contact, including number of times, or attempts, or both.

(viii) The responses received from the fully licensed psychologists contacted.

(ix) The qualifications and experience of the proposed alternative supervisor.

History: 2015 AACCS; 2020 MR 23, Eff. Dec. 6, 2019.

R 338.2571 Supervision requirements; reporting of supervision.

Rule 71. An individual who is granted a limited license under section 18223(2) of the code, MCL 333.18223(2), and is required to be supervised by a licensed psychologist shall satisfy all of the following requirements:

(a) A licensee who has less than 10 years of experience as a limited licensed psychologist, excluding experience as a temporary limited licensed psychologist, shall meet individually and in person with his or her supervisor for a minimum of 2 hours a month.

(b) A licensee who has 10 or more years of experience as a limited licensed psychologist, excluding experience as a temporary limited licensed psychologist, shall meet individually and in person with his or her supervisor for a minimum of 1 hour a month.

(c) A licensee who seeks a variance from the supervision requirement described in subrule (a) or subrule (b) of this rule, as provided under section 18223(2) of the code, MCL 333.18223(2), shall submit a request for a variance to the

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board for consideration. Reasons for a possible variance include, but are not limited to: issues regarding physical disability, extended absence from practice, or geographical hardships. A variance must not be implemented without the written permission of the board. A request to the board for approval of an alternative to the supervision arrangement must include, at a minimum, the following information:

- (i) The details of the variance, and the reason the variance is being requested.
- (ii) The underlying cause of the need for a variance.
- (iii) Whether a previous variance request was made and, if so, the previous decision.
- (iv) The demographic makeup of the surrounding geographic area.
- (v) The number of fully licensed psychologists within a 50-mile radius from home and work.
- (vi) The names and addresses of all fully licensed psychologists the licensee contacted or attempted to contact, including number of times, or attempts, or both.
- (vii) The responses received from the fully licensed psychologists contacted.

History: 2015 AACs; 2020 MR 23, Eff. Dec. 6, 2019.

R 338.2573 Relicensure; limited licensed psychologist; requirements

Rule 73. (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(3), 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 MCL 338.47.
- (c) Submits proof to the department of accumulating not less than 30 hours of continuing education that satisfies the requirements of R 338.2581 and R 338.2583 during the 2 years immediately preceding relicensure.

(2) An applicant whose limited 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 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(3).
- (d) Meets either of the following requirements:
 - (i) Passes the examination approved by the board under R 338.2563.
 - (ii) Presents evidence to the department that he or she was licensed as a psychologist in another state at any time during the 3-year period immediately preceding the application for relicensure.

(3) An applicant shall have his or her license verified by the licensing agency of any state in which the applicant holds or ever held a license as a psychologist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

History: 2015 AACs; 2020 MR 23, Eff. Dec. 6, 2019.

PART 4. CONTINUING EDUCATION

R 338.2581 License renewals; psychologist; limited licensed psychologist; requirements; applicability.

Rule 81. (1) This part applies to applications for renewal of a psychologist license and a psychologist limited license under sections 16201 and 18233(1) of the code, MCL 333.16201 and MCL 333.18233(1), that are filed for the renewal cycle beginning 1 year or more after September 15, 2015.

(2) An applicant for license renewal who has been licensed for the 2-year period immediately preceding the application date for renewal shall accumulate not less than 30 hours of continuing education in activities approved by the board under these rules during the 2 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 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(h).

(4) The requirements of this rule do not apply to a licensee during his or her initial licensure cycle.

History: 2015 AACs; 2020 MR 23, Eff. Dec. 6, 2019.

R 338.2583 Acceptable continuing education; requirements; limitations.

Rule 83. (1) The 30 hours of continuing education required under R 338.2581(2) for the renewal of a psychologist license and a psychologist limited license must satisfy the following requirements, as applicable:

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- (a) No more than 12 hours of continuing education must be earned during one 24-hour period.
 - (b) There is no limitation to the number of continuing education credit hours that may be earned online.
 - (c) 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 that renewal period must not be granted.
 - (d) Under section 18233(2) of the code, MCL 333.18233(2), at least 2 hours 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, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interventions as they relate to professional practice.
 - (e) At least 3 hours of continuing education must be earned in the area of ethics.
- (2) The board shall consider any of the following activities as acceptable continuing education:

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ACCEPTABLE CONTINUING EDUCATION ACTIVITIES

Activity Code	Activity and Proof Required	Number of continuing education hours granted/permitted for activity
a	<p>Attendance at or participation in a continuing education program or activity related to the practice of psychology, or any non-clinical subject relevant to psychological practice, education, administration, management, or science, 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 or other self-study programs approved or offered by any of the following organizations:</p> <p>A statewide bar association.</p> <p>A statewide psychological association affiliated with the American Psychological Association.</p> <p>The American Association of Group Psychotherapy.</p> <p>The American Association of Marriage and Family Therapists.</p> <p>The American Association of Pastoral Counselors.</p> <p>The American Association of Psychotherapy.</p> <p>The American Association of Sex Educators, Counselors, and Therapists.</p> <p>The American Bar Association.</p> <p>The American Board of Professional Neuropsychology.</p> <p>The American Board of Professional Psychologists.</p> <p>The American Counseling Association.</p> <p>The American Medical Association.</p> <p>The American Mental Health Counselor Association.</p> <p>The American Nurses Association.</p> <p>The American Psychiatric Association.</p> <p>The American Psychological Association.</p> <p>The American Psychotherapy Association.</p> <p>The American Society of Addiction Medicine.</p> <p>Another state or provincial board of psychology.</p> <p>The Association for Psychological science.</p> <p>The Association of State and Provincial Psychology Boards.</p> <p>The Canadian Psychological Association.</p> <p>The Michigan Certification Board for Addiction Professionals.</p> <p>The Michigan Psychoanalytic Institute.</p> <p>The Michigan Psychological Association.</p> <p>The Michigan Society for Psychoanalytic Psychology.</p> <p>The National Association of School Psychologists.</p> <p>The National Association of Social Workers.</p> <p>The National Board of Certified Counselors.</p> <p>The National Register of Health Service Providers in Psychology.</p> <p>Nationally or regionally accredited academic institutions.</p> <p>Nationally or regionally accredited hospitals or mental health treatment centers.</p> <p>State, provincial, and territorial psychological associations.</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</p>	<p>The number of continuing education hours for a specific program or activity shall be the number of hours approved by the sponsor or the approving organization for the specific program or activity. A maximum of 30 hours of continuing education may be earned for this activity in each renewal period.</p>

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	approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.	
b	<p>Passing a postgraduate academic course related to the practice of psychology offered in a regionally accredited educational program.</p> <p>If audited, the licensee shall submit an official transcript documenting successful completion of the course.</p>	Five hours of continuing education shall be granted for each academic credit hour passed. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.
c	<p>Initial presentation of a continuing education program related to the practice of psychology provided to a state, regional, national, or international psychological organization.</p> <p>To receive credit, the presentation must not be a part of the licensee's regular job description and must be approved or offered for continuing education credit by any of the organizations listed under activity code a of this subrule.</p> <p>If audited, the licensee shall submit a program description, 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>	Two hours of continuing education shall be granted for each 50 to 60 minutes of presentation. No additional credit shall be granted for preparation of a presentation. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.
d	<p>Initial presentation of a scientific exhibit, poster, scientific paper, or clinical demonstration to a psychological organization.</p> <p>To receive credit, the presentation shall 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 evidence of presentation or a letter from the program sponsor verifying the length and date of the presentation.</p>	Two hours of continuing education shall be granted for each 50 to 60 minutes of presentation. No additional credit shall be granted for preparation of the presentation. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.
e	<p>Initial publication of an article related to the practice of psychology 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>	Five hours of continuing education shall be granted for serving as the primary author. Two hours of continuing education shall be granted for serving as the secondary author. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.
f	<p>Initial publication of an article related to the practice of psychology in a non-peer reviewed journal, newsletter, or magazine.</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>	One hour of continuing education shall be granted for each article. A maximum of 3 hours of continuing education may be earned for this activity in each renewal period.
g	<p>Initial publication of a chapter related to the practice of psychology in either of the following textbooks:</p> <p>A professional or health care textbook.</p> <p>A peer-reviewed textbook.</p>	Five hours of continuing education shall be granted for serving as the primary author. Two hours of continuing education shall be granted

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	If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	for serving as the secondary author. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.
h	Initial publication of a book related to the practice of psychology. If audited, the licensee shall submit proof of publication that identifies the licensee as the author or a publication acceptance letter.	A maximum of 20 hours of continuing education may be earned for this activity in each renewal period for all non-self-published books. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period for all self-published books.
i	Identifying, researching, and resolving an event or issue related to clinical or professional practice. If audited, the licensee shall submit a summary of activities, including hours spent, references if relevant, as well as a description of event or issue involved in identifying, researching, and resolving the event or issue.	One hour of continuing education shall be granted for each 50 to 60 minutes spent identifying, researching, and resolving the issue or event. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.
j	Participating on a state or national committee, board, council, or association related to the field of psychology. 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 psychology. 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.	Ten hours of continuing education shall be granted for each committee, board, council, or association. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.
k	Participating as a student in a postdoctoral clinical training program related to the practice of psychology provided through an accredited educational program for psychologists that satisfies the standards adopted by the board under R 338.2529(2). If audited, the licensee shall submit a letter from the program director verifying the licensee participated in the program.	Ten hours of continuing education shall be granted for participating in the program. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.
l	Participating as a surveyor in the accreditation, certification, or inspection of an educational, clinical or service delivery program for psychologists with any of the following organizations: The Commission on Accreditation (COA). The Joint Commission. The Commission on Accreditation of Rehabilitation Facilities (CARF) International. The American Psychological Association. The Psychological Clinical Science Accreditation System (PCSAS). If audited, the licensee shall submit a letter from the accreditation, certification or inspection program verifying the licensee's participation and the location of the inspections or examinations.	Ten hours of continuing education shall be granted for participating as a surveyor. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.
m	Participating on any of the following committees:	Ten hours of continuing education

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	<p>A peer review committee dealing with quality patient care as it relates to the practice of psychology.</p> <p>A committee dealing with utilization review as it relates to the practice of psychology.</p> <p>A health care organization committee dealing with patient care issues related to the practice of psychology.</p> <p>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.</p>	<p>shall be granted for participating on a committee. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</p>
n	<p>Serving as an instructor for the first time for any of the following programs:</p> <p>Students, staff, or other licensees at a postdoctoral clinical training program related to the practice of psychology provided at an accredited educational program for psychologists that satisfies the standards adopted by the board under R 338.2529(2).</p> <p>Students, interns, residents, or staff in an accredited educational or training program in the area of psychology that satisfies the standards adopted by the board under R 338.2529(2).</p> <p>If audited, the licensee shall submit a letter from the program director verifying the licensee's role, length of the lecture or lectures, and the date on which the lecture or lectures was held.</p>	<p>Two hours of continuing education shall be granted for each 50 to 60 minute lecture per subject. Additional credit for preparation of the lecture shall not be granted. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</p>
o	<p>Providing clinical supervision for master's, doctoral, or postdoctoral level students.</p> <p>To receive credit, this activity must not be part of the licensee's regular job description.</p> <p>If audited, the licensee shall submit a letter from an authorized official at the agency employing the licensee verifying the licensee's role and the number of supervision hours the licensee provided.</p>	<p>One hour of continuing education shall be granted for each 50 to 60 minutes of supervision provided. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</p>
p	<p>Participating in peer supervision or consultation with professional colleagues.</p> <p>If audited, the licensee shall submit an affidavit from the colleague that was involved in the peer supervision or consultation. The affidavit must attest to the licensee's role and the number of hours the licensee spent participating in these activities.</p>	<p>One hour of continuing education shall be granted for each 50 to 60 minutes of participation. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</p>
q	<p>Participating in case conferences, including hospital grand rounds, multidisciplinary conferences, for training purposes.</p> <p>If audited, the licensee shall submit a letter from the administrative or clinical supervisor verifying the types of conferences and the number of hours the licensee spent participating in the conferences.</p>	<p>One hour of continuing education shall be granted for each 50 to 60 minutes of participation. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.</p>
r	<p>Providing individual supervision for a limited licensed psychologist beyond the hours of supervision required</p>	<p>One hour of continuing education shall be granted for each 50 to 60 minutes of</p>

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	<p>under R 338.2571(a) or (b). Supervision provided as part of a disciplinary sanction may be included under this activity.</p> <p>If audited, the licensee shall submit an affidavit from the limited licensed psychologist who received the supervision. The affidavit must attest to the licensee's role as a supervisor and the number of hours the licensee spent providing supervision to the limited licensed psychologist.</p>	<p>supervision provided beyond the hours of supervision required per month. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</p>
s	<p>Receiving individual supervision from a licensed psychologist beyond the hours of supervision required under R 338.2571(a) or (b). Supervision received as part of a disciplinary sanction must not be included under this activity.</p> <p>If audited, the licensee shall submit an affidavit from the licensed psychologist who provided the supervision. The affidavit must attest to the licensee's role as a supervisee and the number of hours the licensee spent receiving supervision from the licensed psychologist.</p>	<p>One hour of continuing education shall be granted for each 50 to 60 minutes of supervision received beyond the hours of supervision required per month. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</p>
t	<p>Participation in a panel discussion relevant to the practice of psychology in an approved continuing education program or an organized health care setting as defined in R 338.2521(1)(e).</p> <p>If audited, the licensee shall submit documentation from the organizer of the panel discussion verifying the topic of the panel discussion and the number of hours the licensee spent participating in the discussion.</p>	<p>One hour of continuing education shall be granted for each 50 to 60 minutes spent participating in the panel discussion. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.</p>
u	<p>Obtaining initial certification in a specialty area by 1 of the following organizations: The American Board of Professional Psychology. The Michigan Certification Board for Addiction Professionals.</p> <p>If audited, the licensee shall submit proof of certification.</p>	<p>Twenty hours of continuing education shall be granted for obtaining initial certification. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.</p>
v	<p>Participation in the development of a national examination for psychologists.</p> <p>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.</p>	<p>Five hours of continuing education shall be granted for participation. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.</p>

History: 2015 AACs; 2020 MR 23, Eff. Dec. 6, 2019.

R 338.2585 Continuing education providers; standards for approval.

Rule 85. (1) A continuing education provider that is not pre-approved under R 338.2583 may be approved by the board. To be approved by the board, the provider must complete an application provided by the department, file the application with the department for review no later than 90 days before the program date, and satisfy subrule (2) of this rule. The application and supporting documentation must include all of the following information:

- (a) A program schedule, including date of the program, topics, the name of the presenter or presenters, and break times.
- (b) An explanation of how the program is being designed to further educate psychologists, including a short narrative describing the program content and the criteria for the selection of the content.
- (c) Copies of instructional objectives that have been developed.
- (d) Copies of all promotional and advertising materials for the program.

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- (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 continuing education credit to be awarded for this program was determined.
 - (g) A description of how participants will be notified that continuing education credit has been earned.
 - (h) A copy of the curriculum vitae for each presenter.
 - (i) A description of the delivery method or methods to be used during the presentation.
 - (j) A copy of the assessment instrument, if any, that will be used for participant evaluation.
 - (k) A description of how the assessment, if any, will be administered, corrected, and returned to participants.
 - (l) A description of how attendance will be monitored.
 - (2) A 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, including the name of the presenter or presenters.
 - (c) The name of the attendee.
 - (d) The date of the program.
 - (e) The Michigan approval number, if assigned by the department.
 - (f) The signature of the person responsible for attendance monitoring and his or her title.
 - (g) The number of hours attended and the amount of continuing education credits earned.
- History: 2020 MR 23, Eff. Dec. 6, 2019.

REAL ESTATE SCHOOLS

R 338.2601
Source: 1997 AACSL

R 338.2602
Source: 1997 AACSL

R 338.2603
Source: 1997 AACSL

R 338.2604
Source: 1997 AACSL

R 338.2605
Source: 1997 AACSL

R 338.2606
Source: 1997 AACSL

R 338.2607
Source: 1997 AACSL

R 338.2608
Source: 1997 AACSL

R 338.2609
Source: 1997 AACSL

R 338.2610
Source: 1997 AACSL

R 338.2611
Source: 1997 AACSL

R 338.2612
Source: 1997 AACSL

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R 338.2613
Source: 1997 AACS.

R 338.2614
Source: 1997 AACS.

R 338.2615
Source: 1997 AACS.

R 338.2616
Source: 1997 AACS.

R 338.2617
Source: 1997 AACS.

R 338.2618
Source: 1997 AACS.

R 338.2619
Source: 1997 AACS.

REAL ESTATE BROKERS AND SALESMEN

R 338.2701
Source: 1997 AACS.

R 338.2703
Source: 1997 AACS.

R 338.2721
Source: 1997 AACS.

R 338.2722
Source: 1997 AACS.

R 338.2723
Source: 1997 AACS.

R 338.2724
Source: 1997 AACS.

R 338.2725
Source: 1997 AACS.

R 338.2726
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Source: 1997 AACS.

R 338.2728
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R 338.2729
Source: 1997 AACS.

R 338.2730
Source: 1997 AACS.

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R 338.2731
Source: 1997 AACS.

R 338.2732
Source: 1997 AACS.

R 338.2733
Source: 1997 AACS.

R 338.2734
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R 338.2748
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R 338.2749
Source: 1997 AACS.

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R 338.2750
Source: 1997 AACS.

R 338.2751
Source: 1997 AACS.

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R 338.2767
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Source: 1997 AACS.

R 338.2770

Source: 1997 AACS.

R 338.2771

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R 338.2772

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R 338.2783

Source: 1997 AACS.

R 338.2784

Source: 1997 AACS.

R 338.2785

Source: 1997 AACS.

R 338.2786

Source: 1997 AACS.

NURSING HOME ADMINISTRATORS

R 338.2801

Source: 1997 AACS.

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R 338.2802
Source: 1997 AACS.

R 338.2803
Source: 1997 AACS.

R 338.2804
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R 338.2805
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R 338.2816
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R 338.2817
Source: 1997 AACS.

R 338.2818
Source: 1997 AACS.

R 338.2819
Source: 1997 AACS.

NURSING HOME ADMINISTRATORS—CONTINUING EDUCATION

R 338.2841
Source: 1997 AACS.

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R 338.2842
Source: 1997 AACS.

R 338.2843
Source: 1997 AACS.

R 338.2844
Source: 1997 AACS.

R 338.2845
Source: 1997 AACS.

R 338.2846
Source: 1997 AACS.

R 338.2847
Source: 1997 AACS.

R 338.2848
Source: 1997 AACS.

R 338.2849
Source: 1997 AACS.

DEPARTMENT LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

SOCIAL WORK - GENERAL RULES

R 338.2901
Source: 2016 AACS.

R 338.2902
Source: 1997 AACS.

R 338.2903
Source: 1997 AACS.

R 338.2904
Source: 1997 AACS.

R 338.2905
Source: 2003 AACS.

R 338.2906
Source: 2016 AACS.

R 338.2906a
Source: 2005 AACS.

R 338.2907
Source: 1997 AACS.

R 338.2907a
Source: 2016 AACS.

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R 338.2907b
Source: 2016 AACs.

R 338.2908
Source: 2005 AACs.

R 338.2908a
Source: 2003 AACs.

R 338.2908b
Source: 2005 AACs.

R 338.2908c
Source: 2005 AACs.

R 338.2908d
Source: 2005 AACs.

R 338.2908e
Source: 2016 AACs.

R 338.2908f
Source: 2016 AACs.

R 338.2908g
Source: 2016 AACs.

R 338.2908h
Source: 2016 AACs.

R 338.2908i
Source: 2016 AACs.

R 338.2908j
Source: 2016 AACs.

R 338.2908k
Source: 2016 AACs.

R 338.2908l
Source: 2016 AACs.

R 338.2908m
Source: 2016 AACs.

R 338.2908n
Source: 2016 AACs.

R 338.2908o
Source: 2016 AACs.

R 338.2909
Source: 2016 AACs.

R 338.2910
Source: 2016 AACs.

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R 338.2911
Source: 1997 AACS.

R 338.2912
Source: 1997 AACS.

R 338.2913
Source: 1997 AACS.

R 338.2914
Source: 1997 AACS.

R 338.2915
Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

SOCIAL WORK - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.2921
Source: 2016 AACS.

R 338.2923 Educational standards; adoption by reference.

Rule 23. (1) The board adopts by reference the standards of the Council on Social Work Education (CSWE) for the accreditation of social work education programs in the publication entitled, "Handbook of Social Work Accreditation Policies and Procedures," 2008 edition, updated 2016, which is available at no cost from the CSWE's website at www.cswe.org. A copy of the standards and procedures also is available for inspection and distribution at cost from the Board of Social Work, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(2) A social work education program accredited by CSWE is approved by the board. A social work education program that is not accredited by CSWE may be approved by the board if it is deemed substantially equivalent to the standards in subrule (1) of this rule, as determined by the board.

(3) The board adopts by reference the policies and procedures for recognizing accrediting organizations of the Council for Higher Education Accreditation (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 Title 34, Part 602 of the Code of Federal Regulations, 34 C.F.R. section 602.1 to 602.50 (2017). Copies of the policies and procedures of the CHEA and the procedures and criteria of the United States Department of Education are available for inspection and distribution at cost from the Board of Social Work, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, MI 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 CHEA's website at www.chea.org at no cost. The federal recognition criteria may be obtained from the United States 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> www.ed.gov/accreditation?src=accred at no cost.

(4) The board adopts by reference the standards of the following postsecondary accrediting organizations, which may be obtained from the individual accrediting organization at the identified cost or at cost from the Board of Social Work, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909:

(a) The standards of the Middle States Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104, in the document entitled "Characteristics of Excellence in Higher Education: Requirements of Affiliation and Standards for Accreditation," twelfth edition, which is available free of charge on the association's website at www.msche.org.

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(b) The standards of the New England Association of Schools and Colleges, Inc., Commission on Institutions of Higher Education, 3 Burlington Woods Drive, Burlington, MA 01803, in the document entitled "Standards for Accreditation," 2016 edition, which is available free of charge on the association's website at www.hlcommission.org.

(c) The standards of the Higher Learning Commission, 230 South LaSalle Street, Suite 500, Chicago, IL 60604, set forth in the document entitled "Criteria for Accreditation," 2012, which is available free of charge on the association's website at www.hlcommission.org.
south

(d) The standards of the Northwest Commission on Colleges and Universities, 8060 165th Avenue NE, Suite 100, Redmond, WA 98052, in the document entitled "Accreditation Handbook," 2017 edition, updated January 27, 2017, and "Standards for Accreditation" (2010), which are available at no cost on the association's website at www.nwccu.org.

(e) The standards of the Southern Association of Colleges and Schools, Commission on Colleges, 1866 Southern Lane, Decatur, GA 30033, in the document entitled "Principles of Accreditation: Foundation for Quality Enhancement," 2012 edition, second printing with edits, which is available free of charge on the association's website at www.sacscoc.org.

(f) The standards of the Western Association of Schools and Colleges Senior College and University Commission, 985 Atlantic Avenue, Suite 100, Alameda, CA 94501, in the document entitled "2013 Handbook of Accreditation Revised," November 17, 2015, which is available free of charge on the commission's website at www.wascsenior.org.

(g) The standards of the Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges, 10 Commercial Blvd., Suite 204, Novato, CA 94949 set forth in the document entitled, "Accreditation Standards," (Adopted June 2014), which is available free of charge on the commission's website at www.accjc.org.

History: 2016 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.2925 Examination adoption; passing scores.

Rule 25. (1) The board approves and adopts the examinations developed, maintained, and scored by the Association of Social Work Boards (ASWB), or its successor agency, hereafter referred to as the bachelor's examination, the advanced or the advanced generalist examination, or the clinical examination.

(2) Applicants shall achieve a passing score as defined by ASWB on the test required for the level of licensure sought.

(3) An exam may be approved by the board if it is deemed substantially equivalent to the examinations in subrule (1) of this rule, as determined by the board.

History: 2016 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.2929

Source: 2016 AACs.

PART 2. SOCIAL SERVICE TECHNICIAN REQUIREMENTS

R 338.2931 Limited social service technician registration requirements.

Rule 31. (1) An applicant for a limited social service technician registration shall submit a completed application on a form provided by the department, together with the required fee. In addition to meeting the requirements of section 18507(2) of the code, MCL 333.18507(2), an applicant for the limited social service technician shall meet both of the following requirements:

(a) Successful completion of 2 years of college in any field from an accredited college meeting the standards of R 338.2923.

(b) Employment in human services or social services or the submission of documentation that the applicant has been made an offer of employment in the practice of social service work at an agency recognized by the board pursuant to subrule (2) of this rule.

(2) Agencies recognized by the board include those which employ social workers engaged in the practice of social work as defined in section 18501 of the code, MCL 333.18501.

(3) The limited social service technician registration is granted for 1 year and may be renewed only once, as specified in section 18507(2) of the code, MCL 333.18507(2).

History: 2016 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.2933 Social service technician registration requirements.

Rule 33. (1) An applicant for social service technician registration shall submit a completed application on a form provided by the department, together with the required fee. Additionally, the applicant shall meet the requirements of

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section 18507(1) of the code, MCL 333.18507(1).

(2) Qualifying experience for an applicant for registration as a social service technician under section 18507 of the code, MCL 333.18507, means the delivery of social work services through any of the following:

- (a) Interviewing clients to obtain information about a client's situation, providing information about available services, and providing specific assistance to help people utilize community resources.
- (b) Conducting case-finding activities in the community and encouraging and providing linkages to available services.
- (c) Monitoring a client's compliance with a program's expectations.
- (d) Providing life skills training.

(3) The experience for a social service technician must comply with section 18507 of the code, MCL 333.18507, and the provisions described in subrule (4) of this rule.

(4) The experience must be completed under the supervision of a licensed bachelor's or a licensed master's social worker, or a under the supervision of a person who holds the equivalent license, certificate, or registration from the jurisdiction in which the experience was obtained. The supervisor shall hold his or her license, certificate, or registration in good standing during the period of supervision. The supervision must consist of all of the following:

(a) An applicant shall meet with his or her supervisor using any of the following methods:

- (i) Individually and in person.
- (ii) Individually using a telecommunications method that provides for live and simultaneous contact.
- (iii) In a group modality, during which active work functions and records of the applicant are reviewed.

(b) Supervisory review must be conducted for at least 4 hours per month with at least 2 hours being conducted between the applicant and the supervisor on an individual basis either in person or using a telecommunication method that provides for live and simultaneous contact.

(c) Not more than 2,080 hours of acceptable experience must be accumulated in any 1 calendar year.

(d) Experience must be verified in writing by the supervisor. If the supervisor is not available, agency staff who are knowledgeable about the individual's work or another person who is knowledgeable about the individual's work, may provide the verification in writing.

History: 2016 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.2935 Registration by endorsement.

Rule 35. (1) An applicant for registration by endorsement shall submit a completed application on a form provided by the department, together with the required fee. An applicant for registration by endorsement who satisfies all of the requirements of these rules is deemed to meet the requirements of section 16186 of the code, MCL 333.16186.

(2) An applicant who holds a registration from another jurisdiction is eligible for registration if the requirements for registration are substantially equivalent to the requirements in this state, as determined by the board.

(3) The registration must be in good standing at the time of application.

(4) An applicant's registration must be verified by the registering agency of all other states of the United States in which the applicant holds a current registration or ever held a registration as a social service technician. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

History: 2016 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.2937

Source: 2016 AACs.

PART 3. BACHELOR'S SOCIAL WORKER REQUIREMENTS

R 338.2939 Limited bachelor's social worker license requirements.

Rule 39. (1) An applicant for a limited bachelor's social worker license shall submit a completed application on a form provided by the department, together with the required fee. An applicant for a limited bachelor's license shall meet all of the following requirements:

(a) Graduation from a baccalaureate degree program from a school of social work that complies with the standards in R 338.2923 or certification from a school of the applicant's eligibility for graduation.

(b) Practice under the supervision of a licensed master's social worker.

(c) Compliance with the supervisory requirements in R 338.2941.

(d) Confinement of practice to an agency, health facility, institution, or other entity approved by the board. An agency is considered approved by the board where the agency utilizes master's social workers who engage in the practice of social work at the master's level as defined in section 18501 of the code, MCL 333.18501.

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(2) A limited license is issued for 1 year and may be renewed for not more than 6 years, as specified in section 18509(2) of the code, MCL 333.18509.

(3) A limited license for supervised practice for relicensure pursuant to R 338.2945 is issued for 1 year and may be renewed for not more than 6 years.

History: 2016 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.2941 Bachelor's social worker license by examination; requirements; graduates of schools in compliance with board standards; limited bachelor's social worker license.

Rule 41. (1) An applicant for a bachelor's social worker 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 for a bachelor's social worker license by examination shall meet all of the following requirements:

(a) Graduation from a baccalaureate degree program that complies with the standards in R 338.2923.

(b) Completion of at least 4,000 hours of post-degree social work experience accrued over not less than 2 years, as required in section 18509 of the code, MCL 333.18509, and described in subrules (2) and (3) of this rule.

(c) An applicant shall have passed the bachelor's examination as identified in R 338.2925.

(2) Qualifying experience for an applicant for licensure as a bachelor's social worker includes, but is not limited to, any of the following:

(a) Assessment, planning, and intervention with individuals, couples, families, or groups to enhance or restore the capacity for social functioning.

(b) Case management of health and human services.

(c) Providing information about and referring individuals to resources.

(d) Planning and collaborating with communities, organizations, or groups to improve their social or health services.

(e) Working with clients in accessing, coordinating, or developing resources to develop solutions for interpersonal or community problems.

(3) Qualifying experience in this state may be earned only in the limited license status. The experience for a bachelor's social worker license must meet all of the following requirements:

(a) The experience must be earned after completion of all the requirements for graduation as verified by the program. The license will not be issued until graduation from the program is verified.

(b) The experience must be completed under the supervision of a licensed master's social worker or a person who holds the equivalent license, certificate, or registration from the state in which the experience was obtained. The supervisor shall hold his or her license, certificate, or registration in good standing during the period of supervision.

(c) The applicant shall meet with his or her supervisor using any of the following methods:

(i) Individually and in person.

(ii) Individually using a telecommunications method that provides for live and simultaneous contact.

(iii) In a group modality that provides for 50% of the supervision to include individual contact during which active work functions and records of the applicant are reviewed.

(d) Supervisory review must be conducted for at least 4 hours per month with at least 2 hours being conducted between the applicant and the supervisor using either of the following methods:

(i) Individually and in person.

(ii) Individually using a telecommunications method that provides for live and simultaneous contact.

(e) Not more than 2,080 hours of acceptable experience must be accumulated in any 1 calendar year.

(f) The experience must be accumulated at not less than 16 hours per week but not more than 40 hours per week.

(g) The applicant shall function as a licensed bachelor's social worker using generally accepted applications of social work knowledge and techniques acquired during the applicant's education and training.

(h) The experience may be earned either in an employment or volunteer capacity.

History: 2016 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.2943 Licensure by endorsement.

Rule 43. (1) An applicant for licensure by endorsement shall submit a completed application on a form provided by the department, together with the required fee. An applicant for licensure by endorsement who satisfies all of the requirements of these rules is deemed to meet the requirements of section 16186 of the code, MCL 333.16186.

(2) An applicant who holds a license from another jurisdiction is eligible for licensure if the requirements for licensure are substantially equivalent to the requirements in this state, as determined by the board.

(3) The license, whether currently active or expired, must be in good standing at the time of application.

(4) An applicant's license must be verified by the licensing agency of all other states of the United States in which the applicant holds a current license or ever held a license as a social worker. If applicable, verification must include

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the record of any disciplinary action taken or pending against the applicant.

History: 2016 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.2945 Relicensure of bachelor's social worker.

Rule 45. (1) An applicant whose license has lapsed may be relicensed upon submission of the appropriate documentation as noted in the table below:

For a bachelor's social worker who has let his or her Michigan license lapse and is not currently licensed in another state.		Lapsed 0-3 years	Lapsed more than 3 years, but less than 7 years	Lapsed 7 years or more
(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(3).		√	√
(d)	Continuing education: submit proof of having completed 45 hours of continuing education in courses and programs approved by the board, including at least 5 hours in social work ethics and 2 hours in pain and symptom management, as provided under R 338.2961, which was earned within the 3-year period immediately preceding the application for relicensure.	√	√	√
(e)	Supervised practice: completion of 1,000 hours of practice under the supervision of a licensed master's social worker of the same designation, where applicable, described in subrules (2) and (3) of this rule and R 338.2941(2).		√	√
(f)	Examination: passage of the examination adopted in R 338.2925 within 1 year prior to the application for relicensure.			√

(2) Supervised practice must be earned under a limited license pursuant to R 338.2939.

(3) A licensee with a limited license for supervised practice for relicensure shall comply with the supervisory requirements in R 338.2941(3)(b) to R 338.2941(3)(h).

History: 2016 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

PART 4. MASTER'S SOCIAL WORKER REQUIREMENTS

R 338.2947 Limited master's social worker license requirements. Rule 47. (1) An applicant for a limited master's social worker license 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 and administrative rules promulgated under the code, an applicant for a limited license shall meet all of the following requirements:

(a) Graduation from a master's degree program from an accredited school of social work that complies with the standards in R 338.2923 or certification from the school of the applicant's eligibility for graduation.

(b) Practice under the supervision of a master's social worker.

(c) Compliance with the supervision requirements in R 338.2949.

(d) Confinement of practice to an agency, health facility, institution, or other entity pre-approved by the board under section 18506 of the code, MCL 333.18506. An agency is considered approved by the board where the agency utilizes

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licensed master's social workers who engage in the practice of social work at the master's level as defined in section 18501 of the code, MCL 333.18501.

(2) The limited license is issued for 1 year and may be renewed for not more than 6 years.

(3) A limited license for supervised practice for relicensure pursuant to R 338.2955 is issued for 1 year and may be renewed for not more than 6 years.

History: 2016 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.2949 Master's social worker license requirements; generally.

Rule 49. (1) An applicant for a master's social worker license shall submit a completed application on a form provided by the department, together with the required fee. Additionally, the experience for a master's social worker license must meet all of the following requirements, in addition to meeting the requirements of either R 338.2951 or R 338.2953, or both, as applicable:

(a) The experience must be completed under the supervision of a Michigan-licensed master's social worker or a person who holds the equivalent license, certificate, or registration from the state in which the experience was obtained. The supervisor shall hold his or her license, certificate, or registration in good standing during the period of supervision.

(b) The applicant shall meet with his or her supervisor using any of the following methods:

(i) Individually and in person.

(ii) Individually using a telecommunications method that provides for live and simultaneous contact.

(iii) In a group modality that provides for 50% of the supervision to include individual contact during which active work functions and records of the applicant are reviewed.

(c) Supervisory review must be conducted for at least 4 hours per month with at least 2 hours being conducted between the applicant and the supervisor using either of the following methods:

(i) Individually and in person.

(ii) Individually using a telecommunications method that provides for live and simultaneous contact.

(d) Not more than 2,080 hours of acceptable experience must be accumulated in any 1 calendar year.

(e) The experience must be accumulated at not less than 16 hours per week but not more than 40 hours per week.

(f) The applicant shall function as a master's social worker using generally accepted applications of social work knowledge and techniques acquired during the applicant's education and training.

(2) An applicant for licensure or a licensee may add a second master's level social work specialty designation by completing both of the following requirements:

(a) The applicant shall complete an additional 2,000 hours of post-degree social work experience, accrued over not less than 1 year, in the second specialty designated area with at least 50 hours of supervisory review.

(b) In addition to the experiential requirement in subdivision (a) of this subrule, an applicant for licensure or a licensee may add a second master's level social work designation by completing and passing the appropriate examination for that designation. This subdivision takes effect 1 year after promulgation of this rule.

History: 2016 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.2951 Master's social worker license; macro designation.

Rule 51. (1) An applicant for the license with a macro designation shall meet all of the following requirements:

(a) Graduation from a master's or doctoral degree program from an accredited school of social work that complies with the standards in R 338.2923. The experience must be earned after completion of all the requirements for graduation as verified by the program. The license shall not be issued until graduation from the program is confirmed.

(b) Successful completion of the advanced generalist examination in R 338.2925.

(c) Completion of at least 4,000 hours of post-degree social work experience accrued over not less than 2 years, as required in section 18509 of the code, MCL 333.18509.

(d) Qualifying experience for the macro designation must be completed in either or both of the following areas:

(i) Administration, management, and supervision of human service organizations, including the translating of laws and administrative rulings into organizational policy and procedures; collaboration, coordination, mediation, and consultation between and among organizations, disciplines and communities; community organizing and development; research and evaluation; the seeking of social justice through the legislative process or the social action and advocacy processes; the improvement of social conditions through social planning and policy formulations; and, social work education and training.

(ii) The advanced application of macro social work processes and systems to improve the social or health services of communities, groups, or organizations through planned interventions.

History: 2016 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

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R 338.2953 Master's social worker license; clinical designation.

Rule 53. An applicant for licensure with a clinical practice designation shall meet all of the following requirements:

- (a) Graduation from a master's or doctoral degree program from an accredited school of social work that complies with the standards in R 338.2923.
- (b) Successful completion of the clinical examination in R 338.2925.
- (c) Completion of at least 4,000 hours of post-degree social work experience accrued over not less than 2 years, in accordance with section 18509 of the code, MCL 333.18509.
- (d) Completion of qualifying experience for the clinical practice designation must include 1 or more of the following activities: assessment, treatment, and intervention methods that utilize a specialized and formal interaction between a social worker and an individual, a couple, a family, or a group in which a professional relationship is established; advocating for care; protecting the vulnerable; providing forensic practice functions; increasing social well-being; providing education, and resources; providing psychotherapy; providing case management for complex and high-risk cases; serving on community committees; and, providing clinical supervision or direction of clinical programs.

History: 2016 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.2955 Relicensure of master's social worker.

Rule 55. (1) An applicant whose license has lapsed may be relicensed upon submission of the appropriate documentation:

For a licensed master's social worker who has let his or her Michigan license lapse and is not currently licensed in another state.		Lapsed 0-3 years	Lapsed more than 3 years, but less than 7 years	Lapsed 7 years or more
(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(3).	√	√	√
(d)	Continuing education: submit proof of having completed 45 hours of continuing education in courses and programs approved by the board, including at least 5 hours in social work ethics and 2 hours in pain and symptom management, as provided under R 338.2961, which was earned within the 3-year period immediately preceding the application for relicensure.	√	√	√
(e)	Supervised practice: completion of 1,000 hours of practice under the supervision of a licensed master's social worker of the same designation, where applicable, described in subrules (2) and (3) of this rule, R 338.2951, and R 338.2953.		√	√
(f)	Examination: passage of the applicable examination adopted in R338.2925 within 1 year before application for relicensure.			√

(2) Supervised practice must be earned under a limited license pursuant to R 338.2947.

(3) A licensee with a limited license for supervised practice for relicensure shall comply with the supervisory requirements in R 338.2949(1)(a) to R 338.2949(1)(f).

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History: 2016 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.2957 Licensure by endorsement.

Rule 57. (1) An applicant for licensure by endorsement shall submit a completed application on a form provided by the department, together with the required fee. An applicant for licensure by endorsement who satisfies all of the requirements of this rule is deemed to meet the requirements of section 16186 of the code, MCL 333.16186.

(2) An applicant who holds a license from another jurisdiction is eligible for licensure if the requirements are substantially equivalent to the requirements in this state, as determined by the board.

(3) The license, whether currently active or expired, must be in good standing at the time of application.

(4) An applicant's license must be verified by the licensing agency of all other states of the United States in which the applicant holds a current license or ever held a license as a social worker. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

History: 2016 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

PART 5. CONTINUING EDUCATION

R 338.2961 License renewals; continuing education requirements.

Rule 61. (1) An applicant for license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall accumulate not less than 45 continuing education contact hours that are approved by the board under R 338.2963 during the 3 years immediately preceding the date of renewal. At least 5 of the 45 continuing education contact hours in each renewal period must be in ethics and 2 continuing education contact hours in each renewal period must be in pain and pain symptom management. Continuing education contact hours in pain and pain symptom management may include, but are not limited to, courses in behavior management, psychology of pain, behavior modification, and stress management.

(2) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of these rules. A licensed master's or licensed bachelor's social worker shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal. The board may require an applicant or licensee to submit evidence to demonstrate compliance with this rule. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221(h).

(3) 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.

History: 2016 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338. 2963 Acceptable continuing education; limitations.

Rule 63. (1) One half of the required continuing education contact hours must be completed in person using live, synchronous contact. The remaining continuing education contact hours may be completed in any other approved format.

(2) The board shall consider any of the following as acceptable continuing education:

ACCEPTABLE CONTINUING EDUCATION		
(a)	Attendance at a continuing education program that complies with the standards in R 338.2965. 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 was held or activity completed.	Contact hours may be earned without limitation under this subrule.
(b)	Presentation of a continuing education program that is not part of the licensee's regular job description which complies with the standards in R 338.2965. If audited, a licensee shall submit a letter from the	Three continuing education contact hours may be earned for each 60 minutes of presentation. Credit may be earned for the same program only once in each renewal period. A maximum of 15 continuing education contact hours may be earned per licensure

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	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 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.	cycle.
(c)	Academic courses related to the practice of social work offered in an educational program approved by the board under R 338.2923. If audited, the licensee shall submit an official transcript documenting successful completion of the course.	Five continuing education contact hours earned for each semester credit. 3 continuing education contact hours may be earned for each quarter credit earned. Contact hours may be earned without limitation.
(d)	Attendance at a continuing education program that has been granted approval by another state board of social work or the ASWB-ACE. 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 was held or activity completed.	Continuing education contact hours may be earned without limitation.
(e)	Attendance at a continuing education program related to the practice of social work offered by an educational program approved by the board under R 338.2923. 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 was held or activity completed.	Continuing education contact hours may be earned without limitation.
(f)	Publication in a peer reviewed journal or textbook of an article or chapter related to the practice of social work. If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author of the chapter or a publication acceptance letter.	Ten continuing education contact hours may be earned for publication in a journal or textbook, with a maximum of 10 contact hours per licensure cycle.

History: 2016 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.2965 Continuing social work education programs; methods of approval.

Rule 65. (1) The board approves and adopts by reference the standards of the ASWB for approved continuing education (ACE) providers set forth in the publication entitled "Approved Continuing Education Program ACE Provider Guidelines," revised June, 15, 2016, which is available for inspection and distribution at cost from the Board of Social Work, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909, or from the ASWB, 400 Southridge Parkway, Suite B, Culpeper, VA 22701 and at no cost on the association's website at www.aswb.org.

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(2) The board approves and adopts by reference the standards of the ASWB for approved continuing education co-sponsorship set forth in the publication entitled “ACE Resource Co-Sponsorship Policy,” effective September 1, 2017, which is available for inspection and distribution at cost from the Board of Social Work, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909, or from the Association of Social Work Boards, 400 Southridge Parkway, Suite B, Culpeper, VA 22701 and at no cost on the association’s website at www.aswb.org.

(3) The board approves any continuing education contact hours offered by a school of social work meeting the requirements of R 338.2923 and meeting the standards of subrule (1) of this rule.

(4) A course or program may be reviewed and approved by the board or any organization that has been authorized by the board to approve such courses or programs.

(5) A course or program reviewed and approved by the board or its designee must comply with the following program requirements:

(a) The content or activity of a course or program must cover 1 or more of the following topics:

(i) Theories and concepts of human behavior in the social environment.

(ii) Social work practice, knowledge, and skills.

(iii) Social work research, program evaluation, or practice evaluation.

(iv) Social work agency management or administration.

(v) Development, evaluation, or implementation of social policy.

(vi) Social work ethics and standards of professional practice.

(vii) Current issues in clinical or macro social work practice.

(viii) Cultural competence and diversity.

(b) An outline of the course or program must be provided.

(c) The qualifications of individuals presenting a course or program must be provided.

(d) The method used to deliver the course or program must be described.

(e) Measurements of pre-knowledge and post-knowledge or skill improvements must be defined.

(f) The monitoring of attendance at a course or program must be required.

(g) Records of course attendance that show the date of a program or course, its location, the credentials of the presenters, rosters of individuals who were in attendance, and continuing education contact hours awarded to each attendee must be maintained.

(h) A program or course shall award a participant a certificate or written evidence of attendance at a program or course that indicates the participant's name, date and location of program, sponsor or program approval number, and hours of continuing education earned.

History: 2016 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

BOARD OF PHARMACY - RADIOPHARMACEUTICALS

R 338.3001

Source: 2015 AACs.

R 338.3002

Source: 2015 AACs.

R 338.3003

Source: 2015 AACs.

R 338.3004

Source: 2015 AACs.

R 338.3005

Source: 2015 AACs.

R 338.3006

Source: 2015 AACs.

R 338.3007

Source: 2015 AACs.

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PHARMACY - PUBLIC PARTICIPATION AT OPEN BOARD MEETINGS

R 338.3031

PHARMACY—CONTINUING EDUCATION

R 338.3041

Source: 2007 AACS.

R 338.3042

Source: 1979 AC.

R 338.3043

Source: 2007 AACS.

R 338.3044

Source: 2007 AACS.

R 338.3045

Source: 1979 AC.

CENTRALIZED PRESCRIPTION PROCESSING PHARMACIES

PART 1. GENERAL PROVISIONS

R 338.3051

Source: 2008 AACS.

R 338.3052

Source: 2008 AACS.

R 338.3053

Source: 2008 AACS.

R 338.3054

Source: 2008 AACS.

PART 2 . CONTROLLED SUBSTANCES PRESCRIPTIONS

R 338.3055

Source: 2008 AACS.

R 338.3056

Source: 2008 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BOARD OF PHARMACY

PHARMACY – CONTROLLED SUBSTANCES

PART 1. GENERAL PROVISIONS

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R 338.3101

Source: 2004 AACS.

R 338.3102

Source: 2007 AACS.

R 338.3104

Source: 2002 AACS.

R 338.3108

Source: 1992 AACS.

R 338.3109

Source: 1979 AC.

PART 2. SCHEDULES

R 338.3111

Source: 1995 AACS.

R 338.3112

Source: 2013 AACS.

R 338.3113

Source: 2016 AACS.

R 338.3113a

Source: 2002 AACS.

R 338.3114

Source: 2013 AACS.

R 338.3114a

Source: 2013 AACS.

R 338.3116

Source: 2013 AACS.

R 338.3117

Source: 2013 AACS.

R 338.3118

Source: 2013 AACS.

R 338.3119

Source: 1992 AACS.

R 338.3119a

Source: 2002 AACS.

R 338.3119b

Source: 1994 AACS.

R 338.3120

Source: 2016 AACS.

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R 338.3121

Source: 2016 AACS.

R 338.3121a

Source: 2002 AACS.

R 338.3122

Source: 2013 AACS.

R 338.3123

Source: 2016 AACS.

R 338.3125 Schedule 5; narcotics added to nonnarcotic compounds.

Rule 25. (1) Schedule 5 includes pregabalin and lacosamide by whatever official, common, usual, chemical, or brand name designated.

(2) Schedule 5 includes ezogabine by whatever official, common, usual, chemical, or brand name designated.

(3) Schedule 5 includes gabapentin by whatever official, common, usual, chemical, or brand name designated.

(4) A compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which includes 1 or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation a valuable medicinal quality other than that possessed by the narcotic drug alone, is included in schedule 5:

Substance	
a	Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams, and not more than 10 milligrams per dosage unit.
b	Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams, and not more than 4 milligrams per dosage unit.
c	Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams, and not more than 5 milligrams per dosage unit.
d	Not more than 100 milligrams of opium per 100 milliliters or per 100 grams, and not more than 5 milligrams per dosage unit.
e	Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
f	Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of pyrovalerone which has a stimulate effect on the central nervous system, including its salts, isomers, and salts of isomers, is included in schedule 5.

History: 1979 AC; 1985 AACS; 1994 AACS; 2002 AACS; 2007 AACS; 2013 AACS; 2016 AACS; 2019 MR 1, Eff. Jan. 4, 2019.

R 338.3126

Source: 2002 AACS.

R 338.3127

Source: 2002 AACS.

R 338.3129

Source: 1992 AACS.

PART 3. LICENSES

R 338.3131

Source: 1997 AACS.

R 338.3132

Source: 2007 AACS.

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R 338.3133

Source: 2002 AACCS.

R 338.3134

Source: 2002 AACCS.

R 338.3135 Opioids and other controlled substances awareness training standards for prescribers and dispensers of controlled substances; requirements.

Rule 35. (1) Pursuant to section 7301 of the act, MCL 333.7301, an individual seeking a controlled substance license or who is licensed to prescribe or dispense controlled substances shall complete a 1-time training, offered after promulgation of this rule, in opioids and controlled substances awareness that meets the following standards:

(a) Training content must cover all of the following topics:

- (i) Use of opioids and other controlled substances.
- (ii) Integration of treatments.
- (iii) Alternative treatments for pain management.
- (iv) Counseling patients on the effects and risks associated with using opioids and other controlled substances.
- (v) The stigma of addiction.
- (vi) Utilizing the Michigan Automated Prescription System (MAPS).

(vii) State and federal laws regarding prescribing and dispensing controlled substances.

(viii) Security features and proper disposal requirements for prescriptions.

(b) Topics covered under subrule (1)(a) of this rule may be obtained from more than 1 program.

(c) 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 offered by a continuing education program or activity that is accepted by a licensing board established under article 15 of the act.
 - (iv) Training obtained in an educational program that has been approved by a board established under article 15 of the act for initial licensure or registration, or by a college or university.
- (d) 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) A prescriber or dispenser shall not delegate or order the prescribing, dispensing, or administering of a controlled substance as authorized by this act to an advanced practice registered nurse, registered professional nurse, or licensed practical nurse unless the nurse complies with this rule.

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

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

(b) A self-attestation by the individual that includes the date, provider name, name of training, and individual's name.

(4) The requirements specified in this rule apply to controlled substance license renewals beginning with the first renewal cycle after the promulgation of this rule and for initial licenses issued after September 1, 2019.

History: 2019 MR 1, Eff. Jan. 4, 2019.

R 338.3136

Source: 2002 AACCS.

R 338.3137

Source: 1992 AACCS.

R 338.3138

Source: 2013 AACCS.

R 338.3139

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Source: 2013 AACs.

PART 4. SECURITY

R 338.3141

Source: 2002 AACs.

R 338.3143

Source: 2002 AACs.

R 338.3145

Source: 2002 AACs.

PART 5. RECORDS

R 338.3151

Source: 2002 AACs.

R 338.3152

Source: 2002 AACs.

R 338.3153

Source: 2013 AACs.

R 338.3153a

Source: 2013 AACs.

R 338.3154

Source: 2007 AACs.

PART 6. DISPENSING AND ADMINISTERING CONTROLLED SUBSTANCE PRESCRIPTIONS

R 338.3161

Source: 2013 AACs.

R338.3161a. Exception to bona fide prescriber-patient relationship; alternative requirements.

Rule 61a. (1) A bona fide prescriber-patient relationship is required before a licensed prescriber may prescribe a controlled substance listed in schedules 2 to 5.

(2) As used in section 7303a of the act, MCL 333.7303a, a “bona fide prescriber-patient relationship” means a treatment or counseling relationship between a prescriber and a patient in which both of the following are present:

(a) The prescriber has reviewed the patient’s relevant medical or clinical records and completed a full assessment of the patient’s medical history and current medical condition, including a relevant medical evaluation of the patient conducted in person or through telehealth. “Telehealth” means that term as defined in section 16283 of the act, MCL 333.16283.

(b) The prescriber has created and maintained records of the patient’s condition in accordance with medically accepted standards.

(3) Pursuant to Section 16204e of the act, MCL 333.16204e, a licensed prescriber may prescribe a controlled substance listed in schedules 2 to 5 without first establishing the bona fide prescriber-patient relationship required under Section 7303a of the act, MCL 333.7303a, in the following situations:

(a) The prescriber is providing on-call coverage or cross-coverage for another prescriber who is not available and has established a bona fide prescriber-patient relationship with the patient for whom the on-call or covering prescriber is prescribing a controlled substance, the prescriber, or an individual licensed under article 15 of the act, reviews the patient’s relevant medical or clinical records, medical history, and any change in medical condition, and provides documentation in the patient’s medical record in accordance with medically accepted standards of care.

(b) The prescriber is following or modifying the orders of a prescriber who has established a bona fide prescriber-patient relationship with a hospital in-patient, hospice patient, or nursing care facility resident and provides

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documentation in the patient's medical record in accordance with medically accepted standards of care.

(c) The prescriber is prescribing for a patient that has been admitted to a licensed nursing care facility or a hospice, completes the tasks identified in subrule (2)(a) and (2)(b) of this rule in compliance with R 325.20602 or R 325.13302, as applicable, and provides documentation in the patient's medical record in accordance with medically accepted standards of care.

(d) The prescriber is prescribing for a patient for whom the tasks listed in subrule (2)(a) and (2)(b) of this rule have been performed by an individual licensed under article 15 of the act, and the prescriber provides documentation in the patient's medical record in accordance with medically accepted standards of care.

(e) The prescriber is treating a patient in a medical emergency. For purposes of this subdivision, "medical emergency" means a situation that, in the prescriber's good-faith professional judgment, creates an immediate threat of serious risk to the life or health of the patient for whom the controlled substance prescription is being prescribed.

History: 2019 MR 1, Eff. Jan. 4, 2019.

R 338.3162

Source: 2007 AACs.

R 338.3162a

Source: 2002 AACs.

R 338.3162b

Source: 2007 AACs.

R 338.3162c

Source: 2007 AACs.

R 338.3162d

Source: 2013 AACs.

R 338.3162e

Source: 2002 AACs.

R 338.3164

Source: 2002 AACs.

R 338.3165

Source: 2002 AACs.

R 338.3166

Source: 2002 AACs.

R 338.3167

Source: 2002 AACs.

R 338.3168

Source: 2002 AACs.

R 338.3169

Source: 2013 AACs.

R 338.3170

Source: 2002 AACs.

PART 7. DISTRIBUTIONS

R 338.3181

Source: 1992 AACs.

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R 338.3182
Source: 1992 AACs.

R 338.3183
Source: 1992 AACs.

R 338.3185
Source: 1992 AACs.

R 338.3186
Source: 1992 AACs.

PART 8. ADMINISTRATIVE AND DISCIPLINARY PROCEEDINGS

R 338.3191
Source: 1997 AACs.

R 338.3192
Source: 1997 AACs.

R 338.3193
Source: 1997 AACs.

R 338.3194
Source: 1997 AACs.

R 338.3195
Source: 1997 AACs.

R 338.3196
Source: 1997 AACs.

R 338.3197
Source: 1997 AACs.

R 338.3198
Source: 1997 AACs.

R 338.3198a
Source: 1997 AACs.

R 338.3199
Source: 1997 AACs.

R 338.3199a
Source: 1997 AACs.

R 338.3199b
Source: 1997 AACs.

R 338.3199c
Source: 1997 AACs.

R 338.3199d
Source: 1997 AACs.

R 338.3199e
Source: 1997 AACs.

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R 338.3199f
Source: 1997 AACS.

R 338.3199g
Source: 1997 AACS.

R 338.3199h
Source: 1997 AACS.

R 338.3199i
Source: 1997 AACS.

R 338.3199j
Source: 1997 AACS.

R 338.3199k
Source: 1997 AACS.

R 338.3199l
Source: 1997 AACS.

R 338.3199m
Source: 1997 AACS.

R 338.3199n
Source: 1997 AACS.

R 338.3199o
Source: 1997 AACS.

R 338.3199p
Source: 1997 AACS.

R 338.3199q
Source: 1997 AACS.

MOBILE HOME AND LAND RESOURCES DIVISION

LAND SALES

PART 1. GENERAL PROVISIONS

R 338.3201
Source: 2013 AACS.

R 338.3202
Source: 2013 AACS.

R 338.3204
Source: 2013 AACS.

R 338.3206
Source: 2013 AACS.

R 338.3208
Source: 2013 AACS.

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PART 3. REGISTRATION OF NONEXEMPT SUBDIVIDED LANDS

R 338.3218
Source: 2013 AACs.

R 338.3219
Source: 2013 AACs.

R 338.3220
Source: 2013 AACs.

R 338.3221
Source: 2013 AACs.

R 338.3231
Source: 2013 AACs.

R 338.3232
Source: 2013 AACs.

R 338.3233
Source: 2013 AACs.

R 338.3234
Source: 2013 AACs.

R 338.3235
Source: 2013 AACs.

R 338.3236
Source: 2013 AACs.

R 338.3238
Source: 2013 AACs.

R 338.3239
Source: 2013 AACs.

PART 4. PROTECTION OF PURCHASERS

R 338.3241
Source: 2013 AACs.

R 338.3242
Source: 2013 AACs.

R 338.3243
Source: 2013 AACs.

R 338.3251
Source: 2013 AACs.

R 338.3252
Source: 2013 AACs.

R 338.3253

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Source: 2013 AACs.

R 338.3254

Source: 2013 AACs.

R 338.3255

Source: 2013 AACs.

R 338.3256

Source: 2013 AACs.

R 338.3257

Source: 2013 AACs.

R 338.3258

Source: 2013 AACs.

R 338.3259

Source: 2013 AACs.

PART 5. ADVERTISING AND SALES PROMOTIONS

R 338.3261

Source: 2013 AACs.

R 338.3262

Source: 2013 AACs.

R 338.3263

Source: 2013 AACs.

R 338.3264

Source: 2013 AACs.

R 338.3265

Source: 2013 AACs.

R 338.3266

Source: 2013 AACs.

R 338.3267

Source: 2013 AACs.

R 338.3268

Source: 2013 AACs.

R 338.3269

Source: 2013 AACs.

R 338.3270

Source: 2013 AACs.

R 338.3281

Source: 2013 AACs.

R 338.3282

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Source: 2013 AACs.

R 338.3283

Source: 2013 AACs.

R 338.3284

Source: 2013 AACs.

R 338.3291

Source: 2013 AACs.

R 338.3292

Source: 2013 AACs.

R 338.3295

Source: 2013 AACs.

R 338.3301

Source: 2013 AACs.

R 338.3302

Source: 2013 AACs.

R 338.3303

Source: 2013 AACs.

R 338.3304

Source: 2013 AACs.

R 338.3307

Source: 2013 AACs.

R 338.3311

Source: 2013 AACs.

R 338.3312

Source: 2013 AACs.

R 338.3313

Source: 2013 AACs.

R 338.3314

Source: 2013 AACs.

R 338.3317

Source: 2013 AACs.

R 338.3321

Source: 2013 AACs.

R 338.3324

Source: 2013 AACs.

R 338.3327

Source: 2013 AACs.

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R 338.3331
Source: 2013 AACs.

R 338.3332
Source: 2013 AACs.

R 338.3335
Source: 2013 AACs.

PART 8. TAXES AND ASSESSMENTS

R 338.3341
Source: 2013 AACs.

R 338.3345
Source: 2013 AACs.

PART 15. DECLARATORY RULINGS; INVESTIGATIONS; HEARINGS

R 338.3451
Source: 2013 AACs.

R 338.3455
Source: 2013 AACs.

R 338.3456
Source: 2013 AACs.

R 338.3461
Source: 2013 AACs.

R 338.3463
Source: 2013 AACs.

R 338.3464
Source: 2013 AACs.

R 338.3465
Source: 2013 AACs.

R 338.3466
Source: 2013 AACs.

DIRECTOR'S OFFICE

BOARD OF PHARMACY – ANIMAL EUTHANASIA AND SEDATION RULES

PART 1. GENERAL PROVISIONS

R 338.3501
Source: 2013 AACs.

PART 2. ANIMAL EUTHANASIA

R 338.3502
Source: 2013 AACs.

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R 338.3503
Source: 2013 AACS.

R 338.3504
Source: 2013 AACS.

R 338.3505
Source: 2013 AACS.

R 338.3506
Source: 2013 AACS.

R 338.3507
Source: 2013 AACS.

R 338.3508
Source: 2013 AACS.

R 338.3509
Source: 2013 AACS.

R 338.3510
Source: 2013 AACS.

R 338.3511
Source: 2013 AACS.

R 338.3512
Source: 2013 AACS.

PART 5. ANIMAL SEDATION

R 338.3513
Source: 2013 AACS.

R 338.3514
Source: 2013 AACS.

R 338.3515
Source: 2013 AACS.

R 338.3516
Source: 2013 AACS.

R 338.3517
Source: 2013 AACS.

R 338.3518
Source: 2013 AACS.

R 338.3519
Source: 2013 AACS.

R 338.3520
Source: 2013 AACS.

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R 338.3521
Source: 2013 AACS.

R 338.3522
Source: 2013 AACS.

R 338.3523
Source: 2013 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PHARMACY – PROGRAM FOR UTILIZATION OF UNUSED PRESCRIPTION DRUGS

R 338.3601
Source: 2014 AACS.

R 338.3603
Source: 2014 AACS.

R 338.3605
Source: 2014 AACS.

R 338.3607
Source: 2014 AACS.

R 338.3609
Source: 2014 AACS.

R 338.3611
Source: 2014 AACS.

R 338.3613
Source: 2014 AACS.

R 338.3615
Source: 2014 AACS.

R 338.3617
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R 338.3619
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R 338.3621
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R 338.3623
Source: 2014 AACS.

R 338.3625
Source: 2014 AACS.

R 338.3627

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Source: 2014 AACs.

R 338.3629

Source: 2014 AACs.

R 338.3631

Source: 2014 AACs.

R 338.3633

Source: 2014 AACs.

R 338.3635

Source: 2014 AACs.

R 338.3637

Source: 2014 AACs.

R 338.3639

Source: 2014 AACs.

R 338.3641

Source: 2014 AACs.

R 338.3643

Source: 2014 AACs.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PHARMACY TECHNICIANS

R 338.3651

Source: 2016 AACs.

R 338.3653

Source: 2016 AACs.

R 338.3655

Source: 2016 AACs.

R 338.3657

Source: 2016 AACs.

R 338.3659

Source: 2016 AACs.

R 338.3661

Source: 2016 AACs.

R 338.3663

Source: 2016 AACs.

R 338.3665

Source: 2016 AACs.

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PODIATRY

CONTINUING EDUCATION

R 338.3701

Source: 2014 AACs.

R 338.3702

Source: 2014 AACs.

R 338.3703

Source: 2014 AACs.

R 338.3704

Source: 2014 AACs.

R 338.3705

Source: 2014 AACs.

R 338.3706

Source: 2014 AACs.

R 338.3707

Source: 2014 AACs.

R 338.3708

Source: 2014 AACs.

R 338.3709

Source: 2014 AACs.

R 338.3710

Source: 2014 AACs.

R 338.3711

Source: 2014 AACs.

R 338.3712

Source: 1979 AC.

BOARD OF VETERINARY MEDICINE

PUBLIC CONDUCT AT MEETINGS

R 338.3801

Source: 2015 AACs.

ADMINISTRATIVE HEARINGS—VETERINARY MEDICINE

R 338.3821

Source: 1997 AACs.

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R 338.3822
Source: 1997 AACS.

R 338.3823
Source: 1997 AACS.

R 338.3824
Source: 1997 AACS.

R 338.3825
Source: 1997 AACS.

R 338.3826
Source: 1997 AACS.

R 338.3827
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R 338.3828
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R 338.3829
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R 338.3840
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R 338.3841
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R 338.3842
Source: 1997 AACS.

R 338.3843
Source: 1997 AACS.

R 338.3844
Source: 1997 AACS.

R 338.3845
Source: 1997 AACS.

R 338.3846
Source: 1997 AACS.

R 338.3847
Source: 1997 AACS.

R 338.3848
Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

SANITARIANS REGISTRATION

REGISTRATION

R 338.3901
Source: 2008 AACS.

R 338.3901a
Source: 2016 AACS.

R 338.3902
Source: 2008 AACS.

R 338.3903
Source: 2008 AACS.

R 338.3904
Source: 1997 AACS.

R 338.3905
Source: 2008 AACS.

R 338.3906
Source: 2008 AACS.

R 338.3906a
Source: 2008 AACS.

R 338.3907
Source: 1997 AACS.

R 338.3908
Source: 2014 AACS.

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R 338.3909
Source: 1982 AACS.

R 338.3910
Source: 2008 AACS.

ADMINISTRATIVE HEARINGS—SANITARIANS

R 338.3921
Source: 1997 AACS.

**ADMINISTRATIVE AND DISCIPLINARY PROCEDURE
PHARMACY PRACTICE**

R 338.3971
Source: 1997 AACS.

R 338.3972
Source: 1997 AACS.

R 338.3973
Source: 1997 AACS.

R 338.3974
Source: 1997 AACS.

R 338.3974a
Source: 1997 AACS.

R 338.3975
Source: 1980 AACS.

**PRIVATE EMPLOYMENT BUREAU
GENERAL RULES**

R 338.4001
Source: 1997 AACS.

R 338.4002
Source: 1997 AACS.

R 338.4003
Source: 1997 AACS.

R 338.4004
Source: 1997 AACS.

R 338.4005
Source: 1997 AACS.

R 338.4006
Source: 1997 AACS.

R 338.4007
Source: 1997 AACS.

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R 338.4008
Source: 1997 AACS.

R 338.4009
Source: 1997 AACS.

R 338.4010
Source: 1997 AACS.

R 338.4011
Source: 1997 AACS.

R 338.4012
Source: 1997 AACS.

R 338.4013
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R 338.4014
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R 338.4015
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R 338.4016
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R 338.4017
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R 338.4018
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R 338.4019
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R 338.4020
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R 338.4021
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R 338.4021
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R 338.4022
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R 338.4023
Source: 1997 AACS.

R 338.4024
Source: 1997 AACS.

R 338.4025
Source: 1997 AACS.

R 338.4026

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Source: 1997 AACS.

R 338.4027

Source: 1997 AACS.

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DENTISTRY

PART 1. GENERAL PROVISIONS

R 338.4101

Source: 1997 AACS.

R 338.4102

Source: 1997 AACS.

R 338.4103

Source: 1997 AACS.

R 338.4104

Source: 1997 AACS.

R 338.4105

Source: 1997 AACS.

R 338.4106

Source: 1997 AACS.

R 338.4107

Source: 1997 AACS.

R 338.4108

Source: 1997 AACS.

R 338.4109

Source: 1997 AACS.

R 338.4110

Source: 1997 AACS.

R 338.4111

Source: 1997 AACS.

R 338.4112

Source: 1997 AACS.

R 338.4113

Source: 1997 AACS.

R 338.4114

Source: 1997 AACS.

R 338.4115

Source: 1997 AACS.

R 338.4116

Source: 1997 AACS.

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R 338.4117
Source: 1997 AACS.

R 338.4118
Source: 1997 AACS.

R 338.4119
Source: 1997 AACS.

R 338.4120
Source: 1997 AACS.

R 338.4121
Source: 1997 AACS.

R 338.4122
Source: 1997 AACS.

R 338.4123
Source: 1997 AACS.

R 338.4124
Source: 1997 AACS.

R 338.4125
Source: 1997 AACS.

PART 2. PROFESSIONAL CONDUCT AND LICENSURE

R 338.4201
Source: 1997 AACS.

R 338.4202
Source: 1997 AACS.

R 338.4203
Source: 1997 AACS.

R 338.4204
Source: 1997 AACS.

R 338.4205
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R 338.4206
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R 338.4207
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R 338.4208
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R 338.4209
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R 338.4210
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R 338.4211
Source: 1997 AACS.

R 338.4212
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R 338.4213
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R 338.4214
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R 338.4215
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R 338.4216
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R 338.4217
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R 338.4218
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R 338.4219
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R 338.4220
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R 338.4221
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R 338.4222
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R 338.4223
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R 338.4224
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R 338.4226
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Source: 1997 AACS.

R 338.4231

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R 338.4250
Source: 1997 AACS.

R 338.4251
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R 338.4252
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R 338.4253
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R 338.4254
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R 338.4260
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R 338.4264
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Source: 1997 AACS.

R 338.4270

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R 338.4271

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R 338.4272

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R 338.4273

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R 338.4274

Source: 1997 AACS.

R 338.4275

Source: 1997 AACS.

PART 3. DENTAL HYGIENISTS AND ASSISTANTS

R 338.4301

Source: 1997 AACS.

R 338.4302

Source: 1997 AACS.

R 338.4303

Source: 1997 AACS.

R 338.4304

Source: 1997 AACS.

R 338.4305

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Source: 1997 AACS.

R 338.4314

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R 338.4315

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R 338.4331

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R 338.4333
Source: 1997 AACS.

R 338.4334
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R 338.4335
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R 338.4336
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R 338.4340
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R 338.4341
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R 338.4351
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Source: 1997 AACS.

R 338.4353

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R 338.4360

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R 338.4371

Source: 1997 AACS.

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R 338.4372
Source: 1997 AACs.

R 338.4373
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R 338.4374
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R 338.4375
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R 338.4376
Source: 1997 AACs.

R 338.4377
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R 338.4378
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R 338.4379
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R 338.4380
Source: 1997 AACs.

R 338.4381
Source: 1997 AACs.

R 338.4382
Source: 1997 AACs.

R 338.4383
Source: 1997 AACs.

R 338.4384
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R 338.4385
Source: 1997 AACs.

PART 4. GENERAL ANESTHESIA

R 338.4401
Source: 1997 AACs.

R 338.4402
Source: 1997 AACs.

R 338.4403
Source: 1997 AACs.

R 338.4404
Source: 1997 AACs.

R 338.4405
Source: 1997 AACs.

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R 338.4406
Source: 1997 AACS.

R 338.4407
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R 338.4408
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R 338.4409
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R 338.4410
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R 338.4424
Source: 1997 AACS.

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R 338.4425
Source: 1997 AACs.

PART 5. SPECIALTIES

R 338.4501
Source: 1997 AACs.

R 338.4502
Source: 1997 AACs.

R 338.4503
Source: 1997 AACs.

R 338.4504
Source: 1997 AACs.

R 338.4505
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R 338.4506
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R 338.4507
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R 338.4508
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R 338.4509
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R 338.4515
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R 338.4516
Source: 1997 AACs.

R 338.4517
Source: 1997 AACs.

R 338.4518
Source: 1997 AACs.

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R 338.4519
Source: 1997 AACS.

R 338.4520
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Source: 1997 AACS.

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Source: 1997 AACS.

R 338.4539

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R 338.4554

Source: 1997 AACS.

R 338.4555

Source: 1997 AACS.

PART 6. ADMINISTRATIVE HEARINGS

R 338.4601

Source: 1997 AACS.

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R 338.4605
Source: 1997 AACS.

R 338.4606
Source: 1997 AACS.

R 338.4607
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R 338.4608
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R 338.4609
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Source: 1997 AACS.

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R 338.4644
Source: 1997 AACS.

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Source: 1997 AACS.

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R 338.4680

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R 338.4681

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R 338.4682

Source: 1997 AACS.

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R 338.4683
Source: 1997 AACS.

R 338.4684
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R 338.4685
Source: 1997 AACS.

R 338.4686
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R 338.4698
Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

VETERINARY MEDICINE - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.4901
Source: 2016 AACS.

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R 338.4902 Licensure by examination; requirements.

Rule 2. An applicant for a Michigan 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, and the administrative rules promulgated under the code, an applicant shall satisfy both of the following requirements:

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

(i) Graduated from a veterinary college that satisfies the requirements of R 338.4908.

(ii) Obtained a certificate from the Educational Commission for Foreign Veterinary Graduates of the American Veterinary Medical Association.

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

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

History: 1981 AACS; 1990 AACS; 2011 AACS; 2016 AACS; 2019 MR 1, Eff. Jan. 4, 2019.

R 338.4903 Examination; approval and adoption.

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

History: 1981 AACS; 1990 AACS; 2011 AACS; 2019 MR 1, Eff. Jan. 4, 2019.

R 338.4904

Source: 1997 AACS.

R 338.4905

Source: 1997 AACS.

R 338.4906 Licensure by endorsement; requirements.

Rule 6. (1) An applicant for a Michigan veterinary license by endorsement shall submit a completed application on a form provided by the department together with the required fee. An applicant shall meet the requirements of the code, and the administrative rules promulgated under the code, and shall satisfy the following requirements:

(a) Possess current licensure as a veterinarian in another state of the United States.

(b) Have achieved a passing score on the examination adopted under R 338.4903 if the applicant has not been licensed as a veterinarian in another state for a minimum of 5 years.

(c) Have satisfied 1 of the following requirements:

(i) Graduated from a veterinary college that satisfies R 338.4908.

(ii) Obtained a certificate from the Educational Commission for Foreign Veterinary Graduates of the American Veterinary Medical Association.

(iii) Obtained a certificate from the Program of the Assessment of Veterinary Education Equivalence from the AAVSB.

(2) The applicant's license must be verified, on a form provided 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 license as a veterinarian. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed against the applicant.

History: 1981 AACS; 1990 AACS; 2011 AACS; 2016 AACS; 2019 MR 1, Eff. Jan. 4, 2019.

R 338.4907

Source: 1997 AACS.

R 338.4908 Approval of veterinary colleges; adoption of standards.

Rule 8. (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", May 2017, revised September 2017.

(2) The standards for Accrediting Colleges of Veterinary Medicine adopted by the American Veterinary Medical Association Council on Education may be obtained, at no cost, from the American Veterinary Medical Association, 1931 North Meacham Road, Suite 100, Schaumburg, IL 60173 or at the association's website at <http://www.avma.org>. A copy of the handbook is available for inspection and distribution at cost from the Board of Veterinary Medicine, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box

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30670, Lansing, MI 48909.

History: 1981 AACs; 1990 AACs; 2011 AACs; 2016 AACs; 2019 MR 1, Eff. Jan. 4, 2019.

R 338.4909

Source: 1997 AACs.

R 338.4910

Source: 2016 AACs.

R 338.4911

Source: 2011 AACs.

R 338.4912

Source: 1997 AACs.

R 338.4913

Source: 1981 AACs.

R 338.4914

Source: 1990 AACs.

R 338.4914a Educational limited licenses.

Rule 14a. (1) An applicant for an educational limited license shall submit a completed application on a form provided by the department, together with the required fee. In addition to satisfying the requirements of the code, and the administrative rules promulgated under the code, an applicant shall satisfy both of the following requirements:

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

(b) Be admitted as a student to a post-DVM training program at a college of veterinary medicine that satisfies R 338.4908.

(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 engaged in the private practice of veterinary medicine.

History: 1990 AACs; 2011 AACs; 2019 MR 1, Eff. Jan. 4, 2019.

R 338.4915 Relicensure.

Rule 15. (1) An applicant for relicensure, whose license has been lapsed for less than 3 years-preceding the date of application for relicensure, may be relicensed 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.

(c) Submits proof to the department of accumulating not less than 45 hours of continuing education that satisfy the requirements of R 338.4933.

(2) An applicant for relicensure whose license has been lapsed for 3 years or more preceding the date of application for relicensure may be relicensed 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.

(c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3).

(d) Satisfies either of the following requirements:

(i) Achieves a passing score on the examination adopted in R 338.4903 within 3 years preceding the application for relicensure.

(ii) Satisfies both of the following requirements:

(A) Presents evidence to the department that he or she held an active veterinarian license in another state at any time during the 3-year period immediately preceding the application for relicensure.

(B) Submits proof to the department of accumulating not less than 45 hours of continuing education that satisfy the requirements of R 338.4933.

(3) 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 as a veterinarian. Verification includes, but is not limited to, the record

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of any disciplinary action taken or pending against the applicant.

History: 1981 AACS; 1990 AACS; 2011 AACS; 2016 AACS; 2019 MR 1, Eff. Jan. 4, 2019.

R 338.4916

Source: 1997 AACS.

R 338.4917

Source: 1997 AACS.

R 338.4918

Source: 2016 AACS.

R 338.4919

Source: 1981 AACS.

R 338.4920

Source: 1990 AACS.

R 338.4921

Source: 2016 AACS.

R 338.4922

Source: 2016 AACS.

R 338.4923

Source: 2016 AACS.

R 338.4924

Source: 2016 AACS.

R 338.4931 License renewal; continuing education.

Rule 31. (1) This rule applies to an application for renewal of a veterinarian license that is filed for the renewal cycle beginning January 1, 2020.

(2) An applicant for license renewal who has been licensed for the 3-year period immediately preceding the application for 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.

(3) 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.

(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(h).

History: 2019 MR 1, Eff. Jan. 4, 2019.

R 338.4933 Acceptable continuing education; requirements; limitations.

Rule 33. (1) The 45 hours of continuing education required pursuant to R 338.4931(2) for the renewal of a veterinarian license must satisfy all of the following:

(a) No more than 12 hours are earned during one 24-hour period.

(b) 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 is not granted.

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

(d) A minimum of 1 hour shall relate to medical records.

(e) A minimum of 1 hour shall relate to state veterinary law and/or federal or state controlled substance laws.

(f) A minimum of 10 hours shall be completed live and in person.

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(g) No more than 15 hours shall be earned collectively for activities (2)c-h.

(2) The following is acceptable continuing education:

Activity Code	Activity and Proof of Completion	Number of continuing education hours granted/permitted
a	<p>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 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). <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>	<p>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.</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. • Michigan State Medical Society. • Accreditation Council for Continuing Medical Education. • American Osteopathic Association. • Michigan Osteopathic Association. • Michigan Pharmacy Association. • 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>	<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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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. • American Medical Association. • Michigan State Medical Society. • Accreditation Council for Continuing Medical Education. • American Osteopathic Association. • Michigan Osteopathic Association. • Michigan Pharmacy Association. • 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>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>	<p>Two hours of continuing education is 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>
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 is granted for serving as the primary author. Two hours of continuing education is 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 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>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 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</p>	<p>Two hours of continuing education is granted for each 50 to 60 minutes</p>

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	<p>338.4908.</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>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 verifying the licensee's participation in at least 75% of the regularly scheduled meetings of the committee, board, council, or association.</p>	<p>Two hours of continuing education is 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>
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>

History: 2019 MR 1, Eff. Jan. 4, 2019.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

VETERINARY TECHNICIAN LICENSURE

R 338.4971

Source: 2016 AACS.

R 338.4972 Licensure by examination; requirements.

Rule 2. An applicant for a Michigan veterinary technician 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 requirements:

- (a) Have graduated from a program for training veterinary technicians that satisfies R 338.4978.
- (b) Have achieved a passing score on the veterinary technician national examination developed by the American Association of Veterinary State Boards (AAVSB) or its successor organization.

History: 1981 AACS; 1990 AACS; 2011 AACS; 2016 AACS; 2019 MR 1, Eff. Jan. 4, 2019.

R 338.4973 Rescinded.

History: 1981 AACS; 1990 AACS; 2011 AACS; 2016 AACS; 2019 MR 1, Eff. Jan. 4, 2019.

R 338.4974

Source: 1997 AACS.

R 338.4975

Source: 1997 AACS.

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R 338.4976 Licensure by endorsement; requirements.

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

(a) Have achieved a passing score on the veterinary technician national examination developed by the AAVSB.

(b) Hold a current license, registration, or certification to practice as a veterinary technician in another state.

(2) An applicant's license shall be verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license, registration, or certificate, or ever held a license, registration, or certificate as a veterinary technician. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed against the applicant.

History: 1981 AACS; 1990 AACS; 2011 AACS; 2016 AACS; 2019 MR 1, Eff. Jan. 4, 2019.

R 338.4977

Source: 1997 AACS.

R 338.4978 Approval of veterinary technician training programs; standards adopted by reference.

Rule 8. (1) The board approves and adopts by reference the standards for accrediting programs for training veterinary technicians adopted by the American Veterinary Medical Association Committee on Veterinary Technician Education and Activities (CVTEA) entitled "Accreditation Policies and Procedures of the AVMA Committee on Veterinary Technician Education and Activities," March 2018.

(2) The standards for accrediting programs for training veterinary technicians adopted by the CVTEA are available at no cost from the American Veterinary Medical Association, 1931 N. Meacham Road, Suite 100, Schaumburg, IL 60173 or at the association's website at <http://www.avma.org>. A copy of the standards is available for inspection or distribution at cost from the Board of Veterinary Medicine, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

History: 1981 AACS; 1990 AACS; 2011 AACS; 2016 AACS; 2019 MR 1, Eff. Jan. 4, 2019.

R 338.4979

Source: 1997 AACS.

R 338.4980

Source: 1997 AACS.

R 338.4981

Source: 1997 AACS.

R 338.4982 Relicensure.

Rule 12. (1) An applicant for relicensure whose license has been lapsed for less than 3 years preceding the date of application for relicensure may be relicensed 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) Be of good moral character.

(c) Submits proof to the department of accumulating not less than 15 hours of continuing education that satisfy the requirements of R 338.4993.

(2) An applicant for relicensure whose license has been lapsed for 3 years or more preceding the date of application for relicensure may be relicensed 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) Be of good moral character.

(c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3).

(d) Satisfies either of the following requirements:

(i) Has successfully passed the Veterinary Technician National Examination developed by the AAVSB or its successor organization within the 3-year period immediately preceding the date of the application for relicensure.

(ii) Satisfies both of the following requirements:

(A) Presents evidence to the department that he or she was licensed as a veterinary technician in another state at any time during the 3-year period immediately preceding the application for relicensure.

(B) Submits proof to the department of accumulating not less than 15 hours of continuing education that satisfy the requirements of R 338.4993.

(3) An applicant shall have his or her license, registration, or certificate verified by the licensing agency of any state

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of the United States in which the applicant holds or has ever held a license, registration, or certificate as a veterinary technician. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

History: 1981 AACCS; 1990 AACCS; 2011 AACCS; 2016 AACCS; 2019 MR 1, Eff. Jan. 4, 2019.

R 338.4983

Source: 1997 AACCS.

R 338.4984

Source: 1981 AACCS.

R 338.4991 License renewals; continuing education.

Rule 91. (1) This rule applies to an application for renewal of a veterinary technician license that is filed for the renewal cycle after January 1, 2020.

(2) An applicant for license renewal who has been licensed for the 3-year period immediately preceding the application date for renewal shall have completed at least 15 hours of continuing education that satisfies the requirements of R 338.4993 in the 3 years immediately preceding the application of the renewal.

(3) Submission of an application for renewal shall constitute 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.

(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(h).

History: 2019 MR 1, Eff. Jan. 4, 2019.

R 338.4993 Acceptable continuing education; requirements; limitations.

Rule 93. (1) The 15 hours of continuing education required pursuant to R 338.4991(2) for the renewal of a veterinary technician license must satisfy all of the following:

(a) No more than 12 hours are earned during one 24-hour period.

(b) 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 is not granted.

(c) A minimum of 10 hours of continuing education is scientific in nature. Scientific in nature includes: the science of diagnosis, treatment, and prevention of disease as it relates directly to a patient or topics of public veterinary practice, epidemiology, food safety, public animal health, animal welfare, or antimicrobial stewardship.

(d) A minimum of 5 hours shall be completed live and in-person.

(e) No more than 5 hours shall be earned collectively for activities (2)c-g.

(2) The board considers any of the following as acceptable continuing education:

Activity Code	Activity and Proof of Completion	Number of continuing education hours granted/permitted for activity
a	Attendance at or participation in a continuing education program or activity related to practice as a veterinary technician or any nonclinical subject relevant to practice as a veterinary technician in a veterinary practice, education, administration, management, or science which includes, but is not limited to, live, in-person programs; interactive or monitored teleconferences, audio-conferences, or web-based programs; online programs; and journal articles or other self-study programs approved or offered by any of the following: <ul style="list-style-type: none">American Association of Veterinary State Board (AAVSB) Registry of Continuing Education (RACE).	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 or activity.

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	<ul style="list-style-type: none"> • American Veterinary Medical Association (AVMA). • World Veterinary Association (WVA). • Michigan Veterinary Medical Association (MVMA). • Michigan Association of Veterinary Technicians (MAVT). • A state veterinary board of another state. • Local, state or regional professional organization. • Member institution of the Association of American Veterinary Medical Colleges (AAVMC). • All AVMA constituent allied organizations and recognized veterinary specialty organizations. • AVMA accredited veterinary technician 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 of the organization that approved the activity for continuing education credit, the name of the program or 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 practice as a veterinary technician which includes, but is not limited to: live-in person programs; interactive or monitored teleconferences; web-based programs; online programs; and journal articles or other self-study programs approved by or offered by any of the following:</p> <ul style="list-style-type: none"> • American Medical Association. • Michigan State Medical Society. • Accreditation Council for Continuing Medical Education. • American Osteopathic Association. • Michigan Osteopathic Association. • Educational courses offered by regionally accredited colleges and universities relating to the husbandry of food producing animals. <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>	<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 2 hours of continuing education may be earned for this activity in each renewal period.</p>
c	<p>Initial presentation of a continuing education program related to practice as a veterinarian technician provided to a state, regional, national, or international veterinary medicine organization.</p>	<p>Two hours of continuing education is granted for each 50 to 60 minutes of presentation. No additional credit is granted for preparation of the</p>

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	<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 credit by any of the following:</p> <ul style="list-style-type: none"> • AAVSB-RACE. • AVMA. • WVA. • MVMA. • MAVT. • A state veterinary board of another state. • American Medical Association. • Michigan State Medical Society. • Accreditation Council for Continuing Medical Education. • American Osteopathic Association. • Michigan Osteopathic Association. • Member institution of the AAVMC. • All 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. <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 presenter, and the name of the organization that approved or offered the presentation for continuing education credit.</p>	<p>presentation. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.</p>
d	<p>Initial publication of an article related to practice as a veterinary technician 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 is granted for serving as the primary author. Two hours of continuing education is 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 practice as a veterinary technician in a professional or 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>Five hours of continuing education is granted for serving as the primary author. Two hours of continuing education is 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>
f	<p>Service as a clinical instructor for veterinary technician students engaged in an educational program that satisfies the requirements of R 338.4978.</p> <p>To receive credit, the clinical instructorship shall not be licensee's primary employment function.</p>	<p>Two hours of continuing education is 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 5 hours may be earned for this activity in each renewal period.</p>

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	If audited, the licensee shall submit proof of scheduled instructional hours and a letter from the program director verifying the licensee's role.	
g	<p>Participation on a state or national committee, board, council, or association related to practice as a veterinary technician. A committee, board, council, or association is considered acceptable by the board if it enhances the participant's knowledge and understanding of practice as a veterinary technician.</p> <p>If audited, the licensee shall submit documentation verifying the licensee's participation in at least 75% of the regularly scheduled meetings of the committee, board, council, or association.</p>	Two hours of continuing education is 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.

History: 2019 MR 1, Eff. Jan. 4, 2019.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

ACCOUNTANCY – GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.5101 Definitions.

Rule 101. (1) As used in these rules:

- (a) "Act" means 1980 PA 299, MCL 339.101 to 339.2677, and known as the occupational code.
- (b) "Audit" or "examination" means an examination applying generally accepted auditing standards, including any procedure undertaken to verify or test the reasonableness of financial information with a view of expressing an opinion or commenting on the fairness of the presentation.
- (c) "Attest" means an audit, review, examination, or agreed upon procedures engagement as defined in section 720 of the act, MCL 339.720, performed in accordance with applicable professional standards adopted in R 338.5102.
- (d) "Board" means the Michigan board of accountancy.
- (e) "Certified public accountant" or "CPA" means a person holding a certificate of certified public accountant granted by the department, or an individual with practice privileges.
- (f) "Client" means the person or persons or entity that retains an individual licensee, a firm licensee, individual with practice privileges, or an out-of-state firm, for the performance of professional services.
- (g) "Continuing education period" means all or part of a year beginning July 1 and ending June 30.
- (h) "Continuous instruction" means education time not including breakfast, lunch, or dinner periods, coffee breaks, or any other breaks in the program.
- (i) "Disclose" means to provide a written communication from a CPA or a CPA firm informing the client, prior to making a recommendation or referral, that the CPA or CPA firm will receive a commission, referral fee, or contingency fee from a third party for recommendations or referrals of products and/or services.
- (j) "Enterprise" means a person, persons, or entity for which an individual licensee, a firm licensee, an individual with practice privileges, or an out-of-state firm performs professional services.
- (k) "Exam window" means the time in each calendar quarter in which the uniform certified public accountant examination is offered. There are 4 exam windows in each calendar year, the first 2 months of each calendar quarter: January 1 to February 28 (or 29), April 1 to May 31, July 1 to August 31, and October 1 to November 30.
- (l) "Financial statements" means statements and related footnotes that show financial position, results of operations, and cash flows on the basis of generally accepted accounting principles or another comprehensive basis of accounting. The term does not include incidental financial data included in management advisory services reports to support recommendations to a client and does not include tax returns and supporting schedules of tax returns.
- (m) "Generally accepted accounting principles" means accounting principles of professional conduct, promulgated by the applicable nationally or internationally recognized professional standard setting organization, related to individual accounting engagements.

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- (n) "Generally accepted auditing standards" means the standards of professional conduct, promulgated by the applicable nationally or internationally recognized professional standard setting organization, related to individual audit engagements.
 - (o) "Individual with practice privileges" means an individual who practices in this state pursuant to section 727a of the act, MCL 339.727a.
 - (p) "Licensee" means the holder of an individual license under section 727 of the act, MCL 339.727 or the holder of a firm license under section 728 of the act, MCL 339.728.
 - (q) "Nano-learning program" means a tutorial program designed to permit a participant to learn a given subject in a 10-minute time frame through the use of electronic media and without interaction with a real-time instructor.
 - (r) "Out-of-state firm" means a firm that is permitted to provide certain services and use the title "CPA firm" without obtaining a Michigan firm license under section 728 of the act, MCL 339.728, under the conditions in section 728(4) and (5) of the act, MCL 339.728(4) and (5).
 - (s) "Professional engagement" means an agreement between a client and an individual licensee, a firm licensee, an individual with practice privileges, or an out-of-state firm relative to the performance of professional services.
 - (t) "Professional services" means any services performed or offered to be performed by an individual licensee, a firm licensee, an individual with practice privileges, or an out-of-state firm for a client in the course of the practice of public accounting, pursuant to section 720 of the act, MCL 339.720.
 - (u) "Qualifying hours" means continuing education hours that comply with part 3 of these rules.
- (2) Terms defined in the act have the same meanings when used in these rules.
- History: 1979 AC; 1986 AACs; 1996 AACs; 1998-2000 AACs; 2007 AACs; 2013 AACs; 2017 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.5102 Standards of professional practice adopted by reference.

Rule 102. (1) The following standards are adopted by reference:

- (a) The standards issued by the American Institute of CPAs (AICPA), 220 Leigh Farm Road, Durham, North Carolina, 27707, set forth in the publication "AICPA Professional Standards" updated June 1, 2017, and any statements issued as of the effective date of this rule, which are available at cost from the institute's website at: <http://www.aicpa.org>.
- (b) The standards issued by the Public Company Accounting Oversight Board (PCAOB), 1666 K Street NW, Washington, DC 20006, set forth in the publication entitled "PCAOB Standards and Related Rules" 2017 edition, and any updates issued as of the effective date of this rule, which are available at cost from the AICPA at <http://www.aicpa.org>.
- (c) The auditing standards issued by the Government Accountability Office, 441 G. St., NW, Washington, DC 20548, in the publication entitled "Government Auditing Standards 2011 Revision," reissued on January 20, 2012, which are available at no cost on the Office's website at <http://gao.gov/products/GAO-12-331G>.
- (d) The auditing standards issued by the International Auditing and Assurance Standards Board (IAASB), 529 5th Avenue, New York, NY 10017, in the publication entitled "Handbook of International Quality Control, Auditing, Review, Other Assurance, and Related Pronouncements" 2016-2017 edition, and any related pronouncements issued as of the effective date of this rule, which are available at cost from the IAASB's website at: <http://www.ifac.org/publications-resources/2015-handbook-international-quality-control-auditing-review-other-assurance>.
- (e) The accounting standards issued by the Financial Accounting Standards Board (FASB), 401 Merritt 7, P.O. Box 5116, Norwalk, CT 06856, in the publication entitled "FASB Accounting Standards Codification" as of October 31, 2016, and any updates published as of the effective date of this rule, which are available at cost from the board's website at <https://asc.fasb.org>.
- (f) The accounting standards issued by the Governmental Accounting Standards Board (GASB), 407 Merritt 7, P.O. Box 5116, Norwalk, CT 06856, in the publication entitled "GASB Codification" as of June 30, 2016, and any pronouncements published as of the effective date of this rule, which are available at cost from the board's website at <http://gasb.org>.
- (g) The accounting standards issued by the International Accounting Standards Board, 30 Cannon Street, London EC4M 6XH, United Kingdom, in the publication entitled "2017 International Financial Reporting Standards IFRS® (Red Book)" and any pronouncements issued as of the effective date of this rule, which are available at cost from the board's website at: <http://www.ifrs.org>.
- (h) The United States Securities and Exchange Commission (SEC) rules contained in Title 17 Chapter 2 of the United States Code of Federal Regulation and the SEC's Interpretative Releases and Policy Statements issued as of the effective date of this rule. The SEC rules may be obtained free of charge at <http://www.ecfr.gov>. The SEC's

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Interpretative Releases and Policy Statements may be obtained free of charge at <https://www.sec.gov>.

(2) Copies of the standards adopted in this rule are available for inspection and distribution at cost from the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 W. Ottawa Street, P.O. Box 30670, Lansing, MI 48909.

(3) A licensee shall comply with the applicable standards adopted in subrule (1) of this rule.

History: 2007 AACs; 2013 AACs; 2017 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.5103

Source: 2013 AACs.

R 338.5104

Source: 2013 AACs.

R 338.5105

Source: 2013 AACs.

R 338.5110

Source: 2013 AACs.

PART 2. LICENSURE REQUIREMENTS

R 338.5110a

Source: 2013 AACs.

R 338.5111

Source: 2013 AACs.

R 338.5112

Source: 2013 AACs.

R 338.5114

Source: 2013 AACs.

R 338.5115 Qualifying educational requirements; approved educational institutions; adoption of accreditation standards by reference.

Rule 115. (1) Pursuant to section 725(2) of the act, MCL 339.725(2), an individual who has completed a curriculum required for a baccalaureate degree consisting of not less than 120 semester hours with a concentration in accounting at a higher education institution approved in subrule (3) of this rule is eligible to take the uniform certified public accountant examination.

(2) A concentration in accounting shall include all the following accounting and general business subjects:

(a) Auditing: 3 semester hours.

(b) Twenty-four semester hours of general business subjects, other than accounting, that may include study in any of the following subjects:

(i) Business communications.

(ii) Business ethics.

(iii) Business law.

(iv) Economics.

(v) Finance.

(vi) Management.

(vii) Marketing

(viii) Information systems or technology.

(ix) Quantitative methods.

(x) Statistics.

(xi) Other subjects approved by the department.

(c) Twenty-one semester hours of accounting principles that must include study in each of the following areas:

(i) Financial accounting and accounting theory.

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- (ii) Managerial accounting, including cost accounting.
- (iii) Accounting systems and controls.
- (iv) Taxation.
- (v) Governmental/fund accounting.

(3) 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 Title 34, Part 602 of the Code of Federal Regulation, and the policies and procedures for recognition of accrediting organizations of the Council of Higher Education Accreditation (CHEA), effective June 28, 2010. The federal recognition criteria may be obtained from the United States Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Washington, DC 20202 and are available at no cost at <http://www.ecfr.gov>. The policies and procedures may be obtained from CHEA, One Dupont Circle NW, Suite 510, Washington, DC 20036 and are available at no cost at <http://www.chea.org>.

(4) Copies of the standards and criteria adopted by reference in this rule are available for inspection and distribution at cost from the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 W. Ottawa Street, P.O. Box 30670, Lansing, MI 48909.

History: 1979 AC; 1982 AACs; 1986 AACs; 1996 AACs; 1998-2000 AACs; 2013 AACs; 2017 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.5116 Certificate of certified public accountant; credit hour requirements for concentration in accounting.

Rule 116. (1) The department shall consider a person as having met the concentration in accounting requirements of section 725(1)(e) of the act, MCL 339.725(1)(e), if the person provides proof of having completed 150 semester hours of academic credit at an accredited college or university, including any of the following:

- (a) A master's degree in accounting.
- (b) A master's degree in business administration that includes not less than 12 semester hours of graduate level accounting courses. The 12 semester hours of accounting courses does not include tax or information systems courses.
- (c) An academic program consisting of both of the following:
 - (i) Thirty semester hours of accounting subjects, including not more than 6 semester hours of taxation. Additional semester hours in accounting subjects may be applied toward the general business subject requirements of subdivision (c) (ii) of this subrule.
 - (ii) Thirty-nine additional semester hours with a minimum of 3 semester hours, but not more than 12 semester hours, in not less than 5 of the following areas:
 - (A) Business law.
 - (B) Economics.
 - (C) Professional ethics.
 - (D) Finance.
 - (E) Management.
 - (F) Marketing.
 - (G) Taxation.
 - (H) Statistics.
 - (I) Business policy.
- (2) A person may earn credit only once for an accounting or general business topic. If the department determines that 2 courses are duplicative, then only the semester hours of 1 course shall be counted toward the semester hour requirement.
- (3) Academic credit earned during an internship shall apply toward the total 150 semester hour requirement; however, shall not apply to the required 30 semester hours of accounting subjects or the required 39 semester hours in subrule (1)(c)(ii) of this rule.

History: 2013 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.5117

Source: 2013 AACs.

R 338.5120

Source: 2013 AACs.

R 338.5125

Source: 1997 AACs.

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R 338.5130
Source: 1998-2000 AACCS.

R 338.5135
Source: 1997 AACCS.

R 338.5139
Source: 2013 AACCS.

R 338.5140
Source: 2013 AACCS.

R 338.5145
Source: 2013 AACCS.

R 338.5147
Source: 1998-2000 AACCS.

R 338.5150
Source: 1998-2000 AACCS.

R 338.5155
Source: 1998-2000 AACCS.

R 338.5160
Source: 1997 AACCS.

R 338.5165
Source: 1997 AACCS.

R 338.5170
Source: 1997 AACCS.

R 338.5201
Source: 1997 AACCS.

R 338.5205
Source: 1997 AACCS.

PART 3. CONTINUING EDUCATION

R 338.5210 License renewals; continuing education requirements; applicability; continuing education waiver; reciprocity.

Rule 210. (1) This part applies to applications for renewal of an accountancy license under sections 411 and 729 of the act, MCL 339.411 and 339.729. An applicant for renewal must submit the required fee and a completed application on a form provided by the department. Both of the following apply:

(a) Pursuant to section 729(1) of the act, MCL 339.729(1), an applicant for renewal who is a nonresident under section 720(1)(g) of the act, MCL 339.720(1)(g), is considered to have met the requirements under this part if he or she satisfies all of the following requirements:

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

(ii) The state in which his or her principal place of business is located requires continuing education for renewal of that state's accountancy license.

(iii) Has met the continuing education requirements of the state in which his or her principal place of business is located.

(b) If audited, the applicant shall provide a copy of the license that was renewed by the state in which his or her principal place of business is located.

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(2) Submission of an application for renewal shall constitute the applicant's certification of compliance with the requirements of this rule. Both of the following apply:

(a) An applicant shall retain documentation required by R 338.5215 as evidence of meeting the requirements under this rule for 4 years from the date of applying for license renewal.

(b) A licensee is subject to audit under this part and may be required to submit the documentation as described by R 338.5215 upon request of the department.

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

History: 1979 AC; 1986 AACs; 1996 AACs; 1998-2000 AACs; 2007 AACs; 2013 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.5211

Source: 1998-2000 AACs.

R 338.5215 Acceptable continuing education; requirements; limitations.

Rule 215. (1) The board shall consider the following as acceptable continuing education:

Acceptable Continuing Education.		
	Activity and proof of completion.	Number of continuing education hours earned for activity.
(a)	<p>Attendance in a group program that meets all the following requirements:</p> <ul style="list-style-type: none"> The subject matter of the program complies with R 338.5255. The program is conducted by an instructor or discussion leader whose background, training, education, or experience makes it appropriate for him or her to lead a discussion on the subject matter. The sponsor of the program takes individual attendance. The sponsor of the program issues to each attendee a program outline and a written certification of the attendee's hours of attendance. The sponsor of the program maintains written records of individual attendance and the program outline for 4 years. <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, total continuing education hours earned, sponsor name and contact information, course title, course field of study, date offered or completed, and type of instruction or delivery method used.</p>	<p>Fifty minutes of continuous instruction equals 1 continuing education hour.</p> <p>Additional credit shall be granted after the first 50 minutes for continuous instruction in the following amounts:</p> <ul style="list-style-type: none"> One-half credit for every additional 25 minutes. One-fifth credit for every additional 10 minutes.
(b)	<p>Completion of an individual nano-learning program that meets all the following requirements:</p> <ul style="list-style-type: none"> The subject matter of the program complies with R 338.5255. The program is an educational course designed for nano-learning delivery. The program uses instructional methods that define a minimum of 1 learning objective. 	<p>Credit shall be awarded as 1/5 credit (0.2 credit).</p> <p>A nano-learning course cannot be combined with another nano-learning course.</p> <p>A combined maximum of 20 continuing education hours may be earned under this activity and activity (f) during each</p>

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	<ul style="list-style-type: none"> The program guides the participant through a program of learning and provides evidence of a participant's satisfactory completion of the program. The sponsor requires the participant to successfully complete a qualified assessment with a passing grade of 100% before issuing credit for the course. The sponsor of the program issues the participants a written certification of the participant's completion of the program and a program outline. The sponsor of the program maintains written records of the participant's completion of the program and the program outline for 4 years. <p>If audited, the licensee shall submit a copy of a letter or certificate of completion provided by the program sponsor verifying the licensee's name, number of continuing education hours earned, sponsor name and contact information, course title, course field of study, date completed, and type of instruction or delivery method used.</p>	<p>continuing education period.</p> <p>A combined maximum of 4 continuing education hours in auditing and accounting may be earned under this activity and activity (f) during each continuing education period.</p> <p>A combined maximum of 1 continuing education hour in the study of professional ethics may be earned under this activity and activity (f) during each continuing education period.</p>
(c)	<p>Passing a noncredit academic course that meets both of the following requirements:</p> <ul style="list-style-type: none"> The subject matter of the course complies with R 338.5255. The course is offered by an educational institution that complies with R 338.5115. <p>If audited, the licensee shall submit a letter from the institution confirming the name and course number of the course completed, number of classroom hours attended, and the date of satisfactory course completion.</p>	<p>Each classroom hour equals 1 continuing education hour.</p>
(d)	<p>Passing a for-credit academic course that meets both of the following requirements:</p> <ul style="list-style-type: none"> The subject matter of the course complies with R 338.5255. The course is offered by an educational institution that complies with R 338.5115. <p>If audited, the licensee shall submit a copy of an official transcript or a letter from the institution confirming the name and course number of the course completed, credit hours earned, and date of satisfactory course completion.</p>	<p>Fifteen continuing education hours shall be granted for each academic credit hour.</p>
(e)	<p>Classroom work as a teacher, instructor, speaker, or lecturer that is part of an academic course of which the subject matter complies with R 338.5255 and is offered at an educational institution that complies with R 338.5115 or for conducting a group program that meets the requirements under activity code (a) as a teacher,</p>	<p>Twenty-five minutes of continuous instruction equals $\frac{1}{2}$ of 1 continuing education hour. One-fifth of 1 continuing education hour shall be granted for every additional 10 minutes of continuous instruction after the first 25 minutes of</p>

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	<p>instructor, lecturer, speaker, or seminar discussion leader.</p> <p>If audited, the licensee shall submit a copy of the confirmation letter provided by the program sponsor or the institution verifying the licensee's name, number of hours of classroom work or hours spent conducting the group program, course title, course field of study, and dates of the presentation or instruction.</p>	<p>continuous instruction.</p> <p>A maximum of 20 continuing education hours may be earned during each continuing education period.</p> <p>A maximum of 4 continuing education hours in auditing and accounting may be earned during each continuing education period.</p> <p>A maximum of 1 continuing education hour in the study of professional ethics may be earned during each continuing education period.</p>
(f)	<p>Completion of an individual self-study program that meets all the following requirements:</p> <ul style="list-style-type: none"> • The subject matter of the program complies with R 338.5255. • The program is an educational course designed for self-study. • The sponsor of the program issues the participants a written certification of the participant's completion of the program and a program outline. • The sponsor of the program maintains written records of the participant's completion of the program and the program outline for 4 years. <p>If audited, the licensee shall submit a copy of a letter or certificate of completion provided by the program sponsor verifying the licensee's name, number of continuing education hours earned, sponsor name and contact information, course title, course field of study, date completed, and type of instruction or delivery method used.</p>	<p>Twenty-five minutes of continuous instruction equals $\frac{1}{2}$ of 1 continuing education hour. One-fifth of 1 continuing education hour shall be granted for every additional 10 minutes of continuous instruction after the first 25 minutes of continuous instruction.</p> <p>A combined maximum of 20 continuing education hours may be earned under this activity and activity (b) during each continuing education period.</p> <p>A combined maximum of 4 continuing education hours in auditing and accounting may be earned under this activity and activity (b) during each continuing education period.</p> <p>A combined maximum of 1 continuing education hour in professional ethics may be earned under this activity and activity (b) during each continuing education period.</p>
(g)	<p>A course in professional ethics that complies with the requirements of activity (a), (b), (c), (d), (e), or (f) is approved if the subject matter of the course complies with R 338.5255(2).</p> <p>If audited, the licensee shall submit a copy of a letter or certificate of completion provided by the program sponsor verifying the licensee's name, number of continuing education hours earned, sponsor name and contact information, course title, course field of study, date completed, and type of instruction or delivery method used.</p>	<p>Continuing education hours shall be granted in an amount allowed under the type of activity for which the course qualifies.</p>
(h)	<p>Completion of a course in Michigan statutes and administrative rules applicable to public accountancy</p>	<p>Fifty minutes of continuous instruction equals 1 continuing education hour.</p>

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	<p>that meets all the following requirements:</p> <ul style="list-style-type: none">• The content of the course is created by the Michigan Association of Certified Public Accountants.• The course provider issues the participants a written certification of the participant's completion of the course and a course outline.• The sponsor of the program maintains written records of the participant's completion of the course and the course outline for 4 years. <p>If audited, the licensee shall submit a copy of a letter or certificate of completion provided by the program sponsor verifying the licensee's name, number of continuing education hours earned, sponsor name and contact information, course title, course field of study, date completed, and type of instruction or delivery method used.</p>	
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(2) Continuing education hours shall not be 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 continuing education period.

History: 1979 AC; 1986 AACS; 1996 AACS; 1998-2000 AACS; 2003 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.5216 Rescinded.

History: 1986 AACS; 1996 AACS; 1998-2000 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.5217 Rescinded.

History: 1986 AACS; 1996 AACS; 1998-2000 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.5218 Rescinded.

History: 1986 AACS; 1996 AACS; 1998-2000 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.5220

Source: 1997 AACS.

R 338.5221

Source: 1998-2000 AACS.

R 338.5225

Source: 1997 AACS.

R 338.5230 Relicensure; continuing education.

Rule 230. (1) An applicant for relicensure whose license has lapsed for less than 3 years after the expiration date of the last license may be relicensed under section 411(3) of the act, MCL 339.411(3), if the applicant satisfies both 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 the completion of 40 hours of continuing education within the 12 months immediately preceding the date of application. The 40 hours must comply with all the following requirements:
 - (i) Meet the requirements of R 338.5215.
 - (ii) Eight of the 40 hours are in auditing and accounting.
 - (iii) Two of the 40 hours are in professional ethics.
 - (iv) One of the 2 hours of professional ethics are in Michigan statutes and administrative rules applicable to public accountancy.

(2) An applicant whose license has been lapsed for 3 or more years after the expiration date of the last license may be relicensed under section 411(4) of the act, MCL 339.411(4), if the applicant satisfies all of the following

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requirements:

- (a) Submits the required fee and a completed application on a form provided by the department.
- (b) Establishes that he or she holds a valid and unrevoked certificate as a certified public accountant that was issued pursuant to section 725 or 726 of the act, MCL 339.725 or 339.726
- (c) Submits proof to the department of the completion of 40 hours of continuing education within the 12 months immediately preceding the date of application. The 40 hours must comply with all the following requirements:
 - (i) Meet the requirements of R 338.5215.
 - (ii) Eight of the 40 hours are in auditing and accounting.
 - (iii) Two of the 40 hours are in professional ethics.
 - (iv) One of the 2 hours of professional ethics are in Michigan statutes and administrative rules applicable to public accountancy.
- (2) The continuing education hours required for the continuing education period of the year in which the license is granted under this rule shall be prorated starting with the month following the date of relicensure.

History: 1979 AC; 1986 AACS; 1996 AACS; 1998-2000 AACS; 2003 AACS; 2013 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.5235

Source: 1997 AACS.

R 338.5240 Rescinded.

History: 1979 AC; 1986 AACS; 1998-2000 AACS; 2013 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.5245

Source: 1997 AACS.

R 338.5250

Source: 1997 AACS.

R 338.5255 Qualifying continuing education subjects.

Rule 255. (1) Subjects qualifying for continuing education include any of the following:

- (a) Accounting.
- (b) Auditing.
- (c) Management advisory services.
- (d) Information technology.
- (e) Mathematics, statistics, probability, and quantitative application to business.
- (f) Economics.
- (g) Finance.
- (h) Business law.
- (i) Business management.
- (j) Professional ethics for certified public accountants.
- (k) Taxation.
- (l) Financial advisory services.
- (m) Business valuations.
- (n) Any other subjects which contribute to the professional competency of a licensee and for which the responsibility for compliance rests solely with the licensure applicant or licensee.
- (2) Subjects that qualify for continuing education in the study of professional ethics include any of the following:
 - (a) Behavioral ethics in any of the following areas:
 - (i) Ethical reasoning.
 - (ii) Ethical philosophy.
 - (iii) Ethics enforcement.
 - (iv) Ethical practice in business.
 - (v) International ethical professional standards.
 - (b) Technical ethics in the following areas:
 - (i) Business transactions with clients.

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- (ii) Competence.
 - (iii) Conflict of interest.
 - (iv) Contingent fees, commissions, and other considerations.
 - (v) Discreditable acts.
 - (vi) General and professional standards.
 - (vii) Independence.
 - (viii) Integrity and objectivity.
 - (ix) Malpractice
 - (x) Professional conduct.
 - (xi) Public interest and responsibilities.
 - (xii) State rules and regulations.
 - (c) Any other subject in the study of professional ethics that contributes to the professional competency of a licensee and for which the responsibility for compliance rests solely with the licensure applicant or licensee.
- History: 1979 AC; 1986 AACS; 1996 AACS; 1998-2000 AACS; 2013 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.5260

Source: 2013 AACS.

R 338.5265

Source: 1997 AACS.

R 338.5270

Source: 2013 AACS.

R 338.5275

Source: 1998-2000 AACS.

R 338.5280

Source: 1997 AACS.

R 338.5285

Source: 1997 AACS.

R 338.5301

Source: 1997 AACS.

R 338.5303

Source: 1997 AACS.

R 338.5304

Source: 1997 AACS.

R 338.5305

Source: 1998-2000 AACS.

R 338.5309

Source: 1997 AACS.

R 338.5311

Source: 1997 AACS.

R 338.5313

Source: 1997 AACS.

R 338.5315

Source: 1997 AACS.

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R 338.5317
Source: 1997 AACS.

R 338.5319
Source: 1997 AACS.

R 338.5321
Source: 1997 AACS.

R 338.5323
Source: 1997 AACS.

R 338.5325
Source: 1997 AACS.

R 338.5327
Source: 1997 AACS.

R 338.5329
Source: 1997 AACS.

R 338.5331
Source: 1997 AACS.

R 338.5333
Source: 1997 AACS.

R 338.5335
Source: 1997 AACS.

R 338.5337
Source: 1997 AACS.

R 338.5339
Source: 1997 AACS.

R 338.5341
Source: 1997 AACS.

R 338.5343
Source: 1997 AACS.

R 338.5345
Source: 1998 - 2000 AACS.

R 338.5347
Source: 1997 AACS.

R 338.5349
Source: 1997 AACS.

R 338.5351
Source: 1997 AACS.

PART 4. PROFESSIONAL CONDUCT

R 338.5401
Source: 2013 AACS.

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R 338.5405

Source: 2017 AACS.

R 338.5410

Source: 1997 AACS.

R 338.5415

Source: 1997 AACS.

R 338.5420

Source: 1997 AACS.

R 338.5425

Source: 1997 AACS.

R 338.5430

Source: 1998-2000 AACS.

R 338.5435

Source: 2013 AACS.

R 338.5440

Source: 1998-2000 AACS.

R 338.5445

Source: 1998-2000 AACS.

R 338.5446

Source: 2013 AACS.

R 338.5450

Source: 1998-2000 AACS.

R 338.5460

Source: 2013 AACS.

R 338.5465

Source: 2013 AACS.

R 338.5470

Source: 1997 AACS.

R 338.5475

Source: 2013 AACS.

R 338.5480

Source: 2013 AACS.

R 338.5501

Source: 2013 AACS.

R 338.5503

Source: 2013 AACS.

R 338.6001

Source: 2003 AACS.

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R 338.6003

Source: 2003 AACs.

PART 3.SANITATION

R 338.6039

Source: 2003 AACs.

PART 4. BARBER COLLEGES

R 338.6045

Source: 2003 AACs.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

TASK FORCE ON PHYSICIAN'S ASSISTANTS – GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.6101 Definitions.

Rule 101. (1) As used in these rules:

- (a) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
- (b) "Department" means the department of licensing and regulatory affairs.
- (c) "Task force" means the Michigan task force on physician's assistants created under section 17025 of the code, MCL 333.17025.

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

History: 1980 AACs; 1990 AACs; 2014 AACs; 2019 MR 9, Eff. May 20, 2019.

R 338.6102

Source: 1997 AACs.

R 338.6103 Training standards for identifying victims of human trafficking; requirements.

Rule 103. (1) Pursuant to section 17060 of the code, MCL 333.17060, an individual seeking licensure or licensed shall complete training in identifying victims of human trafficking that meets the following standards:

- (a) Training content shall 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 task force 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 (1)(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 may 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,

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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 shall 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 renewals beginning with the 2016 renewal cycle and for initial licenses issued after April 22, 2021.

History: 2016 AACs; 2019 MR 9, Eff. May 20, 2019.

PART 2. PHYSICIANS' ASSISTANT PROGRAM APPROVAL

R 338.6201 Educational program standards; adoption by reference.

Rule 201. (1) The standards for accrediting educational programs for physician's assistants approved by the accreditation review commission on education for the physician assistant (ARC-PA) in the document entitled "Accreditation Standards for Physician Assistant Education, 4th Edition," effective September 1, 2010, updated March 8, 2018, are adopted by reference in these rules. The standards are available at no cost on the commission's website at <http://www.arc-pa.org>. Copies of the standards are also available for inspection and distribution at cost from the Michigan Task Force on Physician's Assistants, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

(2) Only educational programs for physician's assistants that are accredited by the ARC-PA are approved physician's assistant educational programs.

History: 1980 AACs; 1990 AACs; 2014 AACs; 2019 MR 9, Eff. May 20, 2019.

R 338.6202

Source: 1997 AACs.

R 338.6203

Source: 1997 AACs.

R 338.6204

Source: 1997 AACs.

R 338.6205

Source: 1997 AACs.

R 338.6206

Source: 1997 AACs.

R 338.6207

Source: 1997 AACs.

R 338.6208

Source: 1997 AACs.

R 338.6209

Source: 1997 AACs.

R 338.6210

Source: 1997 AACs.

R 338.6211

Source: 1997 AACs.

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PART 3. PHYSICIAN'S ASSISTANT LICENSE

R 338.6301 Application for physician's assistant license; requirements.

Rule 301. An applicant for a physician's assistant license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant shall meet both of the following requirements:

- (a) Have graduated from an accredited educational program for physician's assistants that meets the standards in R 338.6201.
- (b) Have passed the certifying examination conducted and scored by the national commission on certification of physician assistants (NCCPA).

History: 1980 AACs; 1990 AACs; 2014 AACs; 2019 MR 9, Eff. May 20, 2019.

R 338.6302

Source: 1997 AACs.

R 338.6303

Source: 1997 AACs.

R 338.6304

Source: 1997 AACs.

R 338.6305 Licensure by endorsement; requirements.

Rule 305. (1) An applicant for a physician's assistant 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. An applicant who satisfies the requirements of the code and this rule, is presumed to meet the requirements of section 16186, MCL 333.16186, of the code.

(2) If the applicant was first licensed, certified, or registered to practice as a physician's assistant in another state before July 7, 1986, then the applicant shall submit evidence of having passed the certifying examination conducted and scored by the NCCPA.

(3) If the applicant was first licensed, certified, or registered to practice as a physician's assistant in another state on or after July 7, 1986, the applicant shall meet both of the following requirements:

- (a) Have graduated from an accredited educational program for physician's assistants that meets the standards in R 338.6201.
- (b) Have passed the certifying examination conducted and scored by the NCCPA.
- (4) 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 ever held a license, certification, or registration as a physician's assistant. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

History: 1980 AACs; 1990 AACs; 2014 AACs; 2019 MR 9, Eff. May 20, 2019.

R 338.6306

Source: 1997 AACs.

R 338.6307

Source: 1997 AACs.

R 338.6308 Requirements for relicensure.

Rule 308. (1) An applicant for relicensure whose license has been lapsed for less than 3 years preceding the date of application may be relicensed under section 16201(3) of the code, MCL 333.16201(3), 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.
- (c) Has his or her license, certification, or registration verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or ever held a license, certification, or registration as a physician's assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

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(2) An applicant for relicensure whose license has been lapsed for 3 years or more preceding the date of application 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 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.
- (c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3).
- (d) Does either of the following:
 - (i) Presents evidence to the department that he or she was licensed as a physician's assistant in another state of the United States during the 3-year period immediately preceding the date of the application for relicensure.
 - (ii) Establishes that he or she passed either the certifying or recertifying examination conducted and scored by the NCCPA during the 10-year period immediately preceding the date of the application for relicensure.
- (e) Has his or her license, certification, or registration verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or ever held a license, certification, or registration as a physician's assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

History: 1990 AACCS; 2014 AACCS; 2019 MR 9, Eff. May 20, 2019.

R 338.6309 Rescinded.

History: 2014 AACCS; 2019 MR 9, Eff. May 20, 2019.

R 338.6311 License renewal; requirements.

Rule 311. An applicant for license renewal who has been licensed for the 2-year period immediately preceding the application for renewal shall submit the required fee and a completed application on a form provided by the department.

History: 2014 AACCS; 2019 MR 9, Eff. May 20, 2019.

PART 4. ADMINISTRATIVE HEARINGS

R 338.6401

Source: 1997 AACCS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF PROFESSIONAL LICENSING

GENERAL RULES – PUBLIC HEALTH CODE

R 338.7001

Source: 2017 AACCS.

R 338.7001a

Source: 2018 AACCS.

R 338.7002

Source: 2017 AACCS.

R 338.7003

Source: 2017 AACCS.

R 338.7005 Rescinded.

History: 2014 AACCS; 2019 MR 1, Eff. Jan. 7, 2019.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

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BOARD OF PHYSICAL THERAPY – GENERAL RULES

R 338.7101
Source: 2010 AACCS.

R 338.7102
Source: 2010 AACCS.

R 338.7103
Source: 2010 AACCS.

R 338.7104
Source: 2010 AACCS.

R 338.7105
Source: 2010 AACCS.

R 338.7107
Source: 2010 AACCS.

R 338.7107a
Source: 2010 AACCS.

R 338.7107b
Source: 2010 AACCS.

R 338.7110
Source: 2010 AACCS.

R 338.7111
Source: 2010 AACCS.

R 338.7112
Source: 2010 AACCS.

R 338.7113
Source: 2010 AACCS.

R 338.7114
Source: 2010 AACCS.

PART 1. DEFINITIONS

R 338.7121 Definitions.

Rule 21. As used in these rules:

- (a) “Board” means the Michigan board of physical therapy created under section 17821 of the code, MCL 333.17821.
- (b) “Code” means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
- (c) “Department” means the Michigan department of licensing and regulatory affairs.
- (d) “Patient or client of record” means a patient or client who is receiving physical therapy services from a licensed physical therapist or from a licensed physical therapist assistant under the direction and supervision of a physical therapist.

History: 2010 AACCS; 2015 AACCS; 2020 MR 24, Eff. Dec. 20, 2019.

PART 2. GENERAL PROVISIONS

R 338.7122 Prescription.

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Rule 22. (1) As used in these rules, a prescription is a written or electronic order for physical therapy. A prescription must include all of the following:

- (a) The name of the patient.
 - (b) The patient's medical diagnosis.
 - (c) The signature of either an individual who is licensed and authorized to prescribe physical therapy in Michigan or an individual who holds the equivalent license issued by another state, as provided in section 17820(1) of the code, MCL 333.17820.
 - (d) The date that the prescription was written.
- (2) A prescription is valid for 90 days from the date that the prescription was written unless the termination date is otherwise stated by the authorized licensee on the prescription.

History: 2010 AACCS; 2020 MR 24, Eff. Dec. 20, 2019.

R 338.7123

Source: 2015 AACCS.

R 338.7124 Rescinded.

History: 2010 AACCS; 2020 MR 24, Eff. Dec. 20, 2019.

R 338.7125

Source: 2015 AACCS.

R 338.7126 Training standards for identifying victims of human trafficking; requirements.

Rule 26. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or who is licensed shall complete training in identifying victims of human trafficking that meets 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 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 shall 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

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for license renewals beginning with the 2017 renewal cycle and for initial licenses issued beginning January 6, 2022.
History: 2017 AACCS; 2020 MR 24, Eff. Dec. 20, 2019.

PART 3. PHYSICAL THERAPISTS

R 338.7131 Program accreditation standards; physical therapist; adoption of standards by reference.

Rule 31. (1) The standards and evaluative criteria for accreditation of physical therapist educational programs set forth by the Commission on Accreditation in Physical Therapy Education (CAPTE) in the document entitled "PT Standards and Required Elements" effective January 1, 2016 are adopted by reference in these rules. Copies of the evaluative criteria are available, at no cost, from CAPTE, 1111 North Fairfax St., Alexandria, VA 22314-1488, and on CAPTE's website at <http://www.capteline.org>. Copies of the evaluative criteria also are available for inspection and distribution, at cost, from the Board of Physical Therapy, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(2) Any educational program for physical therapists that is accredited by CAPTE meets the qualifications for an approved physical therapist educational program.

History: 2010 AACCS; 2015 AACCS; 2020 MR 24, Eff. Dec. 20, 2019.

R 338.7132 Licensure by examination; physical therapist; requirements.

Rule 32. An applicant for a physical therapist license by examination shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:

- (a) Graduate from an accredited physical therapist educational program that meets the standards under R 338.7131.
- (b) Pass the National Physical Therapy Examination (NPTE) for physical therapists required under R 338.7133(1).
- (c) Achieve a converted score of not less than 75 on the Michigan Physical Therapist Jurisprudence Exam required under R 338.7133(2).

History: 2010 AACCS; 2015 AACCS; 2020 MR 24, Eff. Dec. 20, 2019.

R 338.7133 Examinations; physical therapist; adoption and approval.

Rule 33. (1) The board approves and adopts the NPTE for physical therapists that was developed, administered, and scored by the Federation of State Boards of Physical Therapy (FSBPT). The board adopts the passing score recommended by FSBPT.

(2) The board approves the Michigan Physical Therapist Jurisprudence Exam on laws and rules related to the practice of physical therapy in Michigan, which is administered by a third party approved by the department.

History: 2010 AACCS; 2020 MR 24, Eff. Dec. 20, 2019.

R 338.7134 Physical therapist examination; eligibility.

Rule 34. (1) To be eligible for the NPTE for physical therapists, an applicant shall meet 1 of the following requirements:

- (a) Graduate from an accredited physical therapist educational program that meets the standards under R 338.7131.
- (b) Comply with the requirements under R 338.7135.
- (c) Verify that he or she is currently enrolled in the final semester, term, or quarter of an approved physical therapist educational program and is expected to graduate.

(2) An applicant who fails to achieve passing scores on the examinations required under R 338.7133 may retake the Michigan Physical Therapist Jurisprudence Exam without limitation and the NPTE for physical therapists consistent with the FSBPT testing standards.

History: 2010 AACCS; 2015 AACCS; 2020 MR 24, Eff. Dec. 20, 2019.

R 338.7135 Graduate of non-accredited postsecondary institution; physical therapist; examination; eligibility.

Rule 35. To be eligible for the NPTE for physical therapists, an applicant who graduated from a non-accredited physical therapist educational program shall comply with both of the following requirements:

- (a) Verify that he or she has completed a physical therapist educational program that is substantially equivalent to a physical therapist program that is accredited by CAPTE, as provided under R 338.7131. Evidence of having completed a substantially equivalent physical therapist educational program must include an evaluation of the applicant's non-accredited education through an evaluation that uses the FSBPT Coursework Tool for Foreign Educated Physical

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Therapists.

(b) Demonstrate a working knowledge of the English language. An applicant shall demonstrate a working knowledge of the English language by satisfying either of the following requirements:

(i) Submitting proof that he or she has obtained a total score of not less than 89 on the test of English as a foreign language internet-based test (TOEFL-iBT) administered by the Educational Testing Service (ETS) and obtained the following section scores:

- (A) Not less than 22 on the reading section.
- (B) Not less than 21 on the listening section.
- (C) Not less than 24 on the speaking section.
- (D) Not less than 22 on the writing section.

(ii) Submitting proof that he or she graduated from a physical therapist educational program or physical therapist assistant educational program located in Australia, a province of Canada that is not Quebec, Ireland, New Zealand, the United Kingdom, or the United States.

History: 2010 AACCS; 2015 AACCS; 2020 MR 24, Eff. Dec. 20, 2019.

R 338.7136 Licensure by endorsement of physical therapist; requirements.

Rule 36. (1) An applicant for a physical therapist license by endorsement shall submit the required fee and a completed application on a form provided by the department and satisfy the requirements of the code and this rule.

(2) An applicant who was first licensed in another jurisdiction recognized by FSBPT and who engaged in the practice of physical therapy for 5 years or more immediately preceding the date of filing an application for a Michigan physical therapist license shall satisfy both of the following requirements:

(a) Pass the Michigan Physical Therapist Jurisprudence Exam required under R 338.7133(2).

(b) Have passed the NPTE for physical therapists required under R 338.7133(1).

(3) An applicant who was first licensed in another jurisdiction recognized by FSBPT and engaged in the practice of physical therapy for less than 5 years immediately preceding the date of filing an application for a Michigan physical therapist license shall satisfy all of the following requirements:

(a) Have graduated from either a physical therapist educational program that meets the standards under R 338.7131 or from a physical therapist educational program determined to be substantially equivalent to an educational program by satisfying the verification process under R 338.7135(a).

(b) Pass the Michigan Physical Therapist Jurisprudence Exam required under R 338.7133(2).

(c) Have passed the NPTE for physical therapists required under R 338.7133(1).

(d) Demonstrate a working knowledge of the English language by satisfying the requirements under R 338.7135(b) if the applicant graduated from a nonaccredited physical therapist educational program.

(4) An applicant's license must be verified, on a form provided by the department, by the licensing agency of any jurisdiction recognized by FSBPT in which the applicant holds a current license or registration or ever held a license or registration as a physical therapist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

History: 2010 AACCS; 2015 AACCS; 2020 MR 24, Eff. Dec. 20, 2019.

R 338.7137 Requirements for relicensure; physical therapist.

Rule 37. (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 meets 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 section 1 of 1974 PA 381, MCL 338.41.

(c) Passes the Michigan Physical Therapist Jurisprudence Exam required under R 338.7133(2).

(d) Complies with either of the following:

(i) Submits proof to the department of accumulating not less than 24 professional development requirement (PDR) credits consistent with R 338.7161 to R 338.7165 during the 2 years immediately preceding the date of the application for relicensure. However, if the PDR credits hours submitted with the application are deficient, the applicant shall have 2 years from the date of the application to complete the deficient credits.

(ii) Establishes that he or she has been employed as a physical therapist in another jurisdiction recognized by FSBPT for a minimum of 500 hours during the 2-year period immediately preceding the date of 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 meets all of the following requirements:

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- (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 section 1 of 1974 PA 381, MCL 338.41.
- (c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174.
- (d) Passes the Michigan Physical Therapist Jurisprudence Exam required under R 338.7133(2).
- (e) Complies with either of the following:
 - (i) Establishes that he or she has been employed as a physical therapist in another jurisdiction recognized by FSBPT for a minimum of 500 hours during the 2-year period immediately preceding the date of application for relicensure.
 - (ii) Passes the NPTE for physical therapists required under R 338.7133(1).
- (3) An applicant's license or registration must be verified by the licensing agency of any jurisdiction recognized by FSBPT in which the applicant holds a current license or registration or ever held a license or registration as a physical therapist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

History: 2010 AACCS; 2015 AACCS; 2020 MR 24, Eff. Dec. 20, 2019.

R 338.7138 Delegation of acts, tasks, or functions to a physical therapist assistant; supervision of physical therapist assistant; requirements.

Rule 38. (1) A physical therapist who delegates the performance of selected acts, tasks, or functions to a physical therapist assistant as permitted under section 16215 of the code, MCL 333.16215, shall supervise the physical therapist assistant consistent with section 16109(2) of the code, MCL 333.16109, and satisfy the requirements of this rule.

(2) A physical therapist who delegates acts, tasks, or functions under this rule shall also comply with all of the following:

- (a) Ensure the qualifications of the physical therapist assistant under the physical therapist's supervision, including verification of the physical therapist assistant's training, education, and licensure.
- (b) Examine and evaluate the patient or client before delegating acts, tasks, or functions to be performed by a physical therapist assistant.
- (c) Provide predetermined procedures and protocols for acts, tasks, or functions that have been delegated.
- (d) Maintain a record of the names of the physical therapist assistants to whom acts, tasks, or functions have been delegated.
- (e) Monitor a physical therapist assistant's practice and provision of assigned physical therapy acts, tasks, or functions.
- (f) Meet regularly and in person with the physical therapist assistant to whom acts, tasks, or functions have been delegated to evaluate the assistant's performance, review records, and educate the physical therapist assistant on the acts, tasks, or functions that have been delegated.

(3) A physical therapist shall not supervise more than 4 physical therapist assistants at the same time.

History: 2010 AACCS; 2020 MR 24, Eff. Dec. 20, 2019.

R 338.7139 Delegation of acts, tasks, or functions to a licensed or unlicensed individual; direct supervision of a licensed or unlicensed individual; requirements.

Rule 39. (1) Pursuant to section 16215(6) of the code, MCL 333.16215, the requirements of this rule do not apply to a physical therapist who delegates to a physical therapist assistant if the physical therapist satisfies the requirements for delegation to a physical therapist assistant under R 338.7138.

(2) Except as provided under subrule (1) of this rule, a physical therapist who delegates the performance of selected acts, tasks, or functions to a licensed or unlicensed individual under section 16215 of the code, MCL 333.16215, shall supervise the individual pursuant to section 16109(2) of the code, MCL 333.16109, in addition to providing direct supervision of the individual. As used in this rule, "direct supervision" means that the physical therapist is physically present and immediately available for direction and supervision when patients or clients are present at the time the act, task, or function is performed, and that the physical therapist has direct contact with the patient or client during each visit.

(3) A physical therapist who delegates acts, tasks, or functions under subrule (2) of this rule shall also comply with all of the following:

- (a) Ensure the qualifications of the individual under the physical therapist's direct supervision, including verification of the individual's training and education.
- (b) Examine and evaluate the patient or client before delegating acts, tasks, or functions to be performed by the individual.
- (c) Directly supervise the individual to whom acts, tasks, or functions have been delegated.
- (d) Provide predetermined procedures and protocols for acts, tasks, or functions that have been delegated.
- (e) Maintain a record of the names of the individuals to whom acts, tasks, or functions have been delegated.

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- (f) Monitor the individual's practice and provision of assigned acts, tasks, or functions.
- (g) Meet regularly and in person with the individual to whom acts, tasks, or functions have been delegated to evaluate the individual's performance, review records, and educate the individual on the acts, tasks, or functions that have been delegated.
- (4) A physical therapist shall not supervise more than 3 individuals under this rule at the same time.
- (5) Under section 16171 of the code, MCL 333.16171, the requirements of subrule (3)(b) of this rule do not apply to a student enrolled in an accredited physical therapist or physical therapist assistant educational program approved by the board.

History: 2010 AACs; 2015 AACs; 2020 MR 24, Eff. Dec. 20, 2019.

PART 4. PHYSICAL THERAPIST ASSISTANTS

R 338.7141 Program accreditation standards; physical therapist assistant; adoption of standards by reference.

Rule 41. (1) The standards and evaluative criteria for accreditation of physical therapist assistant educational programs set forth by CAPTE in the document entitled "PTA Standards and Required Elements" effective January 1, 2016 are adopted by reference in these rules. Copies of the evaluative criteria are available at no cost from CAPTE, 1111 North Fairfax St., Alexandria, VA 22314-1488 and on CAPTE's website at <http://www.capteonline.org>. Copies of the evaluative criteria also are available for inspection and distribution at cost from the Board of Physical Therapy, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(2) Any educational program for physical therapist assistants that is accredited by CAPTE meets the qualifications for an approved physical therapist assistant educational program.

History: 2010 AACs; 2015 AACs; 2020 MR 24, Eff. Dec. 20, 2019.

R 338.7142 Licensure by examination; physical therapist assistant; requirements.

Rule 42. (1) An applicant for a physical therapist assistant license by examination shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:

- (a) Graduate from an accredited physical therapist assistant educational program that meets the standards under R 338.7141.
- (b) Pass the NPTE for physical therapist assistants required under R 338.7145(1).
- (c) Achieve a converted score of not less than 75 on the Michigan Physical Therapist Assistant Jurisprudence Exam required under R 338.7145(2).

(2) An applicant who graduated on or before January 1, 2008, from an accredited educational program that meets the standards under R 338.7141 is presumed to meet the requirements of this rule.

History: 2010 AACs; 2015 AACs; 2020 MR 24, Eff. Dec. 20, 2019.

R 338.7143

Source: 2015 AACs.

R 338.7144

Source: 2015 AACs.

R 338.7145 Examinations; physical therapist assistant; adoption and approval; passing score.

Rule 45. (1) The board approves and adopts the NPTE for physical therapist assistants that was developed, administered, and scored by FSBPT. The board adopts the passing score recommended by FSBPT.

(2) The board approves the Michigan Physical Therapist Assistant Jurisprudence Exam on laws and rules related to the practice of physical therapy in Michigan, which is administered by a third party approved by the department.

History: 2010 AACs; 2020 MR 24, Eff. Dec. 20, 2019.

R 338.7146 Physical therapist assistant examination; eligibility.

Rule 46. (1) To be eligible for the NPTE for physical therapist assistants, an applicant shall meet 1 of the following requirements:

- (a) Graduate from an accredited physical therapist assistant educational program that meets the standards under R 338.7141.
- (b) Comply with the requirements under R 338.7147.

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(c) Verify that he or she is currently enrolled in the final semester, term, or quarter of an approved physical therapist assistant educational program and is expected to graduate.

(2) An applicant who fails to achieve passing scores on the examinations required under R 338.7145(1) and (2) may retake the Michigan Physical Therapist Assistant Jurisprudence Exam without limitation and the NPTE for physical therapist assistants consistent with the FSBPT testing standards.

History: 2010 AACCS; 2015 AACCS; 2020 MR 24, Eff. Dec. 20, 2019.

R 338.7147 Graduate of non-accredited postsecondary institution; physical therapist assistant; examination; eligibility.

Rule 47. To ensure eligibility for examination, an applicant who graduated from a United States military or non-accredited physical therapist assistant educational program shall submit the required fee and a completed application on a form provided by the department. To be eligible for examination, an applicant shall comply with both of the following requirements:

(a) Verify that he or she has completed a physical therapist or physical therapist assistant educational program that is substantially equivalent to a physical therapist assistant program that is accredited by CAPTE, as provided under R 338.7141. Evidence of having completed a substantially equivalent physical therapist assistant educational program must include an evaluation of the applicant's non-accredited education through an evaluation that uses the FSBPT Coursework Tool for Foreign Educated Physical Therapist Assistants.

(b) Demonstrate a working knowledge of the English language by satisfying the requirements under R 338.7135(b) if the applicant graduated from a nonaccredited physical therapist assistant educational program.

History: 2010 AACCS; 2015 AACCS; 2020 MR 24, Eff. Dec. 20, 2019.

R 338.7148 Licensure by endorsement of physical therapist assistant; requirements.

Rule 48. (1) An applicant for a physical therapist assistant license by endorsement shall submit the required fee and a completed application on a form provided by the department and satisfy the requirements of the code and this rule.

(2) An applicant who was first licensed in another jurisdiction recognized by FSBPT and engaged in practice as a physical therapist assistant for 5 years or more immediately preceding the date of filing an application for a Michigan physical therapist assistant license shall satisfy both of the following requirements:

(a) Pass the Michigan Physical Therapist Assistant Jurisprudence Exam required under R 338.7145(2).

(b) Have passed the NPTE for physical therapist assistants required under R 338.7145(1).

(3) An applicant who was first licensed in another jurisdiction recognized by FSBPT and engaged in practice as a physical therapist assistant for less than 5 years immediately preceding the date of filing an application for a Michigan physical therapist assistant license shall satisfy the following requirements:

(a) Have graduated from a physical therapist assistant educational program that meets the standards under R 338.7141 or graduate from a physical therapist or physical therapist assistant educational program determined to be substantially equivalent to such an educational program by satisfying the verification process under R 338.7147(a).

(b) Pass the Michigan Physical Therapist Assistant Jurisprudence Exam required under R 338.7145(2).

(c) Have passed the NPTE for physical therapist assistants required under R 338.7145(1).

(d) Demonstrate a working knowledge of the English language by satisfying the requirements under R 338.7135(b) if the applicant graduated from a nonaccredited physical therapist assistant educational program.

(4) An applicant's license must be verified, on a form provided by the department, by the licensing agency of any jurisdiction recognized by FSBPT in which the applicant holds a current license or registration or ever held a license or registration as a physical therapist assistant. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

History: 2010 AACCS; 2015 AACCS; 2020 MR 24, Eff. Dec. 20, 2019.

R 338.7149 Requirements for relicensure; physical therapist assistant.

Rule 49. (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 meets 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 section 1 of 1974 PA 381, MCL 338.41.

(c) Passes the Michigan Physical Therapist Assistant Jurisprudence Exam required under R 338.7145(2).

(d) Complies with either of the following:

(i) Submits proof to the department of accumulating not less than 24 PDR credits consistent with R 338.7161 to R 338.7165 during the 2 years immediately preceding the date of the application for relicensure. However, if the PDR

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credits submitted with the application are deficient, the applicant shall have 2 years from the date of the application to complete the deficient credits.

(ii) Establishes that he or she has been employed as a physical therapist assistant in another jurisdiction recognized by FSBPT for a minimum of 500 hours during the 2-year period immediately preceding the date of 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 meets 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 section 1 of 1974 PA 381, MCL 338.41.

(c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174.

(d) Passes the Michigan Physical Therapist Assistant Jurisprudence Exam required under R 338.7145(2).

(e) Complies with either of the following:

(i) Establishes that he or she has been employed as a physical therapist assistant in another jurisdiction recognized by FSBPT for a minimum of 500 hours during the 2-year period immediately preceding the date of application for relicensure.

(ii) Passes the NPTE for physical therapist assistants required under R 338.7145(1).

(3) An applicant's license or registration must be verified by the licensing agency of any jurisdiction recognized by FSBPT in which the applicant holds a current license or registration or ever held a license or registration as a physical therapist assistant. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

History: 2010 AACCS; 2015 AACCS; 2020 MR 24, Eff. Dec. 20, 2019.

R 338.7150

Source: 2015 AACCS.

PART 5. PROFESSIONAL DEVELOPMENT REQUIREMENTS

R 338.7161 License renewals; requirements; applicability.

Rule 61. (1) This part applies to applications for renewal of a physical therapist or physical therapist assistant license under sections 16201 and 17823 of the code, MCL 333.16201 and 333.17823.

(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 24 PDR credits in activities approved by the board under these rules during the 2 years immediately preceding the expiration date of the license.

(3) Submission of an application for renewal shall constitute the applicant's certification of compliance with the requirements of this rule. A licensee shall retain documentation of meeting the requirements of this rule for 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.

(4) The requirements of this rule do not apply to a licensee during his or her initial licensure cycle.

(5) The PDR requirements established in these rules meet the professional development requirements established under section 17823 of the code, MCL 333.17823.

History: 2015 AACCS; 2020 MR 24, Eff. Dec. 20, 2019.

R 338.7163 Acceptable professional development requirement activities; requirements; limitations.

Rule 63. (1) The 24 PDR credits required under R 338.7161(2) for the renewal of a license shall meet the following requirements, as applicable:

(a) No more than 12 PDR credits shall be earned for approved online continuing education programs or activities during one 24-hour period.

(b) A licensee shall not earn PDR 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 that renewal period.

(c) Pursuant to section 16204(2) of the code, MCL 333.16204, a licensee shall earn at least 1 PDR credit in the area of pain and symptom management by completing a continuing education program or activity. 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 interventions as they relate to the practice of physical therapy.

(2) The board adopts by reference the procedures and criteria for recognizing accrediting organizations of the Council

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for Higher Education Accreditation (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 The Secretary's Recognition of Accrediting Agencies, 34 CFR 602.1 to 34 CFR 602.50 (2018). Copies of the procedures and criteria of CHEA and the United States Department of Education are available for inspection and distribution at cost from the Board of Physical Therapy, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. CHEA's procedures and criteria also may be obtained, from CHEA, One Dupont Circle NW, Suite 510, Washington, DC 20036-1110 and at no cost from CHEA's website at <http://www.chea.org>. The federal recognition criteria may be obtained at no cost from the United States Department of Education Office of Postsecondary Education, 1990 K Street, NW, Washington, DC 20006 or from the department's website at www.ed.gov.

(3) As used in this rule, "continuous instruction" means education or presentation time that does not include breakfast, lunch, or dinner periods, coffee breaks, or any other breaks in the activity or program.

(4) Credit may be earned for any of the following activities:

ACCEPTABLE PDR ACTIVITIES

Activity Code	Activity	Number of PDR credits earned for activity
1	<p>Completing an approved continuing education program or activity related to the practice of physical therapy or any non-clinical subject relevant to the practice of physical therapy. A continuing education program or activity is approved, 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> <p>Another state board of physical therapy.</p> <p>Another board or task force regulated under article 15 of the code, MCL 333.16101 to 333.18838.</p> <p>FSBPT.</p> <p>The American Physical Therapy Association (APTA) or its components. APTA components include the Michigan Physical Therapy Association and other APTA Chapters, APTA Sections, and APTA Academies.</p> <p>An accredited physical therapist educational program that meets the standards under R 338.7131.</p> <p>An accredited physical therapist assistant educational program that meets the standards under R 338.7141.</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 was held or activity completed.</p>	<p>The number of credits approved by the sponsor or the approving organization shall be granted.</p> <p>When the sponsor or approving organization calculates credit at a rate of 0.1 credit for every 50 to 60 minutes of continuous instruction then 0.1 credit shall equal 1 PDR credit.</p> <p>A maximum of 20 PDR credits may be earned for this activity in each renewal period.</p>
2	<p>Passing a postgraduate academic course related to the practice of physical therapy offered by either of the following:</p> <p>An accredited physical therapist educational program that meets the standards under R 338.7131.</p> <p>A nationally accredited university or college that meets the standards in subsection (2) of this rule.</p> <p>If audited, a licensee shall submit a copy of the transcript showing credit hours of the academic courses related to physical therapy.</p>	<p>Fifteen PDR credits shall be granted for each semester credit earned and 10 PDR credits shall be granted for each quarter or term credit earned.</p> <p>A maximum of 20 PDR credits may be earned for this activity in each renewal period.</p>
3	<p>Reading an article related to the practice of physical therapy in a professional or scientific journal.</p> <p>This activity does not include articles that are approved for PDR</p>	<p>One PDR credit shall be granted for each article.</p> <p>A maximum of 6 PDR credits may</p>

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	<p>credit under activity code 1.</p> <p>To receive credit, a licensee shall successfully complete an evaluation that was provided with the article or the general response form provided by the department as an evaluative component for this activity.</p> <p>If audited, a licensee shall submit documentation from the professional or scientific journal or a copy of the completed general response form to verify that he or she completed an evaluation.</p>	<p>be earned for this activity in each renewal period.</p>
4	<p>Viewing or listening to media devoted to professional education related to the practice of physical therapy, other than on-line programs, that was not approved or offered for continuing education credit.</p> <p>To receive credit, a licensee shall successfully complete an evaluation that was provided with the educational media or the general response form provided by the department as an evaluative component for this activity.</p> <p>If audited, a licensee shall submit a copy of the completed evaluation or completed general response form to verify that he or she completed an evaluation, and identify the title of the media, the name of the publisher of the media, the date the media was published or copyrighted, and the length of the media.</p>	<p>One-half of 1 PDR credit shall be granted for every 30 minutes of continuous instruction</p> <p>A maximum of 6 PDR credits may be earned for this activity in each renewal period.</p>
5	<p>Presenting a continuing education program related to the practice of physical therapy.</p> <p>To receive credit, the presentation shall be approved or offered for continuing education credit by any of the following: Another state board of physical therapy. Another board or task force regulated under article 15 of the code, MCL 333.16101 to 333.18838. FSBPT. APTA or its components. APTA components include the Michigan Physical Therapy Association and other APTA Chapters, APTA Sections and APTA Academies. An accredited physical therapist educational program that meets the standards under R 338.7131. An accredited physical therapist assistant educational program that meets the standards under R 338.7141.</p> <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 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>Two PDR credits shall be granted for every 50 minutes of continuous instruction. A presentation shall not be less than 50 minutes in length.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>
6	<p>Presenting a scientific exhibit or scientific paper accepted for presentation through a peer review process at a state, regional, national, or international physical therapy conference, or its components, or a related professional organization.</p>	<p>Two PDR credits shall be granted for every 50 minutes of continuous instruction.</p> <p>A maximum of 12 PDR credits</p>

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	If audited, a licensee shall submit a copy of the document presented with evidence 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 the presentation.	may be earned for this activity in each renewal period.
7	<p>Writing an article related to the practice, education, or research of physical therapy that is published in any of the following: The journal of a national physical therapy association or its components. A peer-reviewed journal. A health care journal. A professional or scientific journal.</p> <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>Six PDR credits shall be granted for each article.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>
8	<p>Writing a chapter related to the practice, education, or research of physical therapy that is published in a book.</p> <p>If audited, a 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>Six PDR credits shall be granted for each chapter.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>
9	<p>Successfully completing 1 of the following: An American Board of Physical Therapy Specialties (ABPTS) certification examination. An ABPTS recertification examination. The APTA's PTA Advanced Proficiency Pathways Program.</p> <p>If audited, a licensee shall submit proof of certification or recertification.</p>	<p>Twenty-three PDR credits shall be granted for each successful completion.</p> <p>A maximum of 23 PDR credits may be earned for this activity in each renewal period.</p>
10	<p>Participating as a student for a minimum of 1,000 hours in any of the following: A postgraduate clinical training program related to the practice of physical therapy provided through or recognized by an accredited physical therapist educational program that meets the standards under R 338.7131. A postgraduate clinical training program related to the practice of physical therapy provided through or recognized by an accredited physical therapist assistant educational program that meets the standards under R 338.7141. A postgraduate clinical training program related to the practice of physical therapy offered through a health care organization accredited by an organization recognized by the Centers for Medicare and Medicaid Services. A postgraduate clinical training program related to the practice of physical therapy that is accredited or credentialed by the APTA or an organization approved by the board.</p> <p>If audited, a licensee shall submit a letter from the program director verifying the number of hours the licensee participated in the clinical training program and that the program was provided, offered, or accredited by an educational program or organization</p>	<p>Twelve PDR credits shall be granted for 1,000 hours of participation.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>

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	that meets the requirements of this rule.	
11	<p>Participation in a health care organization committee, physical therapy or physical therapy assistant educational program, or task force dealing with patient care related issues, which may include physical therapy education, research, or practice or quality of patient care and utilization review.</p> <p>If audited, a licensee shall submit a letter from an appropriate official representing the committee, educational program, or task force verifying that the committee, educational program, or task force dealt with patient care related issues, which may include physical therapy education, research, or practice or quality of patient care and utilization review. The letter must also include the dates and the amount of time the licensee participated on each date.</p>	<p>One PDR credit shall be granted for every 50 minutes of participation.</p> <p>A maximum of 6 PDR credits may be earned for this activity in each renewal period.</p>
12	<p>Serving as a guest instructor of students, staff, or other licensees at any of the following:</p> <p>A clinical training program related to the practice of physical therapy provided through or recognized by an accredited physical therapist educational program that meets the standards under R 338.7131.</p> <p>A clinical training program related to the practice of physical therapy provided through or recognized by an accredited physical therapist assistant educational program that meets the standards under R 338.7141.</p> <p>A clinical training program related to the practice of physical therapy offered through a health care organization accredited by an organization recognized by the Centers for Medicare and Medicaid Services.</p> <p>A clinical training program related to the practice of physical therapy that is accredited or credentialed by APTA or an organization approved by the board.</p> <p>If audited, a 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 shall verify that the clinical training program was provided, offered, or accredited by an educational program or organization that meets the requirements of this rule.</p>	<p>Two PDR credits shall be granted for every 50 minutes of continuous instruction.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>
13	<p>Serving as a clinical instructor or clinical supervisor for students completing an internship, residency, or fellowship program that is recognized or approved by any of the following:</p> <p>An accredited educational program for physical therapists that meets the standards under R 338.7131.</p> <p>An accredited educational program for physical therapist assistants that meets the standards under R 338.7141.</p> <p>APTA or an organization approved by the board.</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</p>	<p>Three PDR credits shall be granted for 40 hours of clinical instruction or supervision.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>

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	is recognized or approved by an educational program or organization that meets the requirements of this rule.	
14	<p>Identifying, researching, and addressing an event or issue related to professional practice.</p> <p>If audited, a licensee shall submit a completed experiential activity form provided by the department for each issue or event.</p>	<p>One PDR credit shall be granted for each separate event or issue.</p> <p>A maximum of 6 PDR credits may be earned for this activity in each renewal period.</p>
15	<p>Participating on an international, national, regional, state, state component, or local task force, committee, board, council, or association related to the field of physical therapy that is considered acceptable by the board. A task force, committee, board, council, or association is considered acceptable if it enhances the participant's knowledge and understanding of the field of physical therapy.</p> <p>If audited, a licensee shall submit documentation verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the task force, committee, board, council, or association.</p>	<p>Four PDR credits shall be granted for participation on each task force, committee, board, council, or association.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>
16	<p>Participating as a surveyor for an external agency in a program involving the accreditation, certification, or inspection of an educational program for physical therapists or physical therapist assistants or a certification process for a clinical agency.</p> <p>If audited, a licensee shall submit a letter from the accreditation, certification, or inspection program verifying the licensee's participation, the location of the inspections, and the number of hours the licensee spent participating as a surveyor.</p>	<p>One PDR credit shall be granted for every 50 minutes of participation.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>
17	<p>Performing volunteer work related to the field of physical therapy without reimbursement in a public or nonprofit entity.</p> <p>If audited, a licensee shall submit a letter from an official at the public or nonprofit entity verifying the number of hours and the type of volunteer work performed by the licensee.</p>	<p>One PDR credit shall be granted for every 50 minutes of volunteer work performed.</p> <p>A maximum of 6 PDR credits may be earned for this activity in each renewal period.</p>
18	<p>Serving as a center or site coordinator of clinical education at an agency that provides clinical internships for students enrolled in programs that are recognized or approved by either of the following:</p> <p>An accredited educational program for physical therapists that meets the standards under R 338.7131.</p> <p>An accredited educational program for physical therapist assistants that meets the standards under R 338.7141.</p> <p>If audited, a licensee shall submit a letter from the educational program or clinical agency director verifying the licensee's role and that students were placed and participated in the internship program during the time for which the licensee is claiming PDR credit.</p>	<p>Two PDR credits shall be granted per year of serving as the coordinator.</p> <p>A maximum of 4 PDR credits may be earned for this activity in each renewal period.</p>

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19	Completing a self-review tool that is developed by FSBPT To receive credit, a licensee shall submit documentation from FSBPT verifying completion of the self-review tool.	Three PDR credits shall be granted for each completion. A maximum of 3 PDR credits may be earned for this activity in each renewal period.
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(5) A request for a continuing education waiver pursuant to section 16205(1) of the code, MCL 333.16205, must be received by the department before the expiration date of the license.

History: 2015 AACs; 2020 MR 24, Eff. Dec. 20, 2019.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

MARRIAGE AND FAMILY THERAPY – GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.7201 Definitions.

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

(a) “Board” means the Michigan board of marriage and family therapy created under section 16907 of the code, MCL 333.16907.

(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) As used in section 16903(3)(d) of the code, MCL 333.16903, “organized health care setting or other arrangement” means any of the following:

(a) A health facility or agency as that term is defined in section 20106(1) of the code, MCL 333.20106.

(b) A mental hospital or psychiatric hospital as those terms are defined in R 330.1201(f).

(c) A training institute.

(d) A court family counseling service.

(e) A church counseling program.

(f) A marriage and family therapy practice.

(g) A governmental agency.

(h) A private practice of a fully licensed mental health practitioner.

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

History: 1998-2000 AACs; 2012 AACs; 2019 MR 9, Eff. May 21, 2019.

R 338.7202 Training standards for identifying victims of human trafficking; requirements.

Rule 2. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or licensed 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.

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(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 renewals beginning with the 2017 renewal cycle and for initial licenses issued after March 17, 2021.

History: 2016 AACs; 2019 MR 9, Eff. May 21, 2019.

R 338.7203 Limited license.

Rule 3. (1) An individual applying for a limited license under section 16903(3) of the code, MCL 333.16903, shall submit a completed application on a form provided by the department, together with the requisite fee.

(2) In addition to satisfying the requirements of the code, an individual applying for a limited license shall satisfy both of the following requirements:

(a) Satisfy either of the following educational requirements, as specified under section 16909(1)(a)(i) or (ii) of the code, MCL 333.16909:

(i) Possess a master's degree or higher graduate degree from a board-approved training program in marriage and family therapy that satisfies the accreditation standards in R 338.7211(1).

(ii) Possess a master's degree or higher graduate degree from a board-approved college or university that satisfies the accreditation standards in R 338.7211(2) and complete the graduate-level courses in section 16909(1)(a)(ii) of the code, MCL 333.16909.

(b) Complete a supervised clinical marriage and family therapy experience, as specified under section 16909(1)(b) of the code, MCL 333.16909, in conjunction with the applicant's educational program. The supervised experience must be obtained either in a clinical practicum during graduate education or in a postgraduate marriage and family institute training program accredited under R 338.7211(2).

(3) A limited license is renewed annually and may not be renewed more than 5 times.

History: 1998-2000 AACs; 2012 AACs; 2019 MR 9, Eff. May 21, 2019.

R 338.7205 Licensure requirements.

Rule 5. An applicant for licensure as a marriage and family therapist 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, an applicant for licensure shall satisfy all of the following requirements:

(a) Satisfy either of the following educational requirements, as specified under section 16909(1)(a) of the code, MCL 333.16909:

(i) Possess a master's degree or higher graduate degree earned from a board-approved training program in marriage and family therapy that satisfies the accreditation standards in R 338.7211(1).

(ii) Possess a master's degree or higher graduate degree from a board-approved college or university that satisfies the accreditation standards in R 338.7211(2) and complete the graduate-level courses in section 16909(1)(a)(ii) of the code, MCL 333.16909.

(b) Complete a supervised clinical marriage and family therapy experience that satisfies the requirements of section 16909(1)(b) of the code, MCL 333.16909, in conjunction with the applicant's educational program. The supervised experience must be obtained either in a clinical practicum during graduate education or in a postgraduate marriage and family institute training program accredited under R 338.7211(2).

(c) Obtain not less than 1,000 direct client contact hours in a supervised marriage and family therapy experience, as

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required under section 16909(1)(c) of the code, MCL 333.16909.

(d) Pass the national examination in marital and family therapy with a passing score established by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB).

History: 1998-2000 AACCS; 2012 AACCS; 2019 MR 9, Eff. May 21, 2019.

R 338.7207 Examinations; eligibility.

Rule 7. (1) To establish eligibility for the examination under R 338.7209, an applicant shall submit a completed application on a form provided by the department, together with the requisite fee.

(2) To be eligible to sit for the examination in marital and family therapy, an applicant shall satisfy either R 338.7203(2)(a) and (b) or R 338.7205(a) and (b).

History: 1998-2000 AACCS; 2012 AACCS; 2019 MR 9, Eff. May 21, 2019.

R 338.7209 Examination adoption.

Rule 9. The board approves and adopts the national examination in marital and family therapy that is conducted and scored by the AMFTRB. The passing score for the national marital and family therapy examination is the passing score established by the AMFTRB.

History: 1998-2000 AACCS; 2012 AACCS; 2019 MR 9, Eff. May 21, 2019.

R 338.7211 Adoption of standards by reference.

Rule 11. (1) The board adopts by reference the accreditation standards of the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE). The standards are set forth in the publication entitled "Accreditation Standards Graduate & Post-Graduate Marriage and Family Therapy Training Programs Version 12.0," published August 2017, which is available at no cost from the commission's website at <http://www.coamfte.org/>. Copies of the standards also are available for inspection and distribution at a cost of 10 cents per page from the Board of Marriage and Family Therapy, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(2) 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 "Recognition of Accrediting Organizations, Policies and Procedures of the Council for Higher Education Accreditation, CHEA," effective June 28, 2010. Copies of the policies and procedures of CHEA as well as the procedures and criteria of the United States Department of Education are available for inspection and distribution at a cost of 10 cents per page from the Board of Marriage and Family Therapy, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 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 website for the U.S. Department of Education Office of Postsecondary Education, at <https://www2.ed.gov/about/offices/list/ope/index.html>.

History: 1998-2000 AACCS; 2012 AACCS; 2019 MR 9, Eff. May 21, 2019.

R 338.7213 Licensure by endorsement.

Rule 13. (1) An applicant for licensure by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. An applicant for licensure by endorsement who satisfies all of the requirements of this rule is deemed to satisfy the requirements of section 16186(1)(a) and (b) of the code, MCL 333.16186.

(2) If an applicant was licensed in another state before December 31, 1999 and has been engaged in the practice of marriage and family therapy for not less than 5 years before the date of filing an application for Michigan licensure, then it is presumed that the applicant satisfies the requirements of section 16186(1)(a) and (b) of the code, MCL 333.16186.

(3) If an applicant does not satisfy the requirements of subrule (2) of this rule, then the applicant, in addition to satisfying the requirements of section 16909 of the code, MCL 333.16909, shall have been licensed in another state after having passed an examination under R 338.7209.

(4) An applicant's license must be verified, on a form provided 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 license as a marriage and family therapist. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against

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the applicant.

History: 1998-2000 AACs; 2012 AACs; 2019 MR 9, Eff. May 21, 2019.

R 338.7215 Relicensure.

Rule 15. (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) Has his or her license, certification, or registration verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or ever held a license, certification, or registration as a marriage and family therapist. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(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) Satisfies either of the following requirements:
 - (i) Possesses a current unrestricted license in another state of the United States.
 - (ii) Documents that the applicant has achieved a passing score on the examination approved under R 338.7209.
- (e) Has his or her license, certification, or registration verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or ever held a license, certification, or registration as a marriage and family therapist. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

History: 1998-2000 AACs; 2012 AACs; 2019 MR 9, Eff. May 21, 2019.

R 338.7217

Source: 1998-2000 AACs.

R 338.7219 License renewal; requirements.

Rule 19. (1) An applicant for license renewal who has been licensed for the 2-year period immediately preceding the application for renewal shall submit the required fee and a completed application on a form provided by the department.

(2) A license renewed within 60 days after the expiration date is subject to the requirements set forth under section 16201(2) of the code, MCL 333.16201.

History: 2019 MR 9, Eff. May 21, 2019.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PODIATRIC MEDICINE AND SURGERY – GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.8101 Definitions.

Rule 101. (1) As used in these rules:

- (a) "Board" means the Michigan board of podiatric medicine and surgery.
 - (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.

History: 1990 AACs; 2014 AACs; 2019 MR 17, Eff. Sept. 4, 2019.

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PART 2. LICENSURE

R 338.8102 Training standards for identifying victims of human trafficking; requirements.

Rule 102. (1) Pursuant to sections 16148 and 17060 of the code, MCL 333.16148 and 333.17060, an individual seeking licensure or licensed shall complete training in identifying victims of human trafficking that meets the following standards:

(a) Training content that covers 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) Identifying 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 renewals beginning with the 2017 renewal cycle and for initial licensure beginning January 6, 2022.

History: 2017 AACs; 2019 MR 17, Eff. Sept. 4, 2019.

R 338.8102a Minimum English language standard.

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 administered by the Educational Testing Service.

History: 2019 MR 17, Eff. Sept. 4, 2019.

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).

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- (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 least 2 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.

History: 1990 AACCS; 2014 AACCS; 2017 AACCS; 2019 MR 17, Eff. Sept. 4, 2019.

R 338.8104 Examinations; adoption; required components; passing score.

Rule 104. (1) The board approves and adopts the APMLE sponsored by the NBPME.

(2) An applicant applying for licensure who graduated in 2014 or earlier, or who graduated in 2016, must have achieved a passing score on all of the following components of the APMLE:

- (a) Part I.
- (b) Part II.
- (c) Part III.

(3) An applicant applying for licensure who graduated in 2015 or later, excluding 2016, must have achieved a passing score on all of the following components of the APMLE:

- (a) Part I.
- (b) Part II.
- (c) Part II Clinical Skills Patient Encounter (CSPE).
- (d) Part III.

(4) The accepted passing score for each component of the APMLE for licensure is the passing score established by the NBPME.

History: 1990 AACCS; 2014 AACCS; 2019 MR 17, Eff. Sept. 4, 2019.

R 338.8107 Licensure by endorsement; requirements.

Rule 107. (1) An applicant for licensure by endorsement shall submit a completed application, on a form provided by the department, together with the requisite fee.

(2) 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) 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 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) If an applicant was first licensed in another state and has been actively engaged in the practice of podiatric medicine for less than 10 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 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) 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 ever held a license as a podiatrist. The verification must include the record of any disciplinary action taken or pending against the applicant.

History: 1990 AACCS; 2014 AACCS; 2019 MR 17, Eff. Sept. 4, 2019.

R 338.8108

Source: 2017 AACCS.

R 338.8109 Educational limited licenses; limited license renewal.

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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).

History: 2014 AACCS; 2017 AACCS; 2019 MR 17, Eff. Sept. 4, 2019.

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.		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)	Continuing education: Complete 150 hours of continuing education pursuant to R 338.8127 including the following: (i) At least 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 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 years from the date the department received the application to complete the deficient hours.	√	√

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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 must be verified by the licensing agency of each state of the United States 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.	√	√

(2) For a podiatrist who has let his or her Michigan license lapse and is currently licensed in another state.		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 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 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 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 must be verified by the licensing agency of each state of the United States 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.	√	√

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History: 2014 AACCS; 2017 AACCS; 2019 MR 17, Eff. Sept. 4, 2019.

R 338.8111 Rescinded.

History: 2014 AACCS; 2017 AACCS; 2019 MR 17, Eff. Sept. 4, 2019.

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. 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 cost from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, MI 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 cost from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, MI 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 cost 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 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>.

History: 1990 AACCS; 2014 AACCS; 2017 AACCS; 2019 MR 17, Eff. Sept. 4, 2019.

R 338.8114

Source: 2017 AACCS.

R 338.8115

Source: 2014 AACCS.

R 338.8125

Source: 1996 AACCS.

PART 4. CONTINUING EDUCATION

R 338.8126 License renewal.-

Rule 126. (1) An applicant for license renewal shall accumulate not less than 150 hours of continuing podiatric medical education in activities approved by the board in R 338.8127 during the 3 years immediately preceding his or her application for renewal.

(2) Submission of an application for renewal constitutes the applicant’s certification of compliance with the requirements of this rule. The board may require a licensee to submit evidence to demonstrate compliance with this rule. A licensee shall retain documentation of meeting the requirements of this rule for a period of 4 years from the

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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(h).

(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 department may select and audit a sample of licensees who have renewed their licenses and request proof of compliance with subrule (2) of this rule. If audited, the licensee shall submit documentation as specified in R 338.8127.

History: 2014 AACCS; 2017 AACCS; 2019 MR 17, Eff. Sept. 4, 2019.

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 3 continuing podiatric medical education hours in pain and symptom management in each renewal period pursuant to section 16204(2) of the code, MCL 333.16204(2). 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) 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) Effective 1 year or more after the date this rule was amended, an applicant for license renewal shall have earned at least 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) 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
A	<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 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</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 minimum of 75 hours must be earned in each renewal period, unless all 150 hours are earned in Category N.</p>

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	which the program was held or activity completed.	
B	<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> <p>The Michigan board of podiatric medicine and surgery, pursuant to R 338.8128. Another state or provincial board of podiatric medicine and surgery.</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>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>
C	<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 of the following:</p> <p>The Accreditation Council for Continuing Medical Education. The American Medical Association. The American 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 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>

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D	<p>Obtaining specialty board certification from 1 of the following:</p> <p>American Board of Podiatric Medicine (ABPM). American Board of Foot and Ankle Surgery (ABFAS). American Board of Multiple Specialties in Podiatry (ABMSP). American Board of Lower Extremity Surgery (ABLES). American Board of Wound Management (ABWM).</p> <p>If audited, a licensee shall submit proof of certification.</p>	<p>Fifty hours of continuing education may be earned in the year the applicant is advised of passing the certification examination.</p>
E	<p>Obtaining specialty board recertification from 1 of the following:</p> <p>ABPM. ABFAS. ABMSP. ABLES. ABWM.</p> <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>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>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 renewal period.</p>

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I	<p>Initial publication of a chapter related to the practice of podiatric medicine and surgery in either of the following:</p> <p>A professional or health care textbook. A peer-reviewed textbook.</p> <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 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>	<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>
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>

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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>
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History: 2014 AACCS; 2017 AACCS; 2019 MR 17, Eff. Sept. 4, 2019.

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, Requirements, and Guidelines for Approval of Sponsors of Continuing Education in Podiatric Medicine," CPME 720, January 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 is also available for inspection and distribution at cost from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, MI 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 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 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 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) 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.

History: 2014 AACCS; 2017 AACCS; 2019 MR 17, Eff. Sept. 4, 2019.

R 338.8129

Source: 2017 AACCS.

R 338.8130

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Source: 2017 AACs.

R 338.8131

Source: 2017 AACs.

R 338.8132

Source: 2017 AACs.

R 338.8133

Source: 2017 AACs.

R 338.8134

Source: 2017 AACs.

R 338.8135

Source: 2017 AACs.

R 338.8136

Source: 2017 AACs.

PART 5. TELEHEALTH

R 338.8145 Telehealth.

Rule 145. (1) Consent for treatment must be obtained before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.

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

History: 1980 AACs; 1990 AACs; 2019 MR 17, Eff. Sept. 4, 2019.

FORENSIC POLYGRAPH EXAMINERS

R 338.9001

Source: 2014 AACs.

R 338.9002

Source: 2014 AACs.

R 338.9003

Source: 2014 AACs.

R 338.9004

Source: 2014 AACs.

R 338.9005

Source: 1983 AACs.

R 338.9006

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Source: 2014 AACS.

R 338.9007

Source: 2014 AACS.

R 338.9008

Source: 2014 AACS.

R 338.9009

Source: 2014 AACS.

R 338.9010

Source: 2014 AACS.

R 338.9011

Source: 2014 AACS.

R 338.9012

Source: 2014 AACS.

R 338.9013

Source: 2014 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BOARD OF NURSING - GENERAL RULES

R 338.10101

Source: 2017 AACS.

R 338.10102

Source: 2017 AACS.

R 338.10103

Source: 2017 AACS.

R 338.10104

Source: 2003 AACS.

R 338.10105

Source: 2017 AACS.

R 338.10199

Source: 1989 AACS.

R 338.10201

Source: 2017 AACS.

R 338.10202

Source: 2003 AACS.

R 338.10203

Source: 2017 AACS.

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R 338.10204
Source: 2018 AACS.

R 338.10206
Source: 2017 AACS.

R 338.10207
Source: 2018 AACS.

R 338.10208
Source: 2018 AACS.

R 338.10209
Source: 2018 AACS.

R 338.10210
Source: 2018 AACS.

R 338.10211
Source: 2017 AACS.

R 338.10212
Source: 2018 AACS.

R 338.10213
Source: 2018 AACS.

R 338.10299
Source: 1990 AACS.

R 338.10301
Source: 2018 AACS.

R 338.10302
Source: 2017 AACS.

R 338.10303
Source: 2018 AACS.

R 338.10303a
Source: 2018 AACS.

R 338.10303b
Source: 2018 AACS.

R 338.10303c
Source: 2018 AACS.

R 338.10303d
Source: 2018 AACS.

R 338.10305
Source: 2018 AACS.

R 338.10305a
Source: 2018 AACS.

R 338.10305b

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Source: 2018 AACS.

R 338.10305c

Source: 2018 AACS.

R 338.10306

Source: 2018 AACS.

R 338.10307

Source: 2018 AACS.

R 338.10308

Source: 2018 AACS.

R 338.10309

Source: 2018 AACS.

R 338.10310

Source: 2018 AACS.

R 338.10310a

Source: 2017 AACS.

R 338.10311

Source: 2017 AACS.

R 338.10312

Source: 2017 AACS.

R 338.10401

Source: 2018 AACS.

R 338.10401a

Source: 2017 AACS.

R 338.10402

Source: 1986 AACS.

R 338.10403

Source: 2018 AACS.

R 338.10404

Source: 2017 AACS.

R 338.10404a

Source: 2017 AACS.

R 338.10404b

Source: 2017 AACS.

R 338.10404c

Source: 2018 AACS.

R 338.10405

Source: 2017 AACS.

R 338.10405a

Source: 2017 AACS.

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R 338.10405b
Source: 2017 AACS.

R 338.10405c
Source: 2018 AACS.

R 338.10406
Source: 1986 AACS.

R 338.10601
Source: 2018 AACS.

R 338.10602
Source: 2018 AACS.

R 338.10603
Source: 2017 AACS.

R 338.10701
Source: 2017 AACS.

R 338.10702
Source: 2018 AACS.

R 338.10703
Source: 2018 AACS.

R 338.10704
Source: 2018 AACS.

R 338.10705
Source: 1998-2000 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

DENTISTRY - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.11101
Source: 2014 AACS.

R 338.11103
Source: 1984 AACS.

R 338.11105
Source: 1997 AACS.

R 338.11107
Source: 1984 AACS.

R 338.11109
Source: 2015 AACS.

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R 338.11115

Source: 2015 AACCS.

R 338.11117

Source: 1984 AACCS.

R 338.11120

Source: 2014 AACCS.

R 338.11121

Source: 1989 AACCS.

R 338.11123 Training standards for identifying victims of human trafficking; requirements.

Rule 1123. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or license renewal shall complete training in identifying victims of human trafficking that meets the following standards:

(a) Training content that covers 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) Identifying 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 may 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 shall 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 renewals beginning with the first renewal cycle after the promulgation of this rule and for initial licenses issued 5 or more years after the promulgation of this rule.

History: 2017 MR 1, Eff. Jan. 6, 2017.

R 338.11199

Source: 1984 AACCS.

PART 2. LICENSURE

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R 338.11201

Source: 2006 AACs.

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

Rule 1202. An individual who graduated from a school of dentistry that does not comply with the standards provided in R 338.11301 may be licensed by the board if the individual meets all of the following requirements:

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

(b) Presents to the board a final, official transcript establishing graduation from a school 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 shall also be submitted.

(c) Meets 1 of the following requirements:

(i) Successfully completes a minimum 2-year program in dentistry in a dental school that complies with the standards in R 338.11301 and that leads to the awarding of a doctor of dental surgery (dds) or doctor of dental medicine (dmd) degree. The completion of the program shall be confirmed by the dean of the school attended or official transcripts from the dental school.

(ii) Successfully completes a minimum 2-year master's degree or certificate program in a dental school that complies with the standards in R 338.11301 and that leads to the awarding of a degree or certificate from a dental specialty program recognized in R 338.11501.

(d) Passes all parts of the national board examination that is conducted and scored by the joint commission on national dental examinations.

(e) Passes the dental simulated clinical written examination and a clinical examination, as described in R 338.11201(c).

History: 1989 AACs; 1997 AACs; 2006 AACs; 2017 MR 1, Eff. Jan. 6, 2017.

R 338.11203

Source: 2006 AACs.

R 338.11205

Source: 1997 AACs.

R 338.11207

Source: 1997 AACs.

R 338.11211

Source: 1997 AACs.

R 338.11215

Source: 1997 AACs.

R 338.11217

Source: 1997 AACs.

R 338.11219

Source: 1997 AACs.

R 338.11221

Source: 2006 AACs.

R 338.11222

Source: 2006 AACs.

R 338.11223

Source: 2006 AACs.

R 338.11225

Source: 1997 AACs.

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R 338.11227

Source: 1997 AACCS.

R 338.11233

Source: 1984 AACCS.

R 338.11235

Source: 1984 AACCS.

R 338.11239

Source: 2011 AACCS.

R 338.11241

Source: 1984 AACCS.

R 338.11245

Source: 1984 AACCS.

R 338.11247

Source: 2014 AACCS.

R 338.11249

Source: 1998-2000 AACCS.

R 338.11253

Source: 1984 AACCS.

R 338.11255

Source: 2011 AACCS.

R 338.11259

Source: 2011 AACCS.

R 338.11261

Source: 2011 AACCS.

R 338.11267

Source: 2011 AACCS.

PART 3. EDUCATION

R 338.11301 Approval of dental schools; standards; adoption by reference.

Rule 1301. (1) The board adopts by reference in these rules the standards of the Commission on Dental Accreditation of the American Dental Association, as set forth in the publication entitled "Current Accreditation Standards," copyright 2010 and revised 2015, as the standards by which the board shall determine whether to approve a school that complies with these standards. Certification by the commission on dental accreditation that a school complies with these standards constitutes a prima facie showing that the school complies with these standards.

(2) These standards may be obtained at no cost from the Commission on Dental Accreditation of the American Dental Association, 211 East Chicago Avenue, Chicago, IL 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 cost from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P. O. Box 30670, Lansing, MI 48909.

History: 1984 AACCS; 1997 AACCS; 2006 AACCS; 2017 MR 1, Eff. Jan. 6, 2017.

R 338.11303 Approval of dental hygiene schools; standards; adoption by reference.

Rule 1303. (1) The board adopts by reference in these rules the standards of the Commission on Dental Accreditation of the American Dental Association, as set forth in the publication entitled "Accreditation Standards for Dental

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Hygiene Education Programs," copyright 2013 and revised 2015, as the standards by which the board shall determine whether to approve a school that prepares persons for licensure as dental hygienists. Certification by the commission on dental accreditation that a school complies with these standards constitutes a prima facie showing that the school complies with these standards. -

(2) These standards may be obtained at no cost from the Commission on Dental Accreditation of the American Dental Association, 211 East Chicago Avenue, Chicago, IL 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 cost from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

History: 1984 AACCS; 1997 AACCS; 2006 AACCS; 2017 MR 1, Eff. Jan. 6, 2017.

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

Rule 1307. (1) The board adopts by reference the standards of the commission on dental accreditation of the American Dental Association, as set forth in the publication entitled "Accreditation Standards for Dental Assisting Education Programs," copyright 2013 and revised 2015, as the standards by which the board shall determine whether to approve a school that complies with these standards. Certification by the commission on dental accreditation that a school complies with these standards constitutes a prima facie showing that the school complies with the standards.

(2) These standards may be obtained at no cost from the Commission on Dental Accreditation of the American Dental Association, 211 East Chicago Avenue, Chicago, IL 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 cost from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

History: 1984 AACCS; 1997 AACCS; 2006 AACCS; 2017 MR 1, Eff. Jan. 6, 2017.

PART 4. DELEGATION, SUPERVISION, ASSIGNMENT

R 338.11401

Source: 2014 AACCS.

R 338.11402

Source: 2014 AACCS.

R 338.11403

Source: 2014 AACCS.

R 338.11404a

Source: 2014 AACCS.

R 338.11405

Source: 2014 AACCS.

R 338.11405a

Source: 2014 AACCS.

R 338.11405b

Source: 2014 AACCS.

R 338.11405c

Source: 2014 AACCS.

R 338.11406

Source: 2014 AACCS.

R 338.11408

Source: 2014 AACCS.

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R 338.11409

Source: 2014 AACs.

R 338.11410

Source: 2014 AACs.

PART 5. SPECIALTIES

R 338.11501 Specialties; recognition by the board.

Rule 1501. (1) The board recognizes 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 dental specialty recognized by the board is identified by the definition of each specialty as stated in these rules, and by the standards set forth by the commission on dental accreditation under R 338.11301.

History: 1984 AACs; 1994 AACs; 2011 AACs; 2017 MR 1, Eff. Jan. 6, 2017.

R 338.11503 Rescinded.

History: 1984 AACs; 1994 AACs; 2011 AACs; 2014 AACs; 2017 MR 1, Eff. Jan. 6, 2017.

R 338.11505 Specialty licensure; general requirements.

Rule 1505. An applicant for a specialty license shall satisfy either of the following requirements:

- (a) 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.
- (b) Provide evidence of diplomate status in the appropriate American board specialty association through completion of the American board specialty examinations.

History: 1984 AACs; 1989 AACs; 1994 AACs; 2011 AACs; 2014 AACs; 2017 MR 1, Eff. Jan. 6, 2017.

R 338.11507 Rescinded.

History: 1984 AACs; 2011 AACs; 2017 MR 1, Eff. Jan. 6, 2017.

R 338.11509 Rescinded.

History: 1984 AACs; 2011 AACs; 2017 MR 1, Eff. Jan. 6, 2017.

R 338.11511 Rescinded.

History: 1984 AACs; 2011 AACs; 2017 MR 1, Eff. Jan. 6, 2017.

R 338.11513

Source: 2011 AACs.

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 shall include, but not be 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.

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- (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 shall be the passing score established by the ABO.
- (4) A dentist who desires licensure as an orthodontist shall comply with R 338.11505.
- History: 1984 AACCS; 2011 AACCS; 2017 MR 1, Eff. Jan. 6, 2017.

R 338.11517

Source: 2011 AACCS.

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.
- (3) A dentist who desires licensure as a periodontist shall comply with R 338.11505.

History: 1984 AACCS; 2011 AACCS; 2017 MR 1, Eff. Jan. 6, 2017.

R 338.11521

Source: 2011 AACCS.

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) The specialty of endodontics shall include all of the following:

- (a) Pulpotomy.
- (b) Pulp capping.
- (c) Hemisections.
- (d) Pulp extirpation.
- (e) Root amputations.
- (f) Implants.
- (g) Treatment of the pulp canals.
- (h) Bleaching of discolored teeth.
- (i) Obturation of canals of the teeth.
- (j) Replantation and intentional replantation.
- (k) Periapical and lateral pathosis of pulpal origin.
- (l) Selective surgical removal of lesions of endodontic origin and affected teeth.
- (m) Differential diagnosis and control of pain of pulpal origin.
- (n) Pulp restoration.

- (3) 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 Association of Endodontists (AAE) written examination. The passing score accepted for licensure shall be the passing score established by the AAE.

- (4) A dentist who applies for licensure as an endodontist shall comply with R 338.11505.

History: 1984 AACCS; 2011 AACCS; 2014 AACCS; 2017 MR 1, Eff. Jan. 6, 2017.

R 338.11525

Source: 2011 AACCS.

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R 338.11527

Source: 2011 AACs.

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 which meets the standards adopted in R 338.11603(1). This subdivision takes effect 1 year after the effective date of this amendatory rule.

(b) The dentist and the delegatee, if any, maintain current certification in basic and advanced cardiac life support from an agency or organization that grants such certification pursuant to standards substantially equivalent to the standards adopted in R 338.11603(2).

(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 such 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 act 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, as authorized by 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 actual 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 shall be complied with.

(3) A dentist is in violation of section 16221(1)(h) of the code, MCL 333.16221(1)(h), if he or she administers general anesthesia to a dental patient or delegates and supervises the performance of any act, task, or function involved in the administration of general anesthesia to a dental patient or offers general anesthesia services for dental patients without being in compliance with subrules (1) and (2) of this rule.

History: 1990 AACs; 2011 AACs; 2017 MR 1, Eff. Jan. 6, 2017.

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 conditions is satisfied:

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

(b) The dentist complies with both 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 individual has sedated not less than 20 cases in a course that is in compliance with the standards adopted in R 338.11603(1).

(ii) The dentist and the delegatee, if any, maintains current certification in basic or advanced cardiac life support from an agency or organization that grants such certification under standards substantially equivalent to the standards adopted in R 338.11603(2).

(c) 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(1)(h), if he or she administers intravenous conscious sedation to a dental patient or delegates and supervises the performance of any act, task, or function involved in the administration of intravenous conscious sedation to a dental patient without complying with the provisions of subrule (1) of this rule.

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History: 1990 AACs; 1997 AACs; 2011 AACs; 2017 MR 1, Eff. Jan. 6, 2017.

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

Rule 1603. (1) The board adopts the standards for advanced training in anesthesia and pain control and training in intravenous conscious sedation and related subjects set forth by the Commission on Dental Education of the American Dental Association in the publication entitled "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students" October 2012 edition. The guidelines may be obtained at no cost from the Commission on Dental Education, American Dental Association, 211 E. Chicago Avenue, Chicago, IL 60611, or on the association's website at <http://www.ada.org>. A copy of the standards is available for inspection and distribution at cost from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. Certification of programs by the Council on Dental Education as meeting the standards adopted constitutes a prima facie showing that the program is in compliance with the standards.

(2) The board adopts the standards for credentialing in basic and advanced life support set forth by the American Heart Association in the guidelines for cardiopulmonary resuscitation and emergency cardiac care for professional providers and published in "2015 AHA Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care." (Circulation, Volume 132, Issue 18 Supplement 2, November 3, 2015.) A copy of the guidelines for cardiopulmonary resuscitation and emergency cardiac care may be obtained from the American Heart Association, 7272 Greenville Avenue, Dallas, TX 75231 or at no cost from the association's website site at <http://circahajournals.org>. A copy of this document is available for inspection and distribution at cost from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(3) The board adopts the standards regarding the equipment within a facility set forth by the American Association of Oral and Maxillofacial Surgeons in the publication entitled "Office Anesthesia Evaluation Manual," eighth edition. A copy of this manual may be obtained from the American Association of Oral and Maxillofacial Surgeons, 9700 West Bryn Mawr Avenue, Rosemont, IL 60018, or at the association's website at <http://www.aaoms.org> at a cost of \$285 as of the adoption of these rules. A copy of this document is available for inspection and distribution at cost from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

History: 1990 AACs; 1997 AACs; 2006 AACs; 2011 AACs; 2014 AACs; 2017 MR 1, Eff. Jan. 6, 2017.

R 338.11604

Source: 2011 AACs.

R 338.11605 Enteral sedation; requirements for approval of course and instructor.

Rule 1605. (1) A course in enteral sedation shall be approved by the board of dentistry and shall, at a minimum, be consistent with the enteral sedation course as outlined in the American Dental Association's educational guidelines "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students," 2012, whose guidelines are adopted by the board. Such a course must provide training in patient assessment, recognition of emergencies and airway management, including the ability to manage an unconscious airway. Part 3 of the guidelines may be obtained at no cost from the American Dental Association, 211 E. Chicago Avenue, Chicago, IL 60611 or on the association's website at <http://www.ada.org>. A copy of the guidelines is available for inspection and distribution at cost from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(2) An instructor of a course in enteral sedation shall be approved by the board of dentistry and shall have at least 3 years of experience which includes his or her formal postdoctoral training in anxiety and pain control.

(3) An instructor of an approved enteral sedation course shall certify the competency of a participant upon a participant's satisfactorily completing training in each conscious sedation technique, including instruction, clinical experience, and airway management.

History: 2006 AACs; 2011 AACs; 2014 AACs; 2017 MR 1, Eff. Jan. 6, 2017.

PART 7. CONTINUING EDUCATION

R 338.11701 Renewal of a dentist license; dental specialist; special retired volunteer dentist license; requirements; applicability.

Rule 1701. (1) This rule applies to applications for the renewal of a dentist license under sections 16201(1) and (2) and 16184(2) and (3) of the code.

(2) An applicant for a license renewal who has been licensed for the 3-year period immediately preceding the

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expiration date of the license shall comply with both of the following:

- (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(3).
- (b) Complete at least 3 continuing education credits in pain and symptom management in each renewal period. 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) In addition to the requirements of subrule (2) of this rule, an applicant for a dentist license shall comply with all of the following:
 - (a) Complete not less than 60 hours of continuing education approved by the board during the 3-year period immediately preceding the application for renewal.
 - (b) Complete a minimum of 20 hours of the 60 hours required of approved 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 20 hours of the required 60 hours of approved continuing education by attending 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 clinical services provided for in R 338.11703(o). 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.
- (4) In addition to the requirements of subrules (2) and (3) of this rule, a dental specialist shall complete 20 hours of the 60 required board-approved continuing education hours in the dental specialty field in which he or she is certified within the 3-year period immediately preceding the renewal application.
- (5) In addition to the requirements of subrule (2) of this rule, an applicant for a special retired dentist license shall comply with all of the following:
 - (a) Complete not less than 40 hours of continuing education acceptable to the board during the 3-year period immediately preceding the date of the application.
 - (b) Complete a minimum of 14 hours of the required 40 hours of approved 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 40 hours of approved continuing education by attending 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 338.11703(o). 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(2).
- (6) The submission of the online renewal shall constitute 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 4 years from the date of the submission for renewal.

History: 1991 AACs; 2004 AACs; 2011 AACs; 2014 AACs; 2017 MR 1, Eff. Jan. 6, 2017.

R 338.11703

Source: 2011 AACs.

R 338.11704 License renewal for registered dental hygienists and registered dental assistants; requirements; applicability.

Rule 1704. (1) This rule applies to applications for the renewal of a registered dental hygienist license or a registered dental assistant license under section 16201(1) and (2) of the code, MCL 333.16201(1) and (2).

(2) An applicant for license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall possess current certification in basic or advanced cardiac life support for an agency or organization that grants certification pursuant to standards substantially equivalent to the standards adopted in R 338.11705(3) and shall comply with the following requirements, as applicable:

- (a) For a registered dental hygienist license or a registered dental assistant license, the applicant shall have completed not less than 36 hours of continuing education acceptable to the board during the 3-year period immediately preceding the date of the application. Each licensee shall complete a minimum of 12 hours of the required 36 hours of approved continuing education in programs directly related to clinical issues such as delivery of care, materials used in the delivery of care, and pharmacology.
- (b) For a registered dental hygienist license or a registered dental assistant license, the applicant shall complete a

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minimum of 12 hours of the required 36 hours of approved continuing education by attending 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 clinical services provided for in R 338.11704a. 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.

(c) Applicants holding both a registered dental hygienist license and a registered dental assistants license shall have completed not less than a total of 36 hours of continuing education acceptable to the board during the 3-year period immediately preceding the date of the application. The 36 hours shall include not less than 12 hours devoted to registered dental hygienist functions, and not less than 12 hours devoted to registered dental assistants functions.

(d) If an organized continuation course or program is offered in segments of 50 to 60 minutes each, 1 hour of credit shall be given for each segment.

(e) Each licensee shall complete at least 2 continuing education credits in pain and symptom management in each renewal period. 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) The submission of the online renewal shall constitute 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 4 years from the date of the submission for renewal.

History: 2004 AACCS; 2011 AACCS; 2014 AACCS; 2017 MR 1, Eff. Jan. 6, 2017.

R 338.11704a

Source: 2011 AACCS.

R 338.11704b Requirements for relicensure; dentists.

Rule 1704b. (1) An applicant for relicensure whose Michigan license has been lapsed for 3 years or less, under provisions of section 16201(3) the act, may be relicensed by complying with both of the following requirements:

(a) Submitting a completed application, on a form provided by the department, together with the requisite fee.

(b) Submitting proof of having completed within the 2-year period immediately preceding the relicensure application the number of hours of continuing education required in R 338.11701.

(2) An applicant for relicensure whose license has been lapsed for more than 3 years but less than 5 years may be relicensed by complying with all of the following requirements:

(a) Submitting a completed application, on a form provided by the department, together with the requisite fee.

(b) Submitting proof of having completed within the 2-year period immediately preceding the relicensure application the number of hours of continuing education required in R 338.11701.

(c) Satisfying either of the following:

(i) Passing the dental simulated clinical written examination developed and scored by the North East Regional Board of Dental Examiners, incorporated or a successor organization, with a passing score required in R 338.11203(2).

(ii) Providing to 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 relicensure.

(3) An applicant for relicensure whose Michigan license has been lapsed for more than 5 years may be relicensed by satisfying either of the following:-

(i) Complying with R 338.11201.

(ii) Providing to 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 relicensure and meeting the requirements of subrule (2)(a) and (b) of this rule.

(4) In addition to meeting the requirements of this rule, an applicant who is or has ever been licensed as a dentist in any state or territory of the United States during the period that the applicant's Michigan license is lapsed shall have his or her license verified, 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 license as a dentist. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

History: 2011 AACCS; 2017 MR 1, Eff. Jan. 6, 2017.

R 338.11704c Requirements for relicensure; registered dental hygienists and registered dental assistants.

Rule 1704c. (1) Pursuant to section 16201(3) of the code, an applicant for relicensure as a registered dental hygienist or a registered dental assistant whose Michigan license has been lapsed for 3 years or less, under section 16201(3) the

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code, may be relicensed by complying with both of the following requirements:

- (a) Submitting a completed application, on a form provided by the department, together with the requisite fee.
- (b) Submitting proof of having completed within the 2-year period immediately preceding the relicensure application the number of hours of continuing education as specified in R 338.11704.
- (2) An applicant for relicensure as a registered dental hygienist whose license has been lapsed for more than 3 years but less than 5 years may be relicensed by complying with all of the following requirements:
 - (a) Submitting a completed application, on a form provided by the department, together with the requisite fee.
 - (b) Submitting proof of having completed within the 2-year period immediately preceding the relicensure application the number of hours of continuing education required in R 338.11704.
 - (c) Satisfying either of the following:
 - (i) Passing a dental hygiene simulated clinical written examination that is developed and scored by the North East Regional Board of Dental Examiners, incorporated, or a successor organization, with a passing score required in R 338.11223(2).
 - (ii) Providing to 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 relicensure.
- (3) An applicant for relicensure as a registered dental assistant whose Michigan license has been lapsed for more than 3 years but less than 5 years may be relicensed by complying with all of the following:
 - (a) Submitting a completed application, on a form provided by the department, together with the requisite fee.
 - (b) Submitting proof of having completed within the 2-year period immediately preceding the relicensure application the number of hours of continuing education required in R 338.11704.
 - (c) Satisfying either of the following:
 - (i) Completing an evaluation of his or her dental assisting skills conducted by a dental assisting educational program that complies with the accreditation standards of the Commission on Dental Accreditation, required in R 338.11307.
 - (ii) Providing to 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 relicensure.
- (4) An applicant for relicensure as a dental hygienist whose Michigan license has been lapsed for more than 5 years may be relicensed by satisfying either of the following:
 - (a) Complying with R 338.11221.
 - (b) Providing to 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 relicensure and meeting the requirements of subrule (2)(a) and (b) of this rule.
- (5) An applicant for relicensure as a dental assistant whose Michigan license has been lapsed for more than 5 years may be relicensed by satisfying either of the following:
 - (a) Complying with the R 338.11235.
 - (b) Providing to 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 relicensure and meeting the requirements of subrule (3)(a) and (b) of this rule.
- (6) In addition to meeting the requirements of this rule, an applicant who is or has ever been licensed as a registered dental hygienist or a registered dental assistant in any state of the United States during the period that the applicant's Michigan license is lapsed shall have his or her license verified, 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 license. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

History: 2011 AACS; 2017 MR 1, Eff. Jan. 6, 2017.

R 338.11705 Standards and requirements; adoption by reference.

Rule 1705. (1) The board approves and adopts by reference the standards and criteria of the national sponsor approval program of the Academy of General Dentistry for approval of continuing education sponsoring organizations, institutions, and individuals, which are set forth in the publication entitled "Program Approval for Continuing Education (PACE), Program Guidelines, Revised July 2015" Information on the PACE standards and criteria is available at no cost from the Academy of General Dentistry, 211 East Chicago Avenue, Suite 900, Chicago, IL 60611 or from the academy's internet website at <http://www.agd.org>. A copy of the guidebook is available for inspection and distribution at cost from the Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. Approval of a sponsor by the Academy of General Dentistry committee on national sponsor approvals or by any Academy of General Dentistry constituent academy shall constitute prima facie evidence that the sponsor meets the standards and criteria adopted by the board.

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(2) The board approves and adopts by reference the standards and criteria of the National Sponsor Approval Program of the American Dental Association Continuing Education Recognition Program (ADA CERP) for approval of continuing education sponsoring organizations, which are set forth in the publication entitled "ADA CERP Recognition Standards, Procedures, and Recognition Process. March 2015" A copy of this publication may be obtained at no cost from the association at ADA CERP 211 E. Chicago Avenue, Chicago, IL 60611-2678 or from the association's internet website at <http://www.ada.org/381.aspx>. A copy of the publication is available for inspection and distribution at cost from the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. Approval of a sponsor by the ADA CERP or by any constituent group of ADA CERP shall constitute prima facie evidence that the sponsor meets the standards and criteria adopted by the board.

(3) The board approves and adopts by reference the requirements for recertification established by the Dental Assisting National Board and set forth in the publication entitled "DANB's-Recertification Requirements," Revised April, 2015. A copy of the publication may be obtained at no cost from the Dental Assisting National Board, 444 N. Michigan Avenue, Suite 900, Chicago, IL 60611 or from the national board's internet website at <http://www.danb.org>. A copy of the guidelines and requirements are available for inspection and distribution at cost from the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(4) The board shall consider any continuing education program that is offered by a sponsor that applies to the board and demonstrates it substantially meets the standards and criteria adopted by the board as a continuing education program approved by the board.

(5) The board adopts by reference the standards for certification in basic and advanced cardiac life support set forth by the American Heart Association in the standards and guidelines for cardiopulmonary resuscitation and emergency cardiac care for professional providers and published in "2015 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care ("Circulation," Volume 132, Issue 18 Supplement 2) A copy of the guidelines for cardiopulmonary resuscitation and emergency cardiovascular care may be obtained at no cost from the American Heart Association's website at <http://circ.ahajournals.org>. A copy of this document is available for inspection and distribution at cost from the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(6) The board may approve a state, regional, or national dental organization as an acceptable provider of continuing education courses if the organization presents standards, criteria, and course monitoring procedures for its courses that are acceptable to the board. The board may withdraw the approval if it determines the organization is not complying with the standards and criteria presented. The standards, criteria, and monitoring procedures will be retained in the department's board files. An organization shall update its file with the department every 5 years.

(7) A sponsor seeking board approval to offer volunteer continuing education opportunities under R 338.11703(o) or R 338.11704a(n), or both, shall submit documentation evidencing compliance with the requirements of R 338.11703(o) or R 338.11704a(n), or both.

History: 1991 AACCS; 2004 AACCS; 2006 AACCS; 2011 AACCS; 2014 AACCS; 2017 MR 1, Eff. Jan. 6, 2017.

PART 8. DENTAL AMALGAM

R 338.11801

Source: 2012 AACCS.

R 338.11811

Source: 2012 AACCS.

R 338.11813

Source: 2012 AACCS.

R 338.11815

Source: 2012 AACCS.

R 338.11817

Source: 2012 AACCS.

R 338.11819

Source: 2012 AACCS.

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R 338.11821

Source: 2012 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CHIROPRACTIC - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.12001 Definitions.

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

- (a) "Adjustment apparatus" means a tool or device used to apply a mechanical force to correct or reduce subluxations, misalignments, and joint dysfunctions.
- (b) "Analytical instruments" means instruments used in the detection and diagnosis of human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals in order to restore and maintain health.
- (c) "Board" means the Michigan board of chiropractic created in section 16421 of the code, MCL 333.16421.
- (d) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211, known as the public health code.
- (e) "Department" means the department of licensing and regulatory affairs.
- (f) "Nationally recognized standards" means that which is taught in a chiropractic educational program or postgraduate educational program that is accredited by the council on chiropractic education.
- (g) "Physical measures" means procedures or techniques used to correct or reduce subluxations, misalignments, and joint dysfunctions.
- (h) "Rehabilitative exercise program" means the coordination of a patient's exercise program; the performance, ordering and use of tests; the performance of measurements; instruction and consultation; supervision of personnel; and the use of exercise and rehabilitative procedures, with or without assistive devices, for the purpose of correcting or preventing subluxations, misalignments, and joint dysfunctions.
- (i) "Test" means a procedure that is ordered or performed for the purpose of detecting and diagnosing human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals in order to restore and maintain health.

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

History: 1982 AACS; 2006 AACS; 2011 AACS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12001a Rescinded.

History: 2016 AACS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12002

Source: 2011 AACS.

R 338.12003 Rescinded.

History: 1982 AACS; 1987 AACS; 1992 AACS; 2000 AACS; 2001 AACS; 2006 AACS; 2011 AACS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12004 Rescinded.

History: 1982 AACS; 1987 AACS; 1998-2000 AACS; 2011 AACS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12005 Rescinded.

History: 1982 AACS; 1987 AACS; 1998-2000 AACS; 2006 AACS; 2011 AACS; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12006 Rescinded.

History: 1982 AACS; 1998-2000 AACS; 2006 AACS; 2011 AACS; 2019 MR 1, Eff. Jan. 7, 2019.

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R 338.12007

Source: 1998-2000 AACs.

R 338.12008 Rescinded.

History: 2006 AACs; 2011 AACs; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12008a Rescinded.

History: 1982 AACs; 1987 AACs; 1992 AACs; 1998-2000 AACs; 2006 AACs; 2011 AACs; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12008b Rescinded.

History: 2011 AACs; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12009

Source: 2014 AACs.

R 338.12010 Rescinded.

History: 1982 AACs; 2011 AACs; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12011 Rescinded.

History: 1982 AACs; 2011 AACs; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12011a Rescinded.

History: 2011 AACs; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12011b Rescinded.

History: 2011 AACs; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12012

Source: 1997 AACs.

R 338.12013

Source: 1982 AACs.

R 338.12014 Rescinded.

History: 1987 AACs; 2011 AACs; 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12015 Rescinded.

History: 2006 AACs; 2011 AACs; 2019 MR 1, Eff. Jan. 7, 2019.

PART 2. EDUCATION

R 338.12021 Educational program standards; adoption by reference.

Rule 21. (1) The board adopts by reference the standards of the council on chiropractic education, (CCE), as specified in the publication entitled, "CCE Accreditation Standards: Principles, Processes & Requirements for Accreditation" January 2018. The standards are available from The Council on Chiropractic Education, 8049 N. 85th Way, Scottsdale, Arizona 85258-4321, or at the council's website at <http://www.cce-usa.org> at no cost. Copies of the standards are available for inspection and distribution at cost from the Board of Chiropractic, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P. O. Box 30670, Lansing, Michigan 48909.

(2) Any chiropractic educational program that is accredited by the CCE qualifies as a chiropractic educational program approved by the board.

History: 2019 MR 1, Eff. Jan. 7, 2019.

PART 3. LICENSURE

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R 338.12031 Training standards for identifying victims of human trafficking; requirements.

Rule 31. (1) Pursuant to 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 meets the following standards:

- (a) Training content shall 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 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 may 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 shall 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 renewals beginning with the 2016 renewal cycle and for initial licenses issued after March 17, 2021.
- History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12032 Educational limited license; requirements.

Rule 32. An applicant for a nonrenewable educational limited license under section 16412 of the code, MCL 333.16412, 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, an applicant shall satisfy all of the following requirements:

- (a) Submit evidence that the applicant has successfully completed 2 years of education in a college of arts and sciences and have official transcripts provided to the department from the educational institution.
- (b) Submit evidence that the applicant has successfully completed at least 1 of the following:
 - (i) Two years of attendance in a program or institution of chiropractic that meets the educational standards in R 338.12021 and have official transcripts provided to the department from the educational institution.
 - (ii) Four semesters of attendance in a program or institution of chiropractic that meets the educational standards in R 338.12021 and have official transcripts provided to the department from the educational institution.
 - (iii) Six quarter terms of attendance in a program or institution of chiropractic that meets the educational standards in R 338.12021 and have official transcripts provided to the department from the educational institution.
- (c) Submits evidence that the applicant will be supervised by a licensed chiropractor on a form provided by the department.

History: 2019 MR 1, Eff. Jan. 7, 2019.

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R 338.12033 Examination; adoption and approval; passing score.

Rule 33. The board approves and adopts the national board examination in chiropractic that is conducted and scored by the national board of chiropractic examiners (NBCE). The board adopts the passing score recommended by the NBCE for the national board examination parts I, II, III, and IV.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12034 Licensure by examination; requirements.

Rule 34. An applicant for a chiropractic license by examination 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, an applicant shall satisfy both of the following requirements:

- (a) Have graduated from a program or institution of chiropractic that meets the educational standards in R 338.12021 and have final and official transcripts provided to the department from the educational institution.
- (b) Have passed parts I, II, III, and IV of the national board examination that is conducted and scored by the NBCE, under R 338.12033. The applicant shall ensure that the NBCE issues evidence of official passing scores directly to the department.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12035 Licensure by endorsement; requirements.

Rule 35. (1) An applicant for a chiropractic license by endorsement 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, an applicant shall satisfy either of the following requirements:

- (a) Have been licensed in another state of the United States for 5 years or more immediately preceding the date of application.
 - (b) Have been licensed in another state of the United States for less than 5 years immediately preceding the date of filing an application and have passed parts I, II, III, and IV of the national board examination that is conducted and scored by the NBCE, pursuant to R 338.12033. The applicant shall have the NBCE issue evidence of official passing scores directly to the department.
- (2) 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 chiropractic. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12036 Relicensure requirements.

Rule 36. (1) An applicant for relicensure whose license has been lapsed for less than 3 years preceding the date of application may be relicensed under section 16201(3) of the code, MCL 333.16201(3), if the applicant satisfies all of the following requirements:

- (a) Establishes that he or she is of good moral character.
 - (b) Submits the required fee and a completed application on a form provided by the department.
 - (c) Submits proof to the department of the completion of, in the 3-year period immediately preceding the application for relicensure, 45 hours of continuing education in programs approved by the board that include all of the following:
 - (i) The required continuing education hours listed in R 338.12041(1)(c) to (g).
 - (ii) Not more than 15 continuing education hours in board-approved distance learning programs.
 - (d) 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 chiropractic. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.
- (2) An applicant for relicensure whose license has been lapsed for 3 years or more may be relicensed under section 16201(4) of the code, MCL 333.16201(4), if the applicant satisfies all of the following:
- (a) Establishes that he or she is of good moral character.
 - (b) Submit fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3).
 - (c) Submits the required fee and a completed application on a form provided by the department.
 - (d) Submits proof to the department of the completion of, in the 3-year period immediately preceding the application for relicensure, 45 hours of continuing education in programs approved by the board that include all of the following:
 - (i) Twenty-four live and in-person continuing education hours on chiropractic adjusting techniques.
 - (ii) The required continuing education hours listed in R 338.12041(1)(c) to (g).
 - (iii) Not more than 15 continuing education hours in board-approved distance learning programs.
 - (e) Provides either of the following:

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- (i) Documentation to the department that the applicant holds or has held a valid and unrestricted license in another state within 3 years immediately preceding the application for relicensure.
- (ii) Evidence of having passed the special purposes exam for chiropractic (SPEC) of the NBCE. The applicant shall request written authorization from the department to take the exam. The applicant must pass the exam within 6 months after the department's issuance of written authorization to take the exam. The applicant shall ensure that the NBCE issues evidence of official passing scores directly to the department.
- (f) 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 chiropractic. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12037 License renewal; continuing education.

Rule 37. (1) An applicant for license renewal shall complete 30 hours of board-approved continuing education in the 2-year period immediately preceding the application that complies with R 338.12041.

(2) This rule does not apply to a licensee who has obtained his or her initial chiropractic license within the 2-year period immediately preceding the expiration date of the initial license.

(3) Submission of an application for renewal shall constitute the applicant's certification of compliance with this rule. The licensee shall retain documentation of meeting 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(h).

History: 2019 MR 1, Eff. Jan. 7, 2019.

PART 4. CONTINUING EDUCATION

R 338.12041 Acceptable continuing education.

Rule 41. (1) The 30 hours of continuing education required under R 338.12037 shall comply with all of the following:

- (a) No more than 12 credit hours of continuing education shall be earned during 1 24-hour period.
- (b) Credit for a continuing education program or activity that is identical to or substantially identical to a program or activity for which the licensee has already earned credit during the license cycle shall not be granted.
- (c) Pursuant to section 16431(2) of the code, MCL 333.16431(2), at least 1 hour of continuing education shall be in the area of pain and symptom management. Continuing education in pain and symptom management may include, but is not limited to, courses in: chiropractic manipulative treatment, manual therapies, therapeutic exercises for pain management; behavior management; psychology of pain; pharmacology; behavior modification; stress management; clinical applications; and drug interventions as they relate to the practice of chiropractic.
- (d) At least 1 hour of continuing education shall be in the area of sexual boundaries.
- (e) At least 1 hour of continuing education shall be in the area of ethics.
- (f) At least 2 hours of continuing education shall be in the area of physical measure and shall be completed by attending a live, in-person program.
- (g) At least 2 hours of continuing education shall be in the area of performing and ordering tests and shall be completed by attending a live, in-person program.
- (h) At least 15 hours of continuing education shall be completed by attending a live, in-person program.

(2) In addition to those programs approved by the board under R 338.12042, the board shall consider any of the following as acceptable continuing education:

(a) Successful completion of a course or courses related to the practice of chiropractic which are offered for academic credit in a chiropractic school approved by the board under R 338.12021, according to the following:

(i) If audited, the licensee shall submit a letter from the program director verifying the licensee participated in the program.

(ii) Five continuing education credit hours may be earned for each semester credit. Three continuing education contact hours may be earned for each quarter credit earned.

(iii) There is no limitation on hours earned in this category.

(b) Attendance at or participating in a continuing education program or activity related to the practice of chiropractic that is offered on campus at a chiropractic school approved by the board under R 338.12021, by the Michigan association of chiropractors, or by an organization approved by the board under R 338.12042.

(i) 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, sponsor name or the name of the organization that approved the program or other activity, and the date on which the program or activity was completed.

(ii) The number of continuing education hours for a specific program or activity shall be the number of hours approved by the sponsor or approving organization for the specific program or activity.

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(iii) A maximum of 30 hours of continuing education may be earned for the program or activity in each renewal period.

(c) Initial presentation of a continuing education program related to the practice of chiropractic to a state, regional, national, or international organization. To receive credit, the presentation shall not be a part of the licensee's regular job description and shall be approved or offered for continuing education credit by any of the following: the American chiropractic association, the international chiropractors association, the Michigan association of chiropractors, or an organization approved by the board under R 338.12042.

(i) If audited, the licensee shall submit a copy of the presentation notice or advertisement showing the date of the presentation and the licensee's name listed as a presenter.

(ii) Two hours of continuing education credit shall be granted for each 50 to 60 minutes of presentation. No additional credit shall be granted for preparation of a presentation.

(iii) A maximum of 10 hours of continuing education may be earned for the activity in each renewal period.

(3) This rule takes effect beginning with the first renewal cycle after the promulgation of this rule. Continuing education programs approved by the board before the effective date of this amended rule are considered approved.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12042 Approval of continuing education programs.

Rule 42. (1) An organization may petition the board for approval of a continuing education program.

(2) The petition shall be filed at least 60 days before the commencement of the program.

(3) The petition shall include all of the following information:

(a) A description of the sponsoring organization.

(b) Name, title, and address of the program director.

(c) An outline of the course.

(d) A resumé for all speakers or presenters, or both.

(e) A description of the delivery method.

(f) The dates and location or locations that the course will be delivered.

(g) A description of how attendance will be monitored, sample documents, and identification of the person monitoring attendance.

(h) A sample certificate or other document that will be issued upon completion and a description of how the participant will be notified.

(i) If appropriate, a request for recognition in a specific topic area required by R 338.12041(1)(c) to (h).

History: 2019 MR 1, Eff. Jan. 7, 2019.

PART 5. STANDARDS OF PRACTICE

R 338.12051 Performance of invasive procedure; requirements.

Rule 51. Under sections 16401(2)(d) and 16423 of the code, MCL 333.16401(2)(d) and MCL 333.16423, a chiropractor may perform an invasive procedure if both of the following requirements are satisfied:

(a) The invasive procedure is limited to an examination of the ears, nose, and throat.

(b) The purpose of the examination is to detect and diagnose human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals in order to restore and maintain health.

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12052 Tests; performance or ordering; requirements.

Rule 52. Under section 16423 of the code, MCL 333.16423, the performance, ordering or use of tests shall satisfy all of the following requirements:

(a) The performance and ordering of tests shall be for the practice of chiropractic as defined in section 16401(1)(e) of the code, MCL 333.16401(1)(e).

(b) The performance, ordering, or use of tests shall be for the purpose of detecting and diagnosing human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals in order to restore and maintain health. The performance and ordering of tests may be included as, but not limited to, a part of a rehabilitative exercise program.

(c) The performance and ordering of tests shall be substantially equivalent to nationally recognized standards as defined in R 338.12001(1)(f).

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History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12053 Analytical instruments; criteria for board approval.

Rule 53. Under section 16423 of the code, MCL 333.16423, analytical instruments shall satisfy all of the following requirements:

- (a) The instruments shall be used for the practice of chiropractic as defined in section 16401(1)(e) of the code, MCL 333.16401(1)(e).
- (b) The instruments shall be used for the purpose of detecting and diagnosing human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals in order to restore and maintain health. The use of the instrument may be included as, but not limited to, a part of a rehabilitative exercise program.
- (c) The use of the instrument shall be substantially equivalent to nationally recognized standards as defined in R 338.12001(1)(f).

History: 2019 MR 1, Eff. Jan. 7, 2019.

R 338.12054 Adjustment apparatus; criteria for board approval.

Rule 54. Under section 16423 of the code, MCL 333.16423, an adjustment apparatus shall satisfy all of the following requirements:

- (a) The apparatus shall be used for the practice of chiropractic as defined in section 16401(1)(e) of the code, MCL 333.16401(1)(e).
- (b) The apparatus shall be used for the purpose of correcting or reducing subluxations, misalignments, and joint dysfunctions. The use of the apparatus may be included as, but not limited to, a part of a rehabilitative exercise program.
- (c) The use of the apparatus shall be substantially equivalent to nationally recognized standards as defined in R 338.12001(1)(f).

History: 2019 MR 1, Eff. Jan. 7, 2019.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

ACUPUNCTURE – GENERAL RULES

R 338.13001 Definitions.

Rule 1. As used in these rules:

- (a) "Board" means the Michigan board of acupuncture created under section 16521 of the code, MCL 333.16521.
- (b) "Code" means public health code 1978 PA 368, MCL 333.1101 to 333.25211.
- (c) "Department" means the department of licensing and regulatory affairs.

History: 2011 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13002 Training standard for identifying victims of human trafficking; requirements.

Rule 2. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking registration or registered shall complete training in identifying victims of human trafficking that meets the following standards:

- (a) Training content shall 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 registration, or by a college or university.

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(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 may 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 shall 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 registration renewals beginning July 2, 2018 and for initial registrations beginning April 22, 2021.

History: 2016 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13003 Rescinded.

History: 2011 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13004 Professional certification organizations.

Rule 4. The board approves the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM), or its successor organization, as a professional acupuncture certification organization.

History: 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13005 Application for acupuncturist registration; requirements.

Rule 5. An applicant for registration as an acupuncturist, in addition to meeting all the requirements of the code, shall comply with all of the following provisions:

(a) Submit a completed application on a form provided by the department, together with the requisite fee.

(b) Have completed an educational program that satisfies the requirements of R 338.13030.

(c) Possess a current certification in acupuncture or in oriental medicine granted by an organization approved under R 338.13004.

History: 2011 AACS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13010 Application for acupuncturist by endorsement; requirements.

Rule 10. (1) An applicant for an acupuncturist registration by endorsement, in addition to meeting all the requirements of the code, shall submit a completed application on a form provided by the department, together with the requisite fee.

(2) An applicant shall be actively licensed or registered in another state of the United States immediately preceding the date of filing an application for this state's registration. The applicant's license or registration shall be verified, on a form provided by the department, by the licensing or registration agency of any state of the United States in which the applicant holds an active license or registration or ever held a license or registration as an acupuncturist. Verification includes providing documentation of any disciplinary action taken or pending against the applicant.

(3) An applicant shall satisfy either of the following:

(a) Possess current certification in acupuncture or in oriental medicine from an organization approved under R 338.13004.

(b) Possess an active license or registration from another state of the United States with licensure or registration requirements that are equivalent to the standards for acupuncture or oriental medicine certification from an organization approved under R 338.13004.

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History: 2011 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13015 Applicant with nonaccredited training; requirements.

Rule 15. (1) An applicant who has completed training from a program that does not meet the program accreditation standards adopted under R 338.13030 shall satisfy the following requirements:

- (a) Submit a completed application on a form provided by the department, together with the requisite fee.
 - (b) Submit documentation that verifies he or she possesses current certification in acupuncture or in oriental medicine from an organization approved under R 338.13004.
 - (c) Demonstrate a working knowledge of the English language by obtaining a score of not less than 80 on the Test of English as a Foreign Language Internet-Based Test (TOEFL-iBT) administered by the Educational Testing Service.
- (2) The requirement of subrule (1)(c) of this rule is satisfied if the applicant's educational program was taught in English.

History: 2011 AACs; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13020 Renewal of acupuncturist registration; requirements.

Rule 20. (1) An applicant for renewal of a registration who has been registered for the 2-year period immediately preceding the expiration date of the registration shall satisfy 1 of the following:

- (a) Have maintained certification in acupuncture or in oriental medicine from an organization approved under R 338.13004, during the 2 years immediately preceding an application for renewal.
- (b) Possess an active license or registration from another state of the United States with licensure or registration requirements that are equivalent to the standards for acupuncture or oriental medicine certification from an organization approved under R 338.13004.
- (3) Submission of an application for renewal shall constitute the applicant's certification of compliance with this rule. The board may require an applicant to submit evidence to demonstrate compliance with this rule. An applicant for renewal shall retain documentation of satisfying the requirements of this rule for a period of 4 years from the date of applying for renewal of a registration. Failure to comply with this rule shall be a violation of section 16221(h) of the code, MCL 333.16221(h).

History: 2011 AACs; ; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13025 Application for acupuncturist reregistration; requirements.

Rule 25. (1) An applicant whose registration has lapsed for less than 3 years immediately preceding the date of application for reregistration may be reregistered under section 16201(3) of the code, MCL 333.16201(3), by satisfying 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 section 1 of 1974 PA 381, MCL 338.41.
 - (c) Complies with either of the following:
 - (i) Submits evidence of current certification in acupuncture or oriental medicine from an organization approved under R 338.13004.
 - (ii) Submits evidence that he or she possesses an active license or registration from another state of the United States with licensure or registration requirements that are equivalent to the standards for acupuncture or oriental medicine certification from an organization approved under R 338.13004.
- (2) An applicant whose registration has lapsed for 3 years or more immediately preceding the date of application for reregistration may be reregistered under section 16201(4) of the code, MCL 333.16201(4), by satisfying 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 section 1 of 1974 PA 381, MCL 338.41.
 - (c) Submits fingerprints pursuant to section 16174(3) of the code, MCL 333.16174(3).
 - (d) Complies with either of the following:
 - (i) Submits evidence of current certification in acupuncture or oriental medicine from an organization approved under R 338.13004.
 - (ii) Possess an active license or registration from another state of the United States with licensure or registration requirements that are equivalent to the standards for acupuncture or oriental medicine certification from an organization approved under R 338.13004.
- (3) A license, registration, or certification shall be verified by the registration or licensing agency of any state of the United States in which the applicant holds or has ever held a registration or license as an acupuncturist. Verification includes providing documentation of any disciplinary action taken or pending against the applicant.

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History: 2011 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13030 Educational program standards; adoption by reference.

Rule 30. The board approves and adopts by reference in these rules the standards for accrediting programs in acupuncture and oriental medicine adopted by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM), which are set forth in the publication entitled “ACAOM Comprehensive Standards and Criteria for Master’s Level Programs and Professional Doctorate Programs” May 16, 2018. Copies of these standards may be obtained at no cost from the commission’s website at www.acaom.org and at Accreditation Commission for Acupuncture and Oriental Medicine, 8941 Aztec Dr. Suite 2, Eden Prairie MN 55347. Copies are available for inspection and distribution at cost from the Michigan Board of Acupuncture, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

History: 2011 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13035 Delegation; supervision.

Rule 35. An acupuncturist shall practice under the delegation of an allopathic physician or osteopathic physician and surgeon in accordance with sections 16104, 16109, and 16215(3) of the code, MCL 333.16104, 333.16109, and 333.16215(3).

History: 2011 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13040 Rescinded.

History: 2011 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

R 338.13045 Rescinded.

History: 2011 AACCS; 2019 MR 1, Eff. Jan. 10, 2019.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR’S OFFICE

BOARD OF MIDWIFERY

PART 1. GENERAL PROVISIONS

R 338.17101 Definitions.

Rule 101. (1) As used in these rules:

- (a) “Appropriate health professional” means any individual licensed, registered or otherwise authorized to engage in a health profession under article 15 of the public health code who is referred to, consulted with, or collaborates with a licensed midwife.
 - (b) “Board” means the Michigan board of licensed midwifery.
 - (c) “Code” means 1978 PA 368, MCL 333.1101 to 333.25211.
 - (d) “CPM” means a certified professional midwife who has met the standards for certification set by the North American Registry of Midwives (NARM). The CPM credential is accredited by the National Commission for Certifying Agencies (NCCA). The CPM credential with NARM requires a midwife to:
 - (i) Validate education.
 - (ii) Pass an examination.
 - (iii) Complete a workshop, module or course on cultural awareness.
 - (iv) Meet general education requirements.
 - (v) Maintain current adult CPR and current neonatal resuscitation program certification (NRP) with a hands-on component.
 - (vi) Complete obstetric emergency skills training.
 - (e) “Department” means the Michigan department of licensing and regulatory affairs.
 - (f) “Peer review” means the process utilized by midwives to confidentially discuss patient cases in a professional forum, which includes support, feedback, follow-up, and learning objectives.
- (2) Terms defined in the code have the same meanings when used in these rules.

History: 2019 MR 14, Eff. August 1, 2019.

PART 2. PRELICENSURE LICENSED MIDWIFERY EDUCATION

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R 338.17111 Training standards for identifying victims of human trafficking: requirements.

Rule 111. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or registration who is licensed or registered shall complete a training in identifying victims of human trafficking that meets all the following standards:

(a) Training content shall 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 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 license or registration, 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 may 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 shall 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 the 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 shall 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.

History: 2019 MR 14, Eff. August 1, 2019.

R 338.17113 Licensed midwifery accrediting organizations.

Rule 113. (1) The board approves the Midwifery Education Accreditation Council (MEAC), or its successor entity, as an accrediting organization for an educational program or pathway.

(2) A petition may be filed with the board for approval of a midwifery accrediting organization for an educational program or pathway, which will be evaluated to determine the organization's equivalence to the standards of other board approved accrediting organizations. The board may approve a petition only if the standards and evaluative criteria of the organization are determined to be equivalent to the standards of MEAC, or its successor entity.

History: 2019 MR 14, Eff. August 1, 2019.

R 338.17115 Licensed midwifery credentialing program.

Rule 115. The board may approve a licensed midwifery credentialing program only if the program meets all of the following:

- (a) The standards and evaluative criteria are equivalent to the credential of a certified professional midwife (CPM) from the North American registry of midwives (NARM), or its successor entity.
- (b) It satisfies the criteria of section 16148 of the code, MCL 333.16148.
- (c) It is accredited by the national commission for certifying agencies (NCCA), or its successor entity, or another accrediting organization approved by the board if the standards and evaluative criteria of the accrediting organization

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are determined to be equivalent to the standards of NCCA, or its successor entity.

History: 2019 MR 14, Eff. August 1, 2019.

PART 3. LICENSURE

R 338.17121 Licensure.

Rule 121. (1) In addition to meeting the requirements of sections 16174 of the code, MCL 333.16174, an applicant for licensure 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) Meet 1 of the following:

(i) Submit proof to the department of completion of an educational program or pathway accredited by MEAC, or its successor entity, or by another accrediting organization approved by the board under R 333.17113.

(ii) If prior to January 1, 2020, the applicant holds a current credential of CPM from NARM, or its successor entity, or an equivalent credential from another midwifery credentialing program that is approved by the board under R 383.17115, and satisfies both of the following:

(A) Submits proof to the department that he or she holds a midwifery bridge certificate awarded by NARM, or its successor entity, or an equivalent credential from another midwifery credentialing program that meets the criteria of section 16148 of the code, MCL 333.16148.

(B) The midwifery credentialing program is accredited by the NCCA, or its successor entity, or another accrediting organization approved by the board only if the standards and evaluative criteria of the accrediting organization are determined to be equivalent to the standards of NCCA, or its successor entity.

(b) Submit proof to the department of holding a current credential of CPM from NARM, or its successor entity, or an equivalent credential from another midwifery credentialing program, that is approved by the board under R 383.17115.

(c) Submit proof to the department of successfully passing the examination developed and scored by NARM or another exam approved by the board under subrule (3) of this rule.

(d) Submit proof to the department of meeting the English language requirement under R 338.17127, if applicable.

(2) The board approves and adopts the examination developed and scored by NARM.

(3) An applicant for licensure may petition the board to evaluate whether another examination meets the requirements of section 16178(1) of the code, MCL 333.16178(1).

(4) A licensed midwife shall have obtained his or her recredential or maintain his or her CPM credential from NARM, or equivalent credential approved by the board, pursuant to R 338.17115, during the license cycle.

History: 2019 MR 14, Eff. August 1, 2019.

R 338.17122 Nonrenewable temporary license.

Rule 122. (1) If an applicant holds a current CPM credential from a midwifery education program that is not MEAC accredited or accredited by an accrediting organization approved by the board under R 338.17113, he or she may apply for a nonrenewable temporary license if he or she satisfies both of the following:

(a) Meets the requirements of sections 16174 of the code, MCL 333.16174.

(b) Submits to the department a completed application, on a form provided by the department, together with the requisite fee.

(2) An individual who holds a temporary license must hold a midwifery bridge certificate from NARM or an equivalent credential approved by the board pursuant to R 338.17115, to qualify for a license when his or her temporary license expires, pursuant to section 17116 of the code, MCL 333.17116.

(3) The term of a temporary license is 24 months and is not renewable.

History: 2019 MR 14, Eff. August 1, 2019.

R 338.17123 Licensure by endorsement.

Rule 123. (1) An applicant who currently holds a license as a midwife in another state but who has never been licensed as a midwife in this state may apply for a license by endorsement and is presumed to meet the requirements of section 16186 of the code, MCL 333.16186, if he or she meets the requirements of section 16174, MCL 333.16174, submits a completed application, on a form provided by the department, together with the requisite fee, and submits all of the following:

(a) Proof of completion of an educational program or pathway accredited by MEAC, or its successor entity, or by another accrediting organization approved by the board under R 333.17113.

(b) Proof of holding a current credential of CPM from NARM or another midwifery credentialing program approved by the board under R 333.17115.

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(c) Proof of successfully passing the examination developed and scored by NARM or another exam approved by the board under R 338.17121(3).

(d) Proof there are no pending disciplinary proceedings against the applicant before a licensing agency in this state, any other state, or country, or any sanctions currently imposed against the applicant by a licensing agency in this state, any other state, or country which are based on grounds similar to those under Article 15 of the code.

(e) Proof to the department of meeting the English language requirement under R 338.17127, if applicable.

(2) If an applicant is licensed as a midwife in a state that does not require completion of an educational program or pathway that is MEAC approved, the department may determine that the applicant has met the requirements of subrule (2)(a) of this rule if he or she satisfies both of the following:

(a) The applicant meets all the other requirements for licensure.

(b) The applicant holds a midwifery bridge certificate awarded by NARM or an equivalent credential from another midwifery credentialing program that meets the criteria of section 16148 of the code, MCL 333.16148, and is accredited by NCCA, or another accrediting organization approved by the board, if the standards and evaluative criteria of the accrediting organization are determined to be equivalent to the standards of NCCA or its successor entity.

History: 2019 MR 14, Eff. August 1, 2019.

R 338.17125 Relicensure requirements.

Rule 125. An applicant for relicensure whose Michigan licensed midwifery license has lapsed, under the provisions of section 16201(3) or (4) of the code, MCL 333.16201(3) or (4), as applicable, may be relicensed by complying with the following requirements as noted by (√):

(1) For a midwife who has let his or her Michigan license lapse and who does not hold a license in another state:	Lapsed less than 3 years	Lapsed more than 3 years, but less than 7 years	Lapsed 7 or more years
(a) Application and fee: submit a completed application on a form provided by the department, together with the requisite 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(3).		√	√
(d) Continuing education: submit proof of having completed 30 hours of continuing education in courses and programs and at least 1 hour in pain and symptom management, 2 hours of cultural awareness, and 1 hour of pharmacology related to the practice of midwifery, as required under R 338.17141, and which was earned within the 3-year period immediately preceding the application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant shall have 2 years from the date of the application to complete the deficient hours. The application will be held, and the license will not be issued until the continuing education requirements have been met.	√	√	√

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(e) Examination: within the 3-year period immediately preceding the application for relicensure, retake and pass the examination approved by the board pursuant to R 338.17121.			√
(f) Proof of license from another state verification by the licensing agency of all other states of the United States in which the applicant ever held a license as a midwife must be sent directly to the department from the licensing agency and include the record of any disciplinary action taken or pending against the applicant.	√	√	√
(g) Credential: submit proof of an active credential of CPM from the NARM or an equivalent credential from another midwifery credentialing program that is approved by the board and accredited by the NCCA or another accrediting organization approved by the board. A licensed midwife shall maintain his or her credential of CPM from NARM, or equivalent credential approved by the board, during the license cycle.	√	√	√

(2) For a midwife who has let his or her Michigan license lapse, but who holds a current and valid licensed midwife license in another state:	Michigan license lapsed Less than 33 years	Michigan license lapsed more than 33 years, but less than 7 years	Michigan license lapsed 7 or more years
(a) Application and fee: submit a completed application on a form provided by the department, together with the requisite 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(3).		√	√

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(d) Continuing education: submit proof of having completed 30 hours of continuing education in courses and programs and at least 1 hour in pain and symptom management, 2 hours of cultural awareness, and 1 hour of pharmacology related to the practice of midwifery, as required under R 338.17141, and which was earned within the 3-year period immediately preceding the application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant shall have 2 years from the date of the application to complete the deficient hours. The application will be held, and the license will not be issued until the continuing education requirements have been met.		√	√
(e) Proof of license verification from another state where licensed: an applicant's license must be verified by the licensing agency of all other states of the United States in which the applicant holds a current license or ever held a license as a midwife. Verification must be sent directly to the department from the licensing agency and include the record of any disciplinary action taken or pending against the applicant.	√	√	√
(f) Credential: submit proof of an active credential of CPM from the NARM or an equivalent credential from another midwifery credentialing program that is approved by the board and accredited by the NCCA or another accrediting organization approved by the board. A licensed midwife shall maintain his or her credential of CPM from NARM, or equivalent credential approved by the board, during the license cycle.		√	√

History: 2019 MR 14, Eff. August 1, 2019.

R 338.17127 English language requirement.

Rule 127. An applicant who attended a nonaccredited program pursuant to R 338.17121, or a program outside of the United States, shall demonstrate a working knowledge of the English language. An applicant shall demonstrate a working knowledge of the English language by satisfying either of the following requirements:

- (a) Submit proof that he or she has obtained a total score of not less than 80 on the test of English as a foreign language internet-based test (TOEFL-iBT) administered by the educational testing service (ETS).
- (b) Submit proof that he or she completed a midwifery educational program or pathway conducted in the English language.

PART 4. PRACTICE, CONDUCT, AND CLASSIFICATION OF CONDITIONS

R 338.17131 Definitions.

Rule 131. As used in this part:

- (a) "Appropriate pharmacology training" means 8 hours of training related to pharmacology applicable to midwifery practice, approved by MEAC or the board.
- (b) "Consultation" means the process by which a licensed midwife, who maintains primary management responsibility

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for the patient's care, seeks the advice of another appropriate health professional or member of the health care team.

(c) "Emergency medical services personnel" means a medical first responder, emergency medical technician, emergency medical technician specialist, or paramedic.

(d) "Futility" means care offered that would not mitigate a patient's lethal diagnosis or prognosis of imminent death.

(e) "Refer" means to suggest a patient seek discussion, information, aid, or treatment from a particular appropriate health professional.

(f) "Transfer" means to convey the responsibility for the care of a patient to a hospital, emergency medical services personnel, or another appropriate health professional. Transfer may occur at any point during care, during the prenatal, intrapartum, postpartum, or neonatal period, and may be either of an emergent or non-emergent nature.

(g) "Transport" means the physical movement of a patient from 1 location to another.

History: 2019 MR 14, Eff. August 1, 2019.

R 338.17132 Informed disclosure and consent.

Rule 132. (1) At the inception of care for a patient, a licensed midwife shall provide an informed disclosure in writing to the patient that includes all the following:

(a) A description of the licensed midwife's training, philosophy of practice, information regarding the care team, transfer of care plan, credentials and legal status, services to be provided, availability of a complaint process both with NARM and the state, and relevant Health Insurance Portability and Accountability Act (HIPAA) disclosures.

(b) Access to the midwife's practice guidelines.

(c) Whether the licensed midwife is permitted to administer drugs and medications pursuant to R 338.17137, which medications the licensed midwife carries for potential use, if a medication is required by law, and if certain standard medications are not available from the midwife, how and where the medications can be obtained.

(d) Access to the board of licensed midwifery rules.

(e) Whether the licensed midwife has malpractice liability insurance coverage, and if so, the policy limitations of the coverage. The patient must be informed of the coverage and policy limitations both verbally and in writing.

(2) If during care and shared decision making, a patient chooses to deviate from a licensed midwife's recommendation, the licensed midwife shall provide the patient with an informed consent process which must include all the following:

(a) Explanation of the available treatments and procedures.

(b) Explanation of both the risks and expected benefits of the available treatments and procedures.

(c) Discussion of alternative procedures, including delaying or declining of testing or treatment, and the risks and benefits associated with each choice.

(d) Documentation of any initial refusal by the patient of any action, procedure, test, or screening that is recommended by the licensed midwife.

(3) A licensed midwife shall obtain the patient's signature acknowledging that the patient has been informed, verbally and in writing, of the disclosures.

(4) A licensed midwife shall provide an abbreviated informed consent appropriate to the emergent situation with documentation to follow once the situation has stabilized.

History: 2019 MR 14, Eff. August 1, 2019.

R 338.17133 Additional informed consent requirements.

Rule 133. (1) Additional informed consent processes are required when a patient presents to a licensed midwife under any of the following circumstances:

(a) Previous cesarean birth – at the inception of care.

(b) Fetus in a breech presentation – when it is likely in the midwife's judgment the fetus will present in breech presentation at the onset of labor.

(c) Twin or multiple gestation – at the time of discovery by the midwife.

(2) A licensed midwife shall disclose to the patient his or her practice guidelines surrounding the management of the pregnancies listed in subrule (1) of this rule, which must include the licensed midwife's level of experience, type of special training, care philosophy, and outcome history relative to such circumstances.

(3) The disclosure must contain information regarding the licensed midwife's care team and style of management to be expected under such circumstances, including a description of conditions under which the licensed midwife shall recommend transfer or transport.

(4) The licensed midwife shall practice within the limits of his or her practice guidelines described in this rule.

(5) The licensed midwife shall provide the patient with an informed choice document and written informed consent, specific to the conditions listed in subrule (1) of this rule, which includes the potential increased risks and benefits of the following:

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- (a) The circumstances listed in subrule (1) of this rule.
- (b) Birth outside a hospital setting associated with the circumstances listed in subrule (1) of this rule.
- (c) Medical care options associated with the circumstances listed in subrule (1) of this rule, including the risks of cesarean section, both in the current pregnancy and any future pregnancies.
- (6) A licensed midwife shall provide an abbreviated informed consent appropriate to the emergent situation with documentation to follow once the situation has stabilized.

History: 2019 MR 14, Eff. August 1, 2019.

R 338.17134 Consultation and referral.

Rule 134. (1) A licensed midwife shall consult with or refer a patient to a physician, physician's assistant, or advanced practice registered nurse licensed under Article 15 of the code, document the consultation or referral, and follow up with the patient regarding the consultation or referral, if the patient presents with any of the following conditions:

- (a) Antepartum:
 - (i) Hypertension in pregnancy as defined as systolic blood pressure greater than 140 mm Hg and diastolic blood pressure greater than 90 mm Hg measured on two separate occasions more than four hours apart.
 - (ii) Persistent, severe headaches, epigastric pain, or visual disturbances.
 - (iii) Persistent symptoms of urinary tract infection.
 - (iv) Significant vaginal bleeding before the onset of labor not associated with uncomplicated spontaneous abortion.
 - (v) Rupture of membranes prior to the 36.6 weeks of gestation without active labor.
 - (vi) Noted abnormal decrease in or cessation of fetal movement.
 - (vii) Hemoglobin level less than 9 and resistant to supplemental therapy.
 - (viii) A temperature of 100.4 degrees Fahrenheit or 38.0 degrees Celsius or greater for more than 24 hours.
 - (ix) Isoimmunization, Rh-negative sensitization, or any other positive antibody titer, which would have a detrimental effect on the mother or fetus.
 - (x) Abnormally elevated blood glucose levels unresponsive to dietary management.
 - (xi) Positive HIV antibody test.
 - (xii) TORCH (Toxoplasmosis, other, rubella, cytomegalovirus, and herpes simplex infections.)
 - (xiii) Symptoms of severe malnutrition, severe persistent dehydration, or protracted weight loss.
 - (xiv) Symptoms of deep vein thrombosis.
 - (xv) Documented placenta previa.
 - (xvi) Documented placenta overlying the site of a previous uterine scar.
 - (xvii) Active labor prior to 36.0 weeks of gestation.
 - (xviii) Fetus with diagnosed congenital abnormalities that will require immediate medical intervention at birth.
 - (xix) History of myomectomy.
 - (xx) Prior history of early preterm birth, 32 weeks or less.
 - (xxi) Pelvic or uterine abnormalities affecting normal vaginal births, including tumors and malformations.
 - (xxii) Marked abnormal fetal heart tones.
 - (xxiii) Abnormal non-stress test or abnormal biophysical profile.
 - (xxiv) Marked or severe hydramnios or oligohydramnios.
 - (xxv) Suspected intrauterine growth restriction.
 - (xxvi) Gestation beyond 42.0 weeks.
 - (xxvii) Suspected perinatal mood disorder or uncontrolled current serious psychiatric illness.
 - (xxviii) Suspected active alcohol use disorder.
 - (xxix) Suspected active substance use disorder.
 - (xxx) Receiving opioid replacement therapy.
 - (xxxi) Sexually transmitted infection.
 - (xxxii) Symptoms of ectopic pregnancy
 - (xxxiii) Second or third trimester fetal demise.
 - (xxxiv) Symptoms or evidence of hydatidiform mole.
 - (xxxv) Thrombocytopenia with a count less than 100,000 platelets per microliter.
 - (xxxvi) Vaginal infection unresponsive to treatment.
 - (xxxvii) Symptoms or clinical evidence of hepatitis.
 - (xxxviii) Abnormal liver or metabolic panel.
 - (xxxix) Significant proteinuria.
- (xl) Abnormal PAP test results.
- (xli) Significant hematological disorders or coagulopathies, or pulmonary embolism.

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- (xlii) Hyperreflexia.
- (xliii) Clonus.
- (xliv) Rheumatoid arthritis.
- (xlv) Chronic pulmonary disease.
- (xlvi) Uncontrolled gestational diabetes.
- (xlvii) Hyperthyroidism treated with medication.
- (xlviii) Suspected coagulation disorder.
- (xlix) Inflammatory bowel disease.
- (l) Addison's disease.
- (li) Scleroderma.
- (lii) Any other condition or symptom that could threaten the health of the mother or fetus, as assessed by a licensed midwife exercising reasonable skill and judgment.
- (b) Intrapartum:
 - (i) Persistent, severe headaches, epigastric pain or visual disturbances.
 - (ii) Temperature over 100.4 degrees Fahrenheit or 38.0 degrees Celsius in absence of environmental factors.
 - (iii) Signs or symptoms of maternal infection.
 - (iv) Confirmed ruptured membranes without onset of labor after 24 hours.
 - (v) Excessive vomiting, dehydration, acidosis, or exhaustion unresponsive to treatment.
 - (vi) Uncontrolled current serious psychiatric illness.
 - (vii) Fetal heart rate abnormalities of severe bradycardia, fetal tachycardia, or sustained deceleration of fetal heart rate.
 - (viii) Any other condition or symptom that could threaten the health of the mother or fetus, as assessed by a licensed midwife exercising reasonable skill and judgment.
- (c) Postpartum:
 - (i) Failure to void bladder within 6 hours of birth or catheterization.
 - (ii) Temperature of 101.0 degrees Fahrenheit or 39 degrees Celsius for more than 12 hours.
 - (iii) Signs or symptoms of uterine sepsis.
 - (iv) Symptoms of deep vein thrombosis.
 - (v) Suspected perinatal mood disorder or uncontrolled current serious psychiatric illness.
 - (vi) Suspected active alcohol use disorder.
 - (vii) Suspected active substance use disorder.
 - (viii) Lacerations requiring repair beyond the scope of practice of the licensed midwife.
 - (ix) Systolic blood pressure greater than 140 mm Hg and diastolic blood pressure greater than 90 mm Hg measured on two separate occasions more than four hours apart after delivery of the baby.
 - (x) Any other condition or symptom that could threaten the health of the mother, as assessed by a licensed midwife exercising reasonable skill and judgment.
- (2) A licensed midwife shall consult with or refer a patient to a physician, physician's assistant, or advanced practice registered nurse licensed under Article 15 of the code, document the consultation or referral, and follow up with the patient regarding the consultation or referral, if the infant presents with any of the following conditions:
 - (a) Abnormal metabolic infant screening.
 - (b) Failed hearing screening.
 - (c) Jaundice occurring outside of normal range.
 - (d) Failure to urinate within 36 hours of birth.
 - (e) Failure to pass meconium within 48 hours of birth.
 - (f) Medically significant nonlethal congenital anomalies.
 - (g) Suspected birth injury.
 - (h) Signs of clinically significant dehydration.
 - (i) Signs and symptoms of neonatal abstinence syndrome.
 - (j) Weight less than 2500 grams or 5 pounds, 8 ounces, singleton.
 - (k) Any other abnormal infant behavior or appearance that could adversely affect the health of the infant, as assessed by a licensed midwife exercising reasonable skill and judgment.
- (3) When a referral to a physician, physician's assistant, or advanced practice registered nurse licensed under Article 15 of the code is made, after referral the licensed midwife may, if possible, remain in communication with the physician, physician's assistant, or advanced practice registered nurse until resolution of the concern.
- (4) If the patient elects not to accept a referral or the physician, physician's assistant, or advanced practice registered nurse's advice, the licensed midwife shall:
 - (a) Obtain full informed consent from the patient and document the refusal in writing.

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(b) Discuss with the patient what the continuing role of the licensed midwife will be and whether the licensed midwife will continue or discontinue care of the patient.

(5) Neither consultation nor referral preclude the possibility of continued care by a licensed midwife or the possibility of an out-of-hospital birth. The licensed midwife may maintain care of the patient to the greatest degree possible.

History: 2019 MR 14, Eff. August 1, 2019.

R 338.17135 Emergent transfer of care.

Rule 135. (1) In the following emergent circumstances, a licensed midwife shall immediately arrange for transport of the patient to a hospital and notify hospital staff of the transfer of care of the patient:

(a) Mother:

- (i) Seizures.
- (ii) Unconsciousness.
- (iii) Respiratory distress or arrest.
- (iv) Maternal shock unresponsive to treatment.
- (v) Symptoms of maternal stroke.
- (vi) Symptoms of suspected psychosis.
- (vii) Symptomatic cardiac arrhythmias or chest pain.
- (viii) Prolapsed umbilical cord.
- (ix) Symptoms of uterine rupture.
- (x) Symptoms of placental abruption.
- (xi) Symptoms of preeclampsia or eclampsia.
- (xii) Severe abdominal pain inconsistent with normal labor.
- (xiii) Symptoms of pulmonary or amniotic fluid embolism.
- (xiv) Symptoms of chorioamnionitis that include the presence of a fever greater than 100.4 degrees Fahrenheit or 38.0 degrees Celsius and 2 of the following 3 signs: uterine tenderness, maternal or fetal tachycardia, or foul/purulent amniotic fluid.
- (xv) Unresolved fetal malpresentation not compatible with spontaneous vaginal delivery.
- (xvi) Hemorrhage non-responsive to therapy.
- (xvii) Uterine inversion.
- (xviii) Persistent uterine atony.
- (xix) Symptoms of anaphylaxis.
- (xx) Failure to deliver placenta within 2 hours in the third stage.
- (xxi) Persistent abnormal vital signs.
- (xxii) Significant abnormal bleeding prior to delivery, with or without abdominal pain.
- (xxiii) Fetal distress evidenced by abnormal fetal heart tones when birth is not imminent.
- (xxiv) A single blood pressure reading of greater than or equal to 160/110.
- (xxv) Genital herpes lesions at the time of delivery if the lesions cannot be covered by an occlusive dressing.

(b) Infant:

- (i) Persistent cardiac irregularities.
- (ii) Persistent central cyanosis, pallor, or abnormal perfusion.
- (iii) Persistent lethargy or poor muscle tone.
- (iv) Seizures.
- (v) Apgar score of 6 or less at 5 minutes without significant improvement by 10 minutes.
- (vi) Non-transient respiratory distress.
- (vii) Significant signs or symptoms of infection.
- (viii) Evidence of unresolved hypoglycemia.
- (ix) Abnormal, bulging, or depressed fontanel.
- (x) Significant evidence of prematurity.
- (xi) Clinically significant abnormalities in vital signs, muscle tone, or behavior.
- (xii) Failed critical congenital heart defect screening.
- (xiii) Persistent inability to suck.
- (xiv) Clinically significant abdominal distension.
- (xv) Clinically significant projectile vomiting.
- (xvi) Contact with genital herpes lesions at birth.

(2) As required under subrule (1) of this rule, a licensed midwife shall initiate immediate transport according to the licensed midwife's emergency care plan; provide necessary emergency stabilization until transfer to a hospital or

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emergency medical services personnel is completed; provide pertinent information to the provider assuming care of the patient or patients; and is encouraged to fill out a patient transfer form provided by the department.

(3) Transport via private vehicle is an acceptable method of transport if it is the most expedient method for accessing medical services.

(4) A licensed midwife if present, is allowed to provide care to a patient with any of the complications or conditions set forth in this rule under any of the following circumstances:

(a) If no emergency medical services personnel are available.

(b) If delivery occurs during transport.

(c) If the patient refuses to be transported to the hospital.

(d) If the transfer or transport entails futility, or extraordinary and unnecessary human suffering.

(5) The licensed midwife may remain in consultation with the appropriate health professional after a transfer is made.

(6) If authorized by the patient, a licensed midwife may be able to be present during the labor and childbirth, and care may return to the midwife upon discharge.

History: 2019 MR 14, Eff. August 1, 2019.

R 338.17136 Prohibited conduct.

Rule 136. An individual covered by these rules shall not perform the following acts:

(a) Except as provided in R 338.17137, administer prescription drugs or medications.

(b) Use vacuum extractors or forceps.

(c) Prescribe medications.

(d) Perform surgical procedures other than episiotomies, repairs of perineal lacerations, and clamping and cutting the umbilical cord.

(e) Knowingly accept sole responsibility for prenatal or intrapartum care of a patient with any of the following risk factors:

(i) Chronic significant maternal cardiac, pulmonary, renal, or hepatic disease.

(ii) Malignant disease in an active phase.

(iii) Insulin dependent diabetes mellitus.

(iv) Active tuberculosis.

(v) Active syphilis.

(vi) Confirmed AIDS status.

(vii) Current seizure disorder requiring medication.

(viii) History of previous uterine rupture.

(ix) Monoamniotic twins.

(x) Opioid use disorder.

(xi) Known uncontrolled hypothyroidism.

(xii) Cushing's disease.

(xiii) Systemic lupus erythematosus.

(xiv) Antiphospholipid syndrome.

(xv) Polyarteritis nodosa.

(xvi) Primary genital herpes infection in pregnancy.

History: 2019 MR 14, Eff. August 1, 2019.

R 338.17137 Administration of prescription drugs or medications.

Rule 137. (1) Pursuant to section 17111 of the code, MCL 333.17111, a licensed midwife who has appropriate pharmacology training and holds a standing prescription from an appropriate health professional with prescriptive authority, is permitted to administer the following prescription drugs and medications:

(a) Prophylactic vitamin K to an infant, either orally or through intramuscular injection.

(b) Antihemorrhagic agents to a postpartum mother after the birth of the infant.

(c) Local anesthetic for the repair of lacerations to a mother.

(d) Oxygen to a mother or infant.

(e) Prophylactic eye agent to an infant.

(f) Prophylactic Rho(D) immunoglobulin to a mother.

(g) Agents for group B streptococcus prophylaxis, recommended by the federal centers for disease control and prevention, to a mother.

(h) Intravenous fluids, excluding blood products, to a mother.

(i) Antiemetics to the mother.

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(j) Epinephrine.

(2) Administration of any of the drugs included in subrule (1) of this rule must be in accordance with this rule. The indications, dose, route of administration, duration of treatment, and contraindications relating to the administration of drugs or medications identified under subrule (1) of this rule are shown in Table 1:

Table 1

Administration of Prescription Drugs and Medications

Medication	Indication	Dose	Route of Administration	Duration of Treatment	Contraindications	Comments
Maternal						
Oxygen	Maternal: fetal distress, maternal shock, stroke-like symptoms.	Maternal: 12L/minute.	Maternal: free-flow, nasal cannula, mask.	Maternal: until stabilized or transfer of care.	None, with indications present.	Administration of oxygen to a neonate should be in accordance with NRP standards. When an oxygen blender is not accessible, free-flow oxygen may be used combined with pulse oximetry. Current research cautions that inappropriate use of oxygen can cause free radical and oxidative stress damage in the neonate.
Pitocin 10 units/ml	Prevention and treatment of postpartum hemorrhage.	10 units/ml.	Intramuscular.	1-2 doses, PRN.		
Pitocin 10 units/ml	Prevention and treatment of postpartum hemorrhage.	20 units in 1000 ml IV fluids, Initial bolus rate 1000 ml/hour bolus for 30 minutes (equals 10 units) followed by a maintenance rate 125 ml/hour over 3.5 hours (equals remaining 10 units).	Intravenous.	4 hours.		
Methyl-ergonovine (Methergine) 0.2 mg/ml	Prevention and treatment of postpartum hemorrhage.	0.2 mg/ml.	Intramuscular.	0.2 mg IM q2-4hr PRN; not to exceed 5 doses.	Contraindicated for patient with hypertension or Reynaud's disease. Can be used in conjunction with Pitocin after delivery of the placenta.	IM preferred for acute postpartum use. Oral methergine can help to lessen continued bleeding after hemorrhage.
Methyl-ergonovine (Methergine)		0.2 mg tab.	Oral.	0.2-0.4 mg PO q6-8hr	Contraindicated for patient with hypertension or Reynaud's	IM preferred for acute postpartum use. Oral methergine can help to lessen

0.2 mg				PRN for 2-7 days .	disease.	continued bleeding after hemorrhage.
Misoprostol (Cytotec)	Postpartum hemorrhage.	600 mg oral or 800 mg buccal or rectal.	Oral, buccal, rectal.	Single dose.		
RHo (D) Immune Globulin (Rhogam)	Prophylactic dose: RH- patient at 28-30 weeks gestation; RH- patient after a miscarriage; postpartum RH- patient with an RH+ baby. A prenatal dose can also be given after an injury under advisement of a physician.	300 mcg pre-filled syringe.	Intramuscular.	Administer within 72 hours of birth or antenatal event.	RH positive; IgA deficiency.	
Penicillin G	Group Beta Strep (GBS) prophylaxis in labor.	Initial loading dose: 5 million units IV. Subsequent doses: 2.5–3.0 million units IV every 4 hours.	Administer via IVPB with prepared minibag.	Until delivery.	Allergy to penicillin.	
Ampicillin	Group Beta Strep prophylaxis in labor.	Initial loading dose: 2 g IV. Subsequent doses: 1 g IV every 4 hours.	Administer via IVPB with prepared minibag.	Until delivery.	Allergy to penicillin.	

Administration of Prescription Drugs and Medications

Maternal						
Cefazolin	Group Beta Strep prophylaxis in labor.	Initial loading dose: 2g IV. Subsequent doses: 1g IV every 8 hours.	Administer via IVPB with prepared minibag.	Until delivery.	Allergy to cefazolin.	Cefazolin is the first choice for patients who have a history of allergy to penicillin but no history of anaphylactic reaction to penicillin. Use clindamycin or vancomycin for patients who have a history of anaphylactic penicillin allergy.
Clindamycin	Group Beta Strep prophylaxis in labor.	900 mg IV every 8 hours until delivery.	Administer via IVPB with prepared minibag.	Until delivery.	Allergy to clindamycin.	Use only with history of anaphylactic reaction to penicillin. Clindamycin and Vancomycin are the drugs of choice for GBS prophylaxis for patients who have a history of anaphylactic reactions to penicillin.
Vancomycin	Group Beta Strep prophylaxis in labor.	1 g IV every 12 hours.	Administer via IVPB with prepared minibag.	Until delivery.	Allergy to vancomycin.	Use only with history of anaphylactic reaction to penicillin. Clindamycin and Vancomycin are the drugs of choice for GBS prophylaxis for patients who have a history of anaphylactic reactions to penicillin.
Epinephrine	Severe allergic reaction.	Single dose of 0.3 mg, USP, 1:1000 (0.3 mL) in a sterile solution.		5-15 minutes. Transport to hospital should be initiated.		Discontinue medication that is causing reaction; place patient supine and elevate lower extremities. Protect the airway. Transport to hospital should follow.
Lactated Ringers Solution	Dehydration during labor.	Up to 2L.	Intravenous.	Over the course of 3-5 hours.		Most patients respond to intravenous hydration and a short period of gut rest, followed by reintroduction of oral intake. Preferred over normal saline.
0.9% Normal Saline solution	Dehydration during labor, when LR not available. Postpartum hemorrhage. Allergic reactions.	1L- 2L bolus.	Intravenous.	During course of infusion.		Intrapartum: the addition of 5% Dextrose to solution can increase success rate with nausea or vomiting.
Lidocaine	Postpartum repair of vulvo-vaginal lacerations.	Injectable: up to 5 ml 2%, 10 ml 1%, or 20 ml 0.5%. Topical	Injection.	2 hours.	Known allergy or signs or symptoms of	Do not use lidocaine with, epinephrine, max dose 3 mg/kg.

		cream, spray, or gel.			allergic reaction.	
Antiemetic ranitidine zantac	To reduce vomiting during labor.	150 mg every 6 hours.	Oral.	Treat until symptoms subside.		
Diphenhydramine	To reduce vomiting during labor.	25 to 50 mg every 4 to 6 hours / 10-50 mg every 4-6 hours.	Oral; intravenous.			
Ondansetron	To reduce vomiting during labor.	4-8 mg IVP / 4 mg (up to twice PRN).	Oral; intravenous.			May produce headache as side effect.
Neonatal						
Oxygen	Neonatal: neonatal resuscitation, if indicated; abnormal pulse oximetry readings.	Neonatal: 10L/minute, or as indicated.	Neonatal: bag and mask, free-flow.	Neonatal: until pulse- oximetry readings are within target range of infant age, or transfer of care.	None, with indications present.	Administration of oxygen to a neonate should be in accordance with NRP standards. When an oxygen blender is not accessible, free-flow oxygen may be used combined with pulse oximetry. Current research cautions that inappropriate use of oxygen can cause free radical and oxidative stress damage in the neonate.
0.5% Erythromycin Ophthalmic ointment	Prophylaxis of neonatal ophthalmia neonatorum due to N. gonorrhoeae or chlamydia trachomatis.	1 cm ribbon of 0.5% ointment in each eye within 24 hours of birth.	Ocular, in lower eyelid.	1 dose.	Hypersensitivity to drug class or component.	May cause ocular irritation or blurred vision.
Vitamin K 1.0 mg/0.5 ml	Prophylaxis and therapy of hemorrhagic disease of the newborn.	0.5-1.0 mg.	Intramuscular.	Single dose.	Family history of hypoprothrombinemia; hypersensitivity to drug class or component.	Vitamin K 1.0 mg/0.5 ml
Epinephrine	Neonatal resuscitation.	0.1 - 0.3 mL/kg (0.01 - 0.03 mg/kg) of body weight in a 1:10,000 concentration.	Administered in the umbilical venous catheter followed by 1 - 3 mL flush of sterile normal saline.	Repeat every 3-5 min if HR <60 bpm with chest compressions.		EMS services should be en route.

Epinephrine	Neonatal resuscitation.	1 ml/kg 1:10,000 concentration.	Endotracheal.	Repeat every 3-5 min if HR <60 bpm with chest compressions.		Max 3 ml/dose, EMS services should be en route.
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History: 2019 MR 14, Eff. August 1, 2019.

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R 338.17138 Report patient's data.

Rule 138. (1) Unless the patient refuses, a licensed midwife shall report patient data to the statistics registry maintained by midwives alliance of North America's (MANA) division of research (DOR), pursuant to MANA's policies and procedures, or a similar registry maintained by a successor organization approved by the board.

(2) A licensee shall register with MANA's DOR.

(3) Annually, by the date determined by MANA, a licensee shall submit patient data on all completed courses of care in the licensee's practice during the previous 12 months.

(4) During the first year of licensure, a licensee shall submit data from the date of licensure to the date determined by MANA.

History: 2019 MR 14, Eff. August 1, 2019.

PART 5. LICENSE RENEWAL AND CONTINUING EDUCATION

R 338.17141 License renewals; requirements; applicability.

Rule 141. (1) In addition to meeting the requirements of section 16201 of the code, MCL 333.16201, an applicant for renewal shall submit a completed application on a form provided by the department, together with the requisite fee and, prior to renewal, shall hold the credential of CPM from NARM, or equivalent credential approved by the board.

(2) Pursuant to section 16201 of the code, MCL 333.16201, an applicant for license renewal who has been licensed for the 2-year period immediately prior to renewal shall accumulate all of the following, during the prior 2 years by the end of the license cycle:

(a) At least 30 hours of continuing education that is met by obtaining or maintaining, the credential of CPM from NARM, or an equivalent credential approved by the board.

(b) One hour of continuing education in pain and symptom management pursuant to section 16204(2) of the code, MCL 333.16204(2). Acceptable methods of continuing education in pain and symptom management includes online and in person presentations, courses or programs and may include, but is not limited to, the following subject areas: behavior management, psychology of pain, behavior modification, stress management, and clinical applications as they relate to professional practice.

(c) Two hours of continuing education on cultural awareness that include examination of disparate maternal infant mortality and morbidity experienced by the African American and indigenous populations. Acceptable methods of continuing education in cultural awareness include online and in person presentations, courses, programs, or reading an article that is published in a peer review journal, health care journal, or professional or scientific journal.

(d) One hour of continuing education in pharmacology applicable to the practice of midwifery.

(3) "Continuing education hour" as used in these rules means the cumulative number of program minutes divided by 60. When the fractional part of an hour is 55 minutes or more, it counts as 1 hour. Any portion of an hour between 30 and 54 minutes counts as half of an hour. Any part of an hour less than 30 minutes will be discarded. Breaks are not counted.

(4) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule.

(5) A licensee shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal.

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

(7) A self-certification statement by an individual that includes the title of the article, author, publication name, date, volume, and issue of publication, as applicable, is acceptable evidence of reading an article that is published in a peer review journal, health care journal, or professional or scientific journal.

(8) Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221(h).

(9) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department prior to the expiration date of the license. A CPM credential from NARM, or equivalent credential approved by the board, may not be waived.

(10) The requirements of this part do not apply to an applicant during an initial 1-year licensure cycle.

History: 2019 MR 14, Eff. August 1, 2019.

DEPARTMENT OF LABOR & ECONOMIC GROWTH

DIRECTOR'S OFFICE

PREPAID FUNERAL & CEMETERY SALES

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PART 1. GENERAL PROVISIONS

R 339.11
Source: 2014 AACS.

PART 2. CONTRACTS

R 339.21
Source: 2006 AACS.

R 339.22
Source: 2014 AACS.

R 339.23
Source: 2006 AACS.

R 339.24
Source: 2014 AACS.

PART 3. STANDARDS OF OPERATION

R 339.31
Source: 2014 AACS.

R 339.32
Source: 2014 AACS.

R 339.33
Source: 2006 AACS.

R 339.34
Source: 2014 AACS.

R 339.35
Source: 2006 AACS.

R 339.36
Source: 2006 AACS.

R 339.37
Source: 2006 AACS.

PART 4.RECORD KEEPING

R 339.41
Source: 2014 AACS.

R 339.42
Source: 2014 AACS.

R 339.43
Source: 2014 AACS.

R 339.45
Source: 2006 AACS.

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R 339.47

Source: 2006 AACs.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES, AND COMMERCIAL LICENSING BUREAU
UNARMED COMBAT
PART 1. GENERAL PROVISIONS

R 339.101 Definitions.

Rule 101. (1) As used in these rules:

- (a) "Act" means the Michigan unarmed combat regulatory act, 2004 PA 403, MCL 338.3601 to 338.3661a.
- (b) "Department representative" means an employee of the department, as defined by section 10(1) of the act, MCL 338.3610, or an inspector approved by the department who ensures compliance with the law and rules at an unarmed combat event.
- (c) "Down" means when any part of a boxer's body, except his or her feet, touches the ring floor, or when the boxer is hanging helplessly over the ropes as a result of a legal blow as ruled by the referee.
- (d) "Drug" means a controlled substance as regulated under sections 7101 to 7231 of the public health code, 1978 PA 368, MCL 333.7101 to 333.7231, and any substance referenced in section 48(5)(a) of the act, MCL 338.3648.
- (e) "Fight Record" means a record of a contestant's previous fight results, including, but not limited to, wins, losses, knockouts, and technical knockouts, and any other information required by the department.
- (f) "Gong" means a bell, horn, buzzer, or other audible device approved by the department representative that has a clear tone loud enough for the contestants and referee to hear.
- (g) "Grounded" means when a mixed martial artist has any part of the body, other than fingers and the soles of both feet, touching the fighting area floor. A mixed martial artist is grounded if the palm or closed fist of 1 hand, or any other body part, is touching the fighting area floor.
- (h) "Manager" means a person who represents the interest of a second person, by contract, agreement, or other arrangement, in arranging for the establishment of a professional or amateur contest in which that second person shall participate as a contestant. An attorney licensed to practice in this state, if his or her participation is restricted solely to legal representation of the interests of an amateur or professional licensee, does not fall within this definition.
- (i) "Mandatory count of 8" means a required count of 8 given by a referee to a boxer who has been knocked down.
- (j) "No decision" means that neither contestant wins the contest.
- (k) "Reinstatement" means the granting of a license to a person whose license has been revoked or suspended as a result of a disciplinary action in accordance with chapter 4 of the act, MCL 338.3640 to 338.3649a.
- (l) "Relicensure" means the granting of a license to a person whose license has lapsed for failure to renew the license within 60 days after the expiration date.
- (m) "Ring" means the enclosure in which a contest takes place.
- (n) "Sanctioned" means a contest approved by USA Boxing or a public body charged with overseeing unarmed combat contests.
- (o) "Second" means an individual assisting a contestant during a contest, such as cornerman or a contestant's cutman, and may include a manager serving in that capacity. An impartial cutman is not a second.
- (p) "Stalling and faking" means that a contestant is pulling his or her punches or holding an opponent or deliberately maintaining a clinch.
- (q) "Standing mandatory count of 8" means a count of 8 given at the discretion of a referee to a boxer who has been dazed by a blow and is unable to defend himself or herself.

(2) The terms defined in the act have the same meanings when used in these rules.

History: 2005 AACs; 2009 AACs; 2016 AACs; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.102

Source: 2016 AACs.

R 339.103

Source: 2016 AACs.

PART 2. PROFESSIONAL BOXING, AMATEUR MIXED MARTIAL ARTS, AND PROFESSIONAL MIXED MARTIAL ARTS

R 339.201 Weight classifications for contestants.

Rule 201. (1) The department may refuse to permit a contest in which the contestants are not fairly matched. In determining if contestants are fairly matched, the department shall consider the following factors:

- (a) The win-loss record of the contestants.
- (b) The weight differential.
- (c) The caliber of opponents.
- (d) Each contestant's number of contests.
- (e) Any other factor relating to a contestant's past conduct as a contestant, in this jurisdiction or another, that would reasonably give rise to concerns regarding the health and safety of the public or a contestant or contestants.

(2) Pursuant to section 54a(2)(e) of the act, MCL 338.3654a, boxing contestants shall be divided into the following classes, and there shall not be more than a 5-pound weight differential for contestants weighing up to 126 pounds, a 7-pound weight differential for contestants weighing 126.1 to 175 pounds, and a 15-pound weight differential for contestants weighing 175.1 pounds to 199 pounds. The weight differential applicable to the lowest weight contestant applies.

- (a) Mini flyweight: Up to and including 105 pounds.
- (b) Light flyweight: Over 105 pounds to 108 pounds.
- (c) Flyweight: Over 108 pounds to 112 pounds.
- (d) Super flyweight: Over 112 pounds to 115 pounds.
- (e) Bantamweight: Over 115 pounds to 118 pounds.
- (f) Super bantamweight: Over 118 pounds to 122 pounds.
- (g) Featherweight: Over 122 pounds to 126 pounds.
- (h) Super featherweight: Over 126 pounds to 130 pounds.
- (i) Lightweight: Over 130 pounds to 135 pounds.
- (j) Super lightweight: Over 135 pounds to 140 pounds.
- (k) Welterweight: Over 140 pounds to 147 pounds.
- (l) Super welterweight: Over 147 pounds to 154 pounds.
- (m) Middleweight: Over 154 pounds to 160 pounds.
- (n) Super middleweight: Over 160 pounds to 168 pounds.
- (o) Light heavyweight: Over 168 pounds to 175 pounds.
- (p) Cruiserweight: Over 175 pounds to 200 pounds.
- (q) Heavyweight: Over 200 pounds.

(3) Pursuant to section 54a(2)(e) of the act, MCL 338.3654a, mixed martial arts contestants shall be divided into the following classes, and there shall be not more than a 3-pound weight differential for contestants weighing up to 155 pounds and a 5-pound weight differential for contestants weighing 155.1 pounds up to 205 pounds. The weight differential applicable to the lowest weight contestant applies.

- (a) Strawweight: Up to and including 115 pounds.
- (b) Flyweight: Over 115 pounds to 125 pounds.
- (c) Bantamweight: Over 125 pounds to 135 pounds.
- (d) Featherweight: Over 135 pounds to 145 pounds.
- (e) Lightweight: Over 145 pounds to 155 pounds.
- (f) Super lightweight: Over 155 pounds to 165 pounds.
- (g) Welterweight: Over 165 pounds to 170 pounds.
- (h) Super welterweight: Over 170 pounds to 175 pounds.
- (i) Middleweight: Over 175 pounds to 185 pounds.
- (j) Super middleweight: Over 185 pounds to 195 pounds.
- (k) Light heavyweight: Over 195 pounds to 205 pounds.
- (l) Cruiserweight: Over 205 pounds to 225 pounds.
- (m) Heavyweight: Over 225 pounds to 265 pounds.
- (n) Super heavyweight: Over 265 pounds.

History: 2005 AACCS; 2009 AACCS; 2016 AACCS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.202 Weighing in.

Rule 202. (1) Not earlier than the day before the start of an event, or within 48 hours before the start of an event for the boxing heavyweight class or the mixed martial arts super heavyweight class, the department

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representative shall weigh in each contestant.

(2) Contestants who weigh in must have prior approval by the department to participate in an event or contest.

(3) If the weigh-in occurs on the day of the event, a contestant who loses more than 2 pounds to make weight and is reweighed shall not compete without the approval of either the physician or the department representative in consultation with the physician.

(4) If the weigh-in occurs within 24 hours of the event, a contestant who loses more than 2% of his or her total weight to make weight and is reweighed shall not compete without the approval of either the physician or the department representative in consultation with the physician.

(5) Male contestants may weigh-in wearing only boxers, trunks, or briefs.

(6) Female contestants may weigh-in wearing only shorts and a sports bra.

(7) The promoter shall provide a privacy sheet or towel to shield the contestant if necessary.

(8) The department shall approve the date and time of the weigh-in.

History: 2005 AACS; 2009 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.202a

Source: 2009 AACS.

R 339.203 Licensing requirements; contestants.

Rule 203. (1) A contestant shall not have an active license as a timekeeper, judge, referee, promoter, or matchmaker.

(2) A contestant shall have an active license at the time of the contest.

(3) An applicant for a professional boxer license shall have the department's determination that he or she is able to compete as a professional contestant and either of the following:

(a) A record of having fought a minimum of 7 amateur contests or 28 amateur rounds.

(b) An active professional boxer license in this state or another state, country, or tribal nation.

(4) An applicant for a professional mixed martial artist license shall have the department's determination that he or she is able to compete as a professional contestant and either of the following:

(a) A record of having fought a minimum of 5 sanctioned amateur contests.

(b) An active professional mixed martial artist license in this state or another state, country, or tribal nation.

History: 2005 AACS; 2009 AACS; 2016 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.203a Licensing requirements; referee, judge, or timekeeper.

Rule 203a. (1) An applicant for a license as a referee, judge, or timekeeper shall be at least 18 years of age.

(2) An applicant for a license as a referee shall pass a physical examination.

(3) The department may require an applicant for a license as a timekeeper, referee, or judge to complete an examination as approved by the department that is available from a recognized authority in unarmed combat sports.

(4) The department may require an applicant for a license as a timekeeper, referee, or judge to obtain experience, training, or other qualifications satisfactory to the department.

History: 2009 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.203b Rescinded.

History: 2009 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.203c Rescinded.

History: 2009 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.203d

Source: 2016 AACS.

R 339.204 Rescinded.

History: 2005 AACS; 2009 AACS; 2016 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.205 Boxing ring; dimensions and construction.

Rule 205. A promoter shall ensure that a boxing ring meets all of the following requirements:

(a) The boxing ring must be square and be not less than 16 feet nor more than 24 feet on a side, measured within the ropes. The boxing ring floor must extend not less than 18 inches beyond the ropes. There must be padding over the boxing ring post if the ring posts are nearer than 18 inches to the ring ropes.

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- (b) Two sides of the boxing ring opposite of each other must have a designated color. One side must be blue; the opposite side must be red.
 - (c) The floor of the boxing ring must be padded with ensolite or another similar closed-cell foam, with at least a 1-inch layer of foam padding, with a top covering of canvas, duck, or similar material tightly stretched and laced securely in place under the apron. The corners of the ring must be padded. Material that tends to gather in lumps or ridges must not be used.
 - (d) Boxing ring posts must be not less than 3, nor more than 4, inches in diameter extending from the floor to a height of 58 inches above the floor of the ring. The ropes must be connected to posts with the extension not shorter than 18 inches.
 - (e) The boxing ring must be not more than 4 feet high. Steps must be provided for use by the contestants and officials.
 - (f) The boxing ring must not have less than 4 ropes which may be tightened and which are not less than 1 inch in diameter. The ropes must be evenly spaced, securely tied halfway between the ring posts, and wrapped in a soft material.
 - (g) There must not be any obstruction or object, including, without limitation, a triangular border on any part of the ring floor.
- History: 2005 AACS; 2009 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.205a Mixed martial arts ring; dimensions and construction.

Rule 205a. (1) A promoter shall ensure that a mixed martial arts ring meets all of the following requirements:

- (a) The ring canvas must be no smaller than 18 feet wide and no larger than 32 feet across.
 - (b) Two sides opposite of each other must have a designated color. One side must be blue; the opposite side must be red.
 - (c) The floor of the ring area must be padded with ensolite or another similar closed-cell foam, with at least a 1-inch layer of foam padding, with a top covering of canvas, duck, or similar material tightly stretched and laced to the platform of the ring. Material that tends to gather in lumps or ridges must not be used.
 - (d) The platform of the ring must not be more than 4 feet above the floor of the building and must have suitable steps for use by the contestants and officials.
 - (e) Ring posts must be made of metal, not more than 6 inches in diameter, extending from the floor of the building to 5 to 7 feet above the floor of the ring, and shall be properly padded in a manner approved by the department.
 - (f) The fencing used to enclose the ring must be made of a material that will prevent a contestant from falling out or breaking through the ring onto the floor of the building or onto spectators.
 - (g) Any metal portion on the interior of the ring must be covered and padded in a manner approved by the department and must not be abrasive to the contestants.
 - (h) The ring must have a minimum of 1 entrance. The entrance must be padded or covered so that there is not exposed metal on the interior of the ring.
 - (i) There must not be any obstruction on any part of the ring surrounding the area in which the contestants are competing.
 - (j) Any metal parts used to enforce the ring wall must be positioned as to not interfere with the safety of the contestants.
 - (k) There must be an area of at least 4 feet between the ring and the first row of public seating that allows freedom of movement of contest officials and department personnel.
- (2) The area immediately surrounding the ring is subject to the control of the department. Event security staff shall control access. The seating around the apron of the ring must not be sold. An area for credentialed media personnel may be allowed with the approval of the department.
- (3) There must be adequate space provided in each contestant's corner for seconds to sit during a round.
- (4) The department may request a promoter of a mixed martial arts event or contest to place at least 2 video screens that meet the approval of the department, which will allow patrons to view action inside the ring.
- History: 2009 AACS; 2016 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.205b Seats provided to commission member and 1 guest at contest or event.

Rule 205b. (1) For purposes of section 47(3) of the act, MCL 338.3647, a promoter shall provide each commission member at a contest or event a seat in the first or second row from the ring or cage.

- (2) A promoter shall provide 1 seat, that is not necessarily in the first or second row from the ring or cage, to 1 guest of a commission member who is in attendance at the contest or event.
- (3) A commission member shall not provide his or her designated seat or designated guest seat to any other person.

History: 2019 MR 20, Eff. Oc. 16, 2019.

R 339.206

Source: 2016 AACS.

R 339.206a

Source: 2016 AACS.

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R 339.207 Hand, foot, and ankle wrap specifications for all contestants.

Rule 207. A contestant shall ensure all of the following specifications prior to an event:

- (a) Except as agreed to by the managers of the contestants or as provided in subdivision (b) of this subrule, a boxing contestant's hand wrap for each hand must consist of soft gauze that is not more than 10 yards long and not more than 2 inches wide. The gauze must be held in place by not more than 6 feet of cloth-based tape per hand.
- (b) Except as agreed to by the managers of the opposing contestants, light heavyweight, cruiserweight, and heavyweight boxing contestants' hand wraps for each hand shall consist of soft gauze that is not more than 12 yards long and not more than 2 inches wide. Gauze must be held in place by not more than 8-feet of cloth-based tape per hand.
- (c) To protect a boxing contestant's hand, hand wraps may be held in place by winding cloth-based tape not more than 12-inches wide around the hand.
- (d) For mixed martial arts contestants in all weight classes, the bandages on each contestant's hand must consist of soft gauze that is not more than 13 yards long and 2 inches wide, held in place by not more than 10 feet of cloth-based tape, 1 inch wide, for each hand. Both of the following apply:
 - (i) The cloth-based tape must be placed directly on each hand for protection near the wrist. The tape may cross the back of the hand twice and extend to cover and protect the knuckles when the hand is clenched to make a fist.
 - (ii) The bandages must be evenly distributed across the hand.
- (e) Hand wraps must be adjusted in the dressing room under the supervision of the department representative.
- (f) A contestant's ankle wraps, if the contestant elects to use ankle wraps, shall consist of soft gauze that is not more than 13 yards long and not more than 2 inches wide. The gauze must be held in place by not more than 10 feet of cloth-based tape per ankle.
- (g) Water or any other substance other than cloth-based tape on the hand wraps must not be used.
- (h) Water or any other substance other than cloth-based tape on the foot or ankle wraps must not be used.

History: 2005 AACS; 2009 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.209

Source: 2005 AACS.

R 339.210 Joint supports.

Rule 210. During a contest, contestants may wear neoprene joint supports that do not contain any hard plastic, stabilizer material, or metal support. All joint supports, if taped, must be taped using a cloth-based tape.

History: 2009 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.211

Source: 2009 AACS.

R 339.213 Ringside equipment.

Rule 213. (1) A promoter shall provide all of the following items at each event:

- (a) A sufficient number of buckets for use by the contestants.
- (b) Stools for use by the seconds.
- (c) Bio-protective gloves required under R 339.215(6) for use by referees.
- (d) Containers for contestants to spit in.
- (e) A portable resuscitator with oxygen.
- (f) An ambulance with emergency medical technicians on site until the decision in the final contest has been announced and all injured contestants have been treated. A promoter shall make arrangements for a replacement ambulance if the first ambulance is required to transport a contestant for medical treatment. The promoter shall communicate to the physician the location of the ambulance and the arrangements for substitute ambulance service.
- (g) Seats at ringside for assigned or approved ring officials. The physician shall sit near the steps into the ring.
- (h) Scales for weigh-ins that are capable of registering an accurate weight for participants. The department may require scales to be certified.
- (i) A gong or other audible device.
- (j) A public address system.
- (k) A separate dressing room for each sex, if contestants of both sexes are participating.
- (l) A separate room for physical examinations.
- (m) A separate dressing room must be provided for officials, unless the physical arrangements of the site make the provision of an additional dressing room impossible.

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- (n) Adequate security personnel.
 - (o) High stools for use by the judges.
 - (p) Sufficient contest scorecards for ring officials and department representatives.
 - (q) A cleaning solution capable of cleaning blood and debris in the cage or ring.
 - (2) A promoter shall only hold boxing or mixed martial arts contests or events in premises that conform to the laws, ordinances, and regulations of the city, town, or village where the events are situated.
 - (3) Restrooms must not be used as dressing rooms, rooms for physical examinations, or weigh-ins.
- History: 2005 AACs; 2009 AACs; 2016 AACs; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.215 Contest officials.

- Rule 215. (1) A licensed referee, judge, or timekeeper may officiate licensed mixed martial arts events or amateur events that are exempt from the act. A licensed boxing referee, judge, or timekeeper may officiate a USA Boxing sanctioned event.
- (2) A referee or judge shall not officiate or accept an approval to officiate when that assignment may impair the referee's or judge's independence of judgment or action in the performance of the referee's or judge's duties. Violation of this subrule renders the violator subject to the penalties set forth in chapter 4 of the act, MCL 338.3640 to 338.3649a.
- (3) A judge shall sit midway between the ring posts of a square ring, but not on the same side as another judge, and shall have an unimpaired view of the ring. The judges shall be evenly dispersed when a ring has more than 4 sides.
- (4) A referee must not be approved to officiate more than 32 scheduled rounds in 1 day, except when substituting for another referee who is incapacitated.
- (5) A referee shall not wear jewelry that might cause injury to the contestants. Glasses, if worn, must be protective athletic glasses or goggles with plastic lenses and a secure elastic band around the back of the head.
- (6) A referee must wear bio-protective gloves in the performance of his or her duties.
- (7) An official must not use or be under the influence of alcohol or drugs while in attendance at an event. The department may request an official to be tested for the presence of alcohol or drugs in the same manner that contestants are tested. Violation of this subrule or refusal to be tested subjects the official to the penalties set forth in chapter 4 of the act, MCL 338.3640 to 338.3649a.
- (8) Ring officials shall avoid the appearance of partiality. A ring official must not be licensed as a matchmaker or promoter. A ring official must not own all or any portion of a contract of a mixed martial artist or a boxer.
- (9) The department has sole authority to approve contest officials to an event.
- (10) At least 2 licensed referees must be present for every amateur and professional contest.
- (11) A promoter shall designate at least 1 alternate to the arranged officials for a contest.
- History: 2005 AACs; 2009 AACs; 2016 AACs; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.217 Conduct during events.

- Rule 217. (1) Beginning 1 minute before the first round begins, only the referee, contestants, and the chief second may be in the ring. The referee shall clear the ring of all other individuals.
- (2) The win-loss record of each contestant must be announced during the introduction of each contestant.
- (3) Once a contest has begun, only referees, contestants, seconds, department representatives, physicians, and ring card persons are allowed in the ring.
- (4) The referee may order that the ring and ringside area be cleared, at any time before, during, or after a contest, of any individual who is not authorized to be present in the ring or ringside area. The department representative may order the clearing of the ringside area.
- (5) If any individual refuses to clear the ring or ringside area when ordered to do so by the referee or the department representative, disputes a decision by an official, or encourages spectators to object to a decision either verbally or physically, then the individual is engaged in disruptive conduct. The referee, on his or her own initiative or at the request of the department representative, may stop a contest at any time until the disruptive conduct ceases. If the individual involved in disruptive conduct is the manager or second of a contestant, then the referee may order points deducted from that contestant's score or disqualify the contestant. If the conduct occurred after the decision was announced, then the department representative shall file complaints against any licensed individual involved in the disruptive conduct. A licensee who engages in disruptive conduct is subject to the penalties set forth in chapter 4 of the act, MCL 338.3640 to 338.3649a.
- (6) The referee is the sole arbiter of a contest and is the only individual authorized to enter the ring at any time during competition and authorized to stop a contest. The referee may confer with the ringside physician in determining whether to continue or stop a contest.
- (7) If difficulties arise concerning language before or during a contest, the promoter shall ensure that an interpreter is available, if requested by a contestant.
- History: 2005 AACs; 2009 AACs; 2016 AACs; 2019 MR 20, Eff. Oc. 16, 2019.

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R 339.219

Source: 2016 AACs.

R 339.221

Source: 2009 AACs.

R 339.223 Injuries and cuts; boxing.

Rule 223. (1) If an injury or cut is produced by a fair blow and because of the severity of the blow the contest cannot continue, then the injured contestant must be declared the loser by technical knockout.

(2) If a contestant intentionally fouls his or her opponent and an injury or cut is produced, and if, due to the severity of the injury or cut, the contestant cannot continue, then the contestant who commits the foul must be declared the loser by disqualification.

(3) If a contestant receives an intentional headbutt or foul and the contest can continue, then the referee shall penalize the contestant who commits the foul by deducting points based upon the severity of the offense. The referee shall notify the judges that an intentional unfair blow produced the injury or cut. If in the subsequent rounds the same injury or cut becomes so severe that the contest has to be suspended, then the judges shall award the decision as follows:

(a) A technical draw if the injured contestant is behind on points or even on a majority of the scorecards.

(b) A technical decision to the injured contestant if the injured contestant is ahead on points on a majority of the scorecards.

(4) If a contestant injures himself or herself trying to foul his or her opponent, then the referee shall not take any action in the contestant's favor, and the injury must be considered the result of a fair blow from the contestant's opponent.

(5) If a contestant is accidentally headbutted in a contest and can continue, then the referee shall stop the action to inform the judges and acknowledge the headbutt. If in subsequent rounds, as a result of legal blows, the accidental headbutt injury worsens, then the referee shall stop the contest and declare a technical decision. The winner shall be the contestant who is ahead on points on a majority of the scorecards. If a contestant is accidentally headbutted in a contest and an injury or cut is produced and, due to the severity of the injury or cut, the contestant cannot continue, then the referee shall rule as follows:

(a) If the contest is stopped before half of the scheduled rounds, not to exceed 4 rounds, have been completed, call the contest a technical draw.

(b) If the contest is stopped after half of the scheduled rounds have been completed, declare that the winner is the contestant who has a lead in points on a majority of the scorecards before the round of injury.

(6) If, in the opinion of the referee, a contestant has suffered a dangerous cut or injury, then the referee may stop the contest temporarily to summon the physician. If the physician recommends that the contestant can continue, the referee may order the contest to be continued. If the physician recommends that the contestant should not continue, then the referee shall order the contest to end.

(7) A referee may give a contestant who receives an accidental low blow not more than 5 minutes to recover. The referee shall direct contestants to neutral corners. The seconds shall not coach, administer water, or in any other way attend to their contestant. If the contestant cannot continue after 5 minutes, the referee shall declare that he or she is the loser by technical knockout.

(8) If a contestant in a boxing contest is knocked down or given a standing mandatory 8 count, or a combination of either occurs 3 times in 1 round, then the referee shall stop the contest and award a technical knockout to the opponent. The physician shall immediately enter the ring and examine the losing contestant.

(9) A physician shall immediately examine and administer aid to a contestant who is knocked out or injured, if, in the physician's professional judgment, there is a concern for the contestant's safety.

(10) If a contestant is knocked out or incapacitated, the referee or second shall not handle the contestant, except for the removal of a mouthpiece, unless directed by the physician to do so.

(11) A contestant shall not refuse an examination by a physician.

(12) A contestant who was knocked out shall not leave the site of the event until 1 hour has elapsed from the time of the examination or until released by the physician.

(13) The attending physician shall file a written report with the department on each contestant who was knocked out or injured.

(14) There shall be no scoring of an incomplete round. If the referee penalizes either contestant during the incomplete round, then the appropriate points shall be deducted when the scorekeeper calculates the final score.

History: 2005 AACs; 2009 AACs; 2016 AACs; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.223a

Source: 2016 AACs.

R 339.225

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Source: 2009 AACCS.

R 339.226 Types of contest results for mixed martial arts events.

Rule 226. The following are the types of contest results for mixed martial arts events:

- (a) Submission by either of the following:
 - (i) Tap out: When a contestant physically uses his hand to indicate that he or she no longer wishes to continue.
 - (ii) Verbal tap out: When a contestant verbally announces to the referee that he or she does not wish to continue.
- (b) Technical knockout by any of the following:
 - (i) Referee stops the contest.
 - (ii) When an injury as a result of a legal maneuver is severe enough to terminate a contest.
 - (iii) If a contestant fails to answer the bell or does not want to continue the contest.
- (c) Knockout by failure to rise from the canvas.
- (d) Decision via scorecards including any of the following:
 - (i) Unanimous decision: When all 3 judges score the contest for the same contestant.
 - (ii) Split decision: When 2 judges score the contest for 1 contestant and 1 judge scores for the opponent.
 - (iii) Majority decision: When 2 judges score the contest for same contestant and only 1 judge scores a draw.
- (e) Draw including any of the following:
 - (i) Unanimous Draw: When all 3 judges score the contest a draw.
 - (ii) Majority Draw: When 2 judges score the contest a draw.
 - (iii) Split Draw: When 1 judge scores in favor of one contestant, 1 judge scores in favor of the other contestant, and 1 judge scores the contest as a draw.
- (f) Disqualification: When an injury sustained during competition as a result of an intentional foul is severe enough to terminate the contest.
- (g) Forfeit: When a contestant fails to begin competition or prematurely ends the contest for reasons other than injury or by indicating a tap out.
- (h) Technical draw: When an injury sustained during competition as a result of an intentional foul causes the injured contestant to be unable to continue and the injured contestant is even or behind on the scorecards at the time of stoppage.
- (i) Technical decision: When the contest is prematurely stopped due to injury and a contestant is leading on the scorecards.
- (j) No contest: When a contest is prematurely stopped due to accidental injury and a sufficient number of rounds have not been completed to render a decision via the scorecards.

History: 2009 AACCS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.226a Types of contest results for boxing events.

Rule 226a. The following are the types of contest results for boxing events:

- (a) Technical knockout by any of the following:
 - (i) Referee stops the contest.
 - (ii) When an injury as a result of a legal maneuver is severe enough to terminate a contest.
 - (iii) If a contestant is knocked down or given a standing mandatory 8 count, or a combination of either occurs 3 times in 1 round.
 - (iv) If a contestant fails to answer the bell or does not want to continue the contest.
- (b) Knockout by failure to rise from the canvas.
- (c) Decision via scorecards including any of the following:
 - (i) Unanimous decision: When all 3 judges score the contest for the same contestant.
 - (ii) Split decision: When 2 judges score the contest for 1 contestant and 1 judge scores for the opponent.
 - (iii) Majority decision: When 2 judges score the contest for same contestant and 1 judge scores a draw.
- (d) Draw including any of the following:
 - (i) Unanimous draw: When all 3 judges score the contest a draw.
 - (ii) Majority draw: When 2 judges score the contest a draw.
 - (iii) Split draw: When 1 judge scores in favor of 1 contestant, 1 judge scores in favor of the other contestant, and one judge scores the contest a draw.
- (e) Disqualification: When an injury sustained during competition as a result of an intentional foul is severe enough to terminate the contest.
- (f) Forfeit: When a contestant fails to begin competition or prematurely ends the contest for reasons other than injury.
- (g) Technical draw: When an injury sustained during competition as a result of an

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intentional foul causes the injured contestant to be unable to continue and the injured contestant is even or behind on the scorecards at the time of stoppage.

(h) Technical decision: When the contest is prematurely stopped due to injury and a contestant is leading on the scorecards.

(i) No contest: When a contest is prematurely stopped due to accidental injury and a sufficient number of rounds have not been completed to render a decision via the scorecards.

History: 2019 MR 20, Eff. Oc. 16, 2019.

R 339.227 Contestant outside of ring ropes.

Rule 227. (1) A contestant who has been knocked through the ropes during a contest must not be helped back into the ring and must not be hindered in any way by anyone when trying to reenter the ring.

(2) If 1 contestant has fallen through the ropes, the other contestant shall retire to the farthest neutral corner and stay in that corner until ordered to continue the contest by the referee.

(3) The referee shall warn the contestant that the contestant has 20 seconds to return to the ring unassisted. After the warning by the referee, the referee shall begin the count, which must be loud enough to be heard by the contestant.

(4) If the contestant enters the ring before the count of 20, the contest must resume.

(5) If the contestant fails to enter the ring before the count of 20, the contestant must be considered knocked out.

(6) If a contestant wrestles or pushes another contestant through the ropes, the referee may allow the wrestled or pushed contestant up to 5 minutes to recover.

History: 2005 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.229 Judging; boxing.

Rule 229. (1) Officials who score a contest shall use the 10-point must system.

(2) For the purpose of this rule, the "10-point must system" means that the winner of each round receives 10 points as determined by clean hitting, effective aggressiveness, defense, and ring generalship. The loser of the round shall receive less than 10 points. If the round is even, each contestant receives 10 points. Judges shall not give fractions of points.

(3) Officials who score the contest shall mark their cards in ink or in indelible pencil at the end of each round.

(4) Officials who score the contest shall sign their scorecards.

(5) Except as provided in subrule (6) of this rule, at the conclusion of each contest, the judges shall total the points for each contestant and indicate the winner by writing the winner's name at the designated area on the scorecard and circle the same name where it appears on the top of the scorecard.

(6) If a contest is scored on individual scorecards for each round, the referee shall, at the end of a round, collect the scorecard for the round from each judge and shall give the scorecards to the department representative for computation.

(7) Referees and judges shall be discreet at all times and shall not discuss their decisions with anyone during an event.

(8) Unless the department representative determines that a computation of the scorecards shows a clerical or mathematical error giving the decision to the wrong contestant, the decision at the end of a boxing contest must not change. If such an error occurs, the department representative may change the decision.

(9) The referee shall collect the scorecards from the judges and give them to the department representative for tabulation. After the scorecards have been tabulated, the referee shall collect the tabulated scorecards and give them to the announcer, who shall announce the decision to the spectators.

(10) After a contest, the department representative shall collect the scorecards and tabulation sheets and give them to the promoter. The promoter shall maintain the scorecards and tabulation sheets for 1 year pursuant to section 54a of the act, MCL 338.3654a.

(11) If a referee becomes incapacitated and is unable to complete a boxing contest, then the other referee previously approved by the department for the event must assume the duties of the referee.

(12) If a judge becomes incapacitated and is unable to complete the scoring of a contest, then the referee shall call a time-out, and an alternate judge previously approved by the department must score the contest from the point at which he or she assumed the duties. If the incapacity of a judge is not noticed during a round, the referee shall score that round and the substitute judge shall score all subsequent rounds.

History: 2005 AACS; 2009 AACS; 2016 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.230 Judging; mixed martial arts.

Rule 230. (1) Three judges shall evaluate all mixed martial arts contests.

(2) The 10-Point Scoring System must be the standard system for scoring a contest. Under the 10-Point Scoring System, 10 points must be awarded to the winner of the round and 9 points or fewer must be awarded to the loser, except for a rare even round, which is scored (10-10).

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- (3) Judges shall evaluate mixed martial arts techniques, such as effective striking, effective grappling, control of the ring, effective aggressiveness, and defense.
- (4) Evaluation must be made in the order in which the techniques appear in subrule (2) of this rule, giving the most weight in scoring to effective striking, effective grappling, control of the ring, effective aggressiveness, and defense.
- (5) Effective striking is judged by determining the total number of legal heavy strikes landed by a contestant.
- (6) Effective grappling is judged by considering the amount of successful executions of a legal takedown and reversals. All of the following are examples of factors to consider:
- (a) Take downs from standing position to mount position.
 - (b) Passing the guard to mount position.
 - (c) Bottom position ring using an active, threatening guard.
- (7) Ring area control is judged by determining who is dictating the pace, location, and position of the contest. All of the following are examples of factors to consider:
- (a) Countering a grappler's attempt at takedown by remaining standing and legally striking.
 - (b) Taking down an opponent to force a ground contest.
 - (c) Creating threatening submission attempts.
 - (d) Passing the guard to achieve mount.
 - (e) Creating striking opportunities.
- (8) Effective aggressiveness means moving forward and landing a legal strike.
- (9) Effective defense means avoiding being struck, taken down, or reversed while countering with offensive attacks.
- (10) The judges shall use the following objective scoring criteria when scoring a round:
- (a) A round is to be scored as a 10-10 round when both contestants appear to be competing evenly and neither contestant shows clear dominance in a round.
 - (b) A round is to be scored as a 10-9 round when a contestant wins by a close margin, landing the greater number of effective legal strikes, grappling, and other maneuvers.
 - (c) A round is to be scored as a 10-8 round when a contestant overwhelmingly dominates by striking or grappling in a round.
 - (d) A round is to be scored as a 10-7 round when a contestant totally dominates by striking or grappling in a round.
- (11) Judges shall use a sliding scale and recognize the length of time the contestants are either standing or on the ground, as follows:
- (a) If the mixed martial arts contestant spent a majority of a round on the canvas, then both of the following apply:
 - (i) Effective grappling is weighed first.
 - (ii) Effective striking is weighed second.
 - (b) If the mixed martial arts contestant spent a majority of a round standing, then both of the following apply:
 - (i) Effective striking is weighed first.
 - (ii) Effective grappling is weighed second.
 - (c) If a round ends with a relatively even amount of standing and canvas competition, striking and grappling are weighed equally.
- (12) Officials who score the contest shall mark their cards in ink or in indelible pencil at the end of each round.
- (13) Officials who score the contest shall sign their scorecards.
- (14) Except as provided in subrule (15) of this rule, at the conclusion of each contest, the judges shall total the points for each contestant and indicate the winner by writing the winner's name at the designated area on the scorecard and circle the same name where it appears on the top of the scorecard.
- (15) If a contest is scored on individual scorecards for each round, the referee shall, at the end of a round, collect the scorecard for the round from each judge and shall give the scorecards to the department representative for computation.
- (16) Referees and judges shall be discreet at all times and shall not discuss their decisions with anyone during an event.
- (17) Unless the department representative determines that a computation of the scorecards shows a clerical or mathematical error giving the decision to the wrong contestant, the decision at the end of a mixed martial arts contest must not change. If such an error occurs, the department representative may change the decision.
- (18) The referee shall collect the scorecards from the judges and give them to the department representative for tabulation. After the cards have been tabulated, the referee shall collect the tabulated scorecards and give them to the announcer, who shall announce the decision to the spectators.
- (19) After a contest, the department representative shall collect the scorecards and tabulation sheets and give them to the promoter. The promoter shall maintain the scorecards and tabulation sheets for 1 year pursuant to section 54a of the act, MCL 338.3654a.
- (20) If a referee becomes incapacitated and is unable to complete a mixed martial arts contest, then the other referee previously approved by the department for the event shall assume the duties of the referee.

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(21) If a judge becomes incapacitated and is unable to complete the scoring of a mixed martial arts contest, then the referee shall call a time-out and a licensed judge previously approved by the department must score the contest from the point at which he or she assumed the duties of a judge. If the incapacity of a judge is not noticed during a round, the referee shall score that round and the substitute judge shall score all subsequent rounds.

History: 2009 AACS; 2016 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.231 Fouls; boxing.

Rule 231. (1) A referee of a boxing contest may disqualify or penalize a boxing contestant by deducting points from a round for any of the following fouls:

- (a) Holding an opponent or deliberately maintaining a clinch.
- (b) Hitting with the head, shoulder, elbow, wrist, inside or heel of the hand, or the knee.
- (c) Hitting or gouging with an open glove.
- (d) Wrestling, spinning, or roughing at the ropes.
- (e) Gripping at the ropes when avoiding or throwing punches.
- (f) Intentionally striking at the part of the body that is over the kidneys.
- (g) Using a rabbit punch or hitting an opponent at the base of the opponent's skull.
- (h) Hitting on the break or after the gong has sounded.
- (i) Hitting an opponent who is down or rising after being down.
- (j) Hitting below the beltline.
- (k) Holding an opponent with 1 hand and hitting with the other.
- (l) Purposely going down without being hit or to avoid a blow.
- (m) Using abusive language in the ring.
- (n) Unsportsmanlike conduct on the part of the contestant or a second whether before, during, or after a round.
- (o) Intentionally spitting out a mouthpiece.
- (p) Any backhand blow.
- (q) Stalling and faking.

(2) Disqualification occurs after any combination of 3 of the fouls listed in subrule (1) of this rule or after a referee determines that a foul was intentional.

(3) Fouls result in a point being deducted from the offending contestant's score.

(4) Only a referee may assess a foul.

(5) A fouled contestant has up to 5 minutes to recover.

(6) If the referee assesses a foul, the referee shall do all of the following:

- (a) Call time.
- (b) Check the fouled contestant's condition and safety.
- (c) Assess the foul to the offending contestant, deduct points, and notify each corner's second, the judges, and the department representative responsible for tabulating scores.
- (7) The referee may terminate a contest based on the severity of the foul. If the referee deems the foul intentional, the contestant shall lose by disqualification.

History: 2005 AACS; 2009 AACS; 2016 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.232 Fouls; mixed martial arts.

Rule 232. (1) A referee of a mixed martial arts contest may disqualify or penalize a contestant by deducting points from a round for any of the following fouls:

- (a) Holding or grabbing the fence.
- (b) Holding opponent's shorts or gloves.
- (c) The presence of more than 1 second on the ring area perimeter during a round.
- (d) The presence of more than two seconds inside the ring or cage during a rest period or more than 2 seconds on the ring or cage perimeter.
- (e) Butting with the head.
- (f) Eye gouging of any kind.
- (g) Biting or spitting at an opponent.
- (h) Hair pulling.
- (i) Fish hooking.
- (j) Groin attacks of any kind.
- (k) Intentionally placing a finger in any opponent's orifice or into any cut or laceration on an opponent.
- (l) Downward pointing of elbow strikes.

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- (m) Small joint manipulation.
 - (n) Strikes to the spine or back of the head.
 - (o) Heel kicks to the kidney.
 - (p) Throat strikes of any kind, including but not limited to, grabbing the trachea.
 - (q) Clawing, pinching, twisting the flesh or grabbing the clavicle.
 - (r) Kicking the head of a grounded contestant.
 - (s) Kneeing the head of a grounded contestant.
 - (t) Stomping of a grounded contestant.
 - (u) The use of abusive language in competing area.
 - (v) Any unsportsmanlike conduct that causes an injury to opponent.
 - (w) Attacking an opponent on or during the break.
 - (x) Attacking an opponent who is under the referee's care at the time.
 - (y) Timidity, for example, avoiding contact, consistent dropping of mouthpiece, or faking an injury.
 - (z) Interference from a second.
 - (aa) Throwing an opponent out of the ring.
 - (bb) Intentional disregard of the referee's instructions.
 - (cc) Spiking an opponent to the canvas on his or her head or neck.
 - (dd) Attacking an opponent after the bell has sounded the end of the round.
 - (ee) While in a standing position, movement of arm or arms with open hands towards an opponent with fingers outstretched towards an opponent's face or eyes.
- (2) Disqualification occurs after any combination of 3 of the fouls listed in subrule (1) of this rule or after a referee determines that a foul is intentional.
- (3) Fouls result in a point being deducted from the offending contestant's score.
- (4) Only a referee may assess a foul.
- (5) A fouled contestant has up to 5 minutes to recover.
- (6) If the referee assesses a foul, the referee shall do all of the following:
- (a) Call time.
 - (b) Check the fouled contestant's condition and safety.
 - (c) Assess the foul to the offending contestant, deduct points, and notify each corner's second, the judges, and the department representative responsible for tabulating scores.
- (7) If a bottom contestant commits a foul, unless the top contestant is injured, the contest will continue so as not to jeopardize the top contestant's superior positioning at the time. In addition, the referee shall do both of the following:
- (a) Verbally notify the bottom contestant of the foul.
 - (b) At the end of the round, assess the foul to the offending contestant, deduct points, and notify each corner's second, the judges, and the department representative responsible for tabulating scores.
- (8) The referee may terminate a contest based on the severity of the foul. If the referee deems the foul intentional, the contestant shall lose by disqualification.

History: 2009 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.233

Source: 2009 AACS.

R 339.234

Source: 2016 AACS.

R 339.234a

Source: 2016 AACS.

R 339.235 Pre-contest physical examination.

Rule 235. (1) Not more than 8 hours before an event a physician shall certify that each contestant is in proper physical condition to participate in the event by taking a detailed medical history and examining all of the following:

- (a) Eyes.
- (b) Teeth.
- (c) Jaw.
- (d) Neck.
- (e) Chest.

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- (f) Ears.
- (g) Nose.
- (h) Throat.
- (i) Skin.
- (j) Scalp.
- (k) Head.
- (l) Abdomen.
- (m) Cardiopulmonary status.
- (n) Neurological, muscular, and skeletal systems.
- (o) Abdomen and breasts, if a female contestant.
- (p) Pelvis.
- (2) The physician or the department representative may test for the presence of alcohol or drugs in the body.
- (3) The physician shall certify, in writing, those contestants who are in good physical condition to compete.
- (4) Before a contest, a female contestant shall provide the department and the promoter with the results of a pregnancy test performed by a person who is licensed to perform the test under article 15 of the public health code, MCL 333.16101 to 333.18838, or a facility licensed under article 17 of the public health code, MCL 333.20101 to 333.22260, on the contestant within the previous 7 days. If the results of the pregnancy test are positive, the contestant shall not compete.
- (5) Before a contest, a contestant shall provide the department and the promoter with the results of HIV and hepatitis B and C tests performed on the contestant within the previous 180 days. If the results of the tests are positive and not the result of vaccination, not provided, or cannot be verified, then the contestant shall not compete.
- (6) A contest shall not begin until a physician and an attended ambulance are present. The physician shall not leave until the decision in the final contest has been announced and all injured contestants have been attended to.
- (7) The physician shall sit near the steps into the ring and the contest must not begin until the physician is seated. The physician shall remain at that location for the entire contest.

History: 2005 AACS; 2009 AACS; 2016 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.235a

Source: 2016 AACS.

R 339.237

Source: 2009 AACS.

R 339.239 Seconds.

- Rule 239. (1) A referee shall ensure that a contestant does not have more than 3 seconds. The referee is responsible for the conduct in the corner during a contest. During the rest period, 2 seconds are allowed inside the ring or cage, 2 seconds are allowed on the apron, and 1 second is allowed on the floor. An impartial cutman does not count as a second.
- (2) The referee shall ensure that a second does not spray or throw water on a contestant during a round.
 - (3) The referee shall ensure that a contestant's second does not heckle or in any manner annoy the opponent of the contestant or the referee or throw any object into the ring, except for the throwing of the towel authorized by subrule (7) of this rule.
 - (4) The referee shall ensure that a second does not enter the ring until the timekeeper has indicated the end of around.
 - (5) The referee shall ensure that a second leaves the ring at the timekeeper's whistle and clears the ring platform of all obstructions at the sound of the gong indicating the beginning of a round. Articles must not be on the ring floor until the round has ended or the contest has terminated.
 - (6) The referee may eject a second from a ring corner for violations of the provisions of subrules (2) and (3) of this rule and may have judges deduct points from a contestant's score for the actions of the contestant's corner.
 - (7) The referee shall ensure that a second designated by the contestant at the beginning of a contest indicates to the referee if the second's contestant cannot continue and the contest should be stopped. Only verbal notification, hand signals, or the throwing of a towel into the ring may be used.
 - (8) The promotor shall ensure that a second does not administer alcoholic beverages or drugs to a contestant, pour excessive water on the body of a contestant, or place ice in the trunks or protective cup of a contestant during the progress of a contest.

History: 2005 AACS; 2016 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.241

Source: 2016 AACS.

R 339.243 Identification.

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Rule 243. Each contestant shall provide 1 piece of identification that has a photo of the contestant to the department representative at weigh-in.

History: 2005 AACs; 2009 AACs; 2016 AACs; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.245 Dress and protective equipment for boxing contestants.

Rule 245. (1) Contestants in a boxing contest shall wear all of the following:

(a) Trunks belted at the contestant's waistline. For the purposes of this subrule, the waistline is defined as an imaginary horizontal line drawn through the navel to the top of the hips. Trunks must not have any buckles or other ornaments on them that might injure a contestant or referee.

(b) A foul-proof protector for male contestants, and a pelvic area protector for female contestants.

(c) Shoes that are made of soft material and that do not have spikes, cleats, or heels.

(d) A fitted mouthpiece, which the referee shall examine.

(e) Gloves meeting the requirements of section 54a of the act, MCL 338.3654a.

(2) In addition to the clothing required under subrule (1) of this rule, a female contestant shall wear a top that does not have buttons, buckles, or ornaments. A female contestant may wear a breast protector.

(3) A boxing contestant shall not wear corrective lenses into the ring.

(4) A contestant shall not wear jewelry or piercing accessories during a boxing competition.

History: 2005 AACs; 2009 AACs; 2016 AACs; 2019 MR 20, Eff. Oc. 16, 2019.

Rule 339.246 Dress and protective equipment for mixed martial arts contestants.

Rule 246. (1) Each mixed martial arts contestant shall wear mixed martial arts shorts, biking shorts, or kickboxing shorts.

(2) Each mixed martial arts contestant shall wear a fitted mouthpiece, which the referee shall examine.

(3) Gis or shirts are prohibited during a mixed martial arts competition, except for women who shall wear a chest protector and body shirt.

(4) Shoes are prohibited during a mixed martial arts competition.

(5) Male mixed martial arts contestants shall wear a groin protector.

(6) Female mixed martial arts contestants may wear a groin protector.

(7) A contestant shall not wear jewelry or piercing accessories during a mixed martial arts competition.

History: 2009 AACs; 2019 MR 20, Eff. Oc. 16, 2019.

Rule 339.246a Appearance.

Rule 246a. A contestant shall trim or tie back his or her hair so that it does not interfere with the vision of either contestant or cover any part of a contestant's face. A contestant shall neatly trim his or her toenails and fingernails before the contest.

History: 2009 AACs; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.247

Source: 2016 AACs.

R 339.249 Procedure after knockouts or sustained damaging head blows.

Rule 249. (1) The promoter shall ensure that the contestant complies with this rule and R 339.251. Violations of this rule or R 339.251, or both, are grounds for disciplinary action under chapter 4 of the act, MCL 338.3640 to 338.3649a, against the contestant and the promoter.

(2) The ringside physician shall examine a contestant who has been knocked out in a contest or a contestant whose competition has been stopped by the referee because the contestant received hard blows to the head that made him or her defenseless or incapable of continuing immediately after the knockout or stoppage.

(3) The ringside physician may refer the contestant to a hospital or medical facility for post-contest neurological evaluations to be performed on the contestant immediately after the contestant leaves the location of the event. If such referrals are made, and the results of the examinations are not received by the department within 24 hours of their completion, then the contestant is ineligible to compete until such reports are received and until certification is given by a physician that the contestant is fit to compete after an examination.

History: 2005 AACs; 2009 AACs; 2016 AACs; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.251 Eligibility to compete.

Rule 251(1) All medical reports that are submitted to the department or the promoter relative to a physical examination or the condition of a contestant are confidential and are open to examination only by the promoter, the department, the commission, and the governing bodies of other states or jurisdictions, consistent with the health insurance portability and

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accountability act of 1996, Public Law 104-191, and the privacy and security rules set forth in 45 CFR 160.101 to 160.552 (2013), 45 CFR 164.102 to 164.106 (2013), and 45 CFR 164.500 to 164.534 (2013), governing the permitted use and disclosure of individually identifiable health information, and to the licensed contestant upon the contestant's request to examine the records or upon the order of a court of competent jurisdiction.

(2) A contestant who has been knocked out is ineligible to compete for a period of not less than 60 days or until a physician certifies that the contestant fully recovered, whichever is later.

(3) A contestant who has lost by a technical knockout is ineligible to compete for a period of not less than 30 days.

(4) A contestant who has lost 6 consecutive contests is ineligible to compete again until the department, after reviewing the results of the 6 contests, approves the contestant for further participation and the contestant has submitted to a physical examination by a physician who has certified that the contestant is fit to compete.

(5) A contestant who has had cardiac surgery is ineligible to compete until he or she has submitted to a medical examination by a cardiovascular surgeon who has certified his or her fitness to compete.

(6) A contestant who has suffered a detached retina is ineligible to compete until he or she has submitted to a medical examination by an ophthalmologist who has certified his or her fitness to compete.

(7) A contestant or applicant for licensure who is prohibited from competing in other states or jurisdictions due to medical reasons may be prohibited from competing in this state pursuant to these rules. In considering prohibiting a licensee or applicant for licensure from competing in this state, the licensee's or applicant's entire professional record must be considered, regardless of the state or country in which his or her contests occurred.

(8) A contestant or promoter shall report any change in a medical condition that may affect the contestant's ability to compete safely. The department may, at any time, require current medical information on any contestant.

History: 2005 AACS; 2009 AACS; 2016 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.253 Rescinded.

History: 2005 AACS; 2009 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.255 Unarmed combat championships and international contests; department approval of applicable rules of engagement.

Rule 255. For an event that includes a championship contest or an international contest that is held in this state, the department may approve the use of the rules of engagement for that event of any nationally recognized sanctioning body applicable to the specific championship or international contest and the fees paid to officials for these championships and contests, even when some of the contests occurring at that event are non-championship or non-international contests.

History: 2005 AACS; 2009 AACS; 2016 AACS; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.257

Source: 2016 AACS.

R 339.259

Source: 2016 AACS.

R 339.261

Source: 2016 AACS.

R 339.263

Source: 2005 AACS.

R 339.265 Compensation.

Rule 265. (1) Each official approved to officiate a contest regulated by the department must be paid an amount not less than the base fees shown in table 1:

TABLE 1
Compensation for Event Officials

Gross Purses Contracted	Referees	Judges	Timekeepers
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\$0.00 to \$7,500	\$100	\$75	\$50
\$7,501 to \$20,000	\$150	\$100	\$75
\$20,001 to \$50,000	\$250	\$150	\$100
\$50,001 to \$100,000	\$350	\$250	\$150
Over \$100,000	\$700	\$450	\$200

(2) The department shall adjust and publish these fees annually and index the fees to the Detroit consumer price index, as published by the Bureau of Labor Statistics, United States Department of Labor.

(3) The promoter shall disclose the amount paid to officials to the department on a form satisfactory to the department and required to be submitted under section 54a of the act, MCL 338.3654a.

(4) Licensees may request that information furnished to the department under this rule be treated as confidential under section 61a of the act, MCL 338.3661a.

History: 2005 AACs; 2009 AACs; 2016 AACs; 2019 MR 20, Eff. Oc. 16, 2019.

R 339.267

Source: 2016 AACs.

R 339.269 Drug testing.

Rule 269. (1) The department, the department representative, or the ringside physician may request that a contestant take a test or submit to an examination designed to measure the presence of alcohol or drugs before or immediately following a contest. The collection of specimens must take place at the venue or a facility acceptable to the department. The promoter is responsible for the cost of testing contestants, which testing must be completed at a laboratory facility acceptable to the department. The department representative responsible for collection of specimens shall be the only person informed of the requested test prior to the contestant.

(2) The department, the department representative, or the ringside physician may request that an approved official take a test or submit to an examination designed to measure the presence of alcohol or drugs before or immediately following a contest. The collection of specimens shall take place at the venue or a facility acceptable to the department. An approved official is responsible for the cost of his or her examination which must be completed at a laboratory facility acceptable to the department.

(3) If such a test or examination results in a finding of the presence of a drug or alcohol, or if the contestant or official refuses to submit to a test, or refuses or is unable to provide a sample of body fluids for a test, then a complaint must be filed under the procedures of chapter 4 of the act, MCL 338.3640 to 338.3649a. If a determination is made that the contestant or official is subject to disciplinary action, then the commission shall impose, at a minimum, the following penalties under chapter 4 of the act, MCL 338.3640 to 338.3649a:

(a) For a first violation, suspension for 90 days.

(b) For a second violation, a 1-year suspension.

(c) For a third violation, revocation of licensure.

(4) At the completion of a suspension ordered by the commission under subrule (3) (a) and (b) of this rule based on a finding of the presence of drugs, a contestant or official may be required to submit to a test for the presence of drugs. The results of the test must be negative for all drugs tested before a contestant is allowed to compete again or an official is approved to officiate again.

(5) A contestant who is disciplined under this rule and who was the winner of a contest, or the contest was a draw, shall be disqualified and the decision of the contest shall be changed to "no decision."

(6) The results of a contest shall remain unchanged if a contestant who is disciplined under this rule was the loser of the contest.

(7) Contestants who are prohibited, restrained, disqualified, or are otherwise ineligible to compete in other jurisdictions due to disciplinary action that involves the use of drugs shall not compete in this state until such time as the period of prohibition, restraint, disqualification, or ineligibility is completed or removed. However, a contestant with a previous suspension in any jurisdiction may be required to take and pass a drug test before being allowed to compete in this state.

History: 2005 AACs; 2009 AACs; 2016 AACs; 2019 MR 20, Eff. Oc. 16, 2019.

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R 339.271
Source: 2016 AACS.

PART 3. FEES

R 339.301
Source: 2016 AACS.

R 339.303
Source: 2016 AACS.

PART 4.

R 339.401
Source: 2005 AACS.

R 339.403
Source: 2009 AACS.

OFFICE OF COMMERCIAL SERVICES
OCCUPATIONAL BOARDS

R 339.601
Source: 2014 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL CODE RENEWALS

PART 1. LICENSE AND REGISTRATION RENEWALS

R 339.1001
Source: 2014 AACS.

R 339.1002
Source: 2014 AACS.

R 339.1003
Source: 2018 AACS.

R 339.1004
Source: 2014 AACS.

R 339.1005
Source: 1997 AACS.

PART 7. DISCIPLINARY PROCEEDINGS

R 339.1701
Source: 2015 AACS.

R 339.1703
Source: 1990 AACS.

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R 339.1705
Source: 2015 AACCS.

R 339.1706
Source: 2006 AACCS.

R 339.1707
Source: 1997 AACCS.

R 339.1709
Source: 2015 AACCS.

R 339.1711
Source: 1997 AACCS.

R 339.1713
Source: 2015 AACCS.

R 339.1715
Source: 1997 AACCS.

R 339.1721
Source: 2015 AACCS.

R 339.1725
Source: 1997 AACCS.

R 339.1726
Source: 1990 AACCS.

R 339.1727
Source: 1997 AACCS.

R 339.1728
Source: 1997 AACCS.

R 339.1731
Source: 1990 AACCS.

R 339.1741
Source: 2015 AACCS.

R 339.1743
Source: 2015 AACCS.

R 339.1745
Source: 2015 AACCS.

R 339.1746
Source: 1997 AACCS.

R 339.1741
Source: 2015 AACCS.

R 339.1743
Source: 2015 AACCS.

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R 339.1745
Source: 2015 AACS.

R 339.1753
Source: 1997 AACS.

R 339.1755
Source: 2015 AACS.

R 339.1757
Source: 2015 AACS.

R 339.1759
Source: 2015 AACS.

R 339.1761
Source: 2015 AACS.

R 339.1763
Source: 2015 AACS.

R 339.1765
Source: 2015 AACS.

R 339.1767
Source: 2015 AACS.

R 339.1771
Source: 2015 AACS.

ATHLETICS

PART 1. GENERAL PROVISIONS

R 339.3101
Source: 2005 AACS.

R 339.3102
Source: 2005 AACS.

R 339.3201
Source: 2005 AACS.

R 339.3202
Source: 2005 AACS.

R 339.3203
Source: 2005 AACS.

R 339.3204
Source: 2005 AACS.

R 339.3205
Source: 2005 AACS.

R 339.3206
Source: 2005 AACS.

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R 339.3207
Source: 2005 AACS.

R 339.3207a
Source: 2005 AACS.

R 339.3208
Source: 2005 AACS.

R 339.3209
Source: 2005 AACS.

R 339.3210
Source: 2005 AACS.

R 339.3210a
Source: 2005 AACS.

R 339.3211
Source: 2005 AACS.

R 339.3212
Source: 2005 AACS.

R 339.3213
Source: 2005 AACS.

R 339.3214
Source: 2005 AACS.

R 339.3215
Source: 2005 AACS.

R 339.3216
Source: 2005 AACS.

R 339.3217
Source: 2005 AACS.

R 339.3218
Source: 2005 AACS.

R 339.3219
Source: 2005 AACS.

R 339.3220
Source: 2005 AACS.

R 339.3221
Source: 2005 AACS.

R 339.3222
Source: 2005 AACS.

R 339.3223
Source: 2005 AACS.

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R 339.3224
Source: 2005 AACS.

R 339.3225
Source: 2005 AACS.

R 339.3226
Source: 2005 AACS.

R 339.3227
Source: 2005 AACS.

R 339.3228
Source: 2005 AACS.

R 339.3229
Source: 2005 AACS.

R 339.3230
Source: 2005 AACS.

R 339.3231
Source: 2005 AACS.

R 339.3232
Source: 2005 AACS.

R 339.3233
Source: 2005 AACS.

R 339.3234
Source: 2005 AACS.

R 339.3235
Source: 2005 AACS.

R 339.3236
Source: 2005 AACS.

R 339.3199
Source: 1985 AACS.

PART 2. PROFESSIONAL BOXING

R 339.3201
Source: 1995 AACS.

R 339.3202
Source: 1995 AACS.

R 339.3203
Source: 1995 AACS.

R 339.3204
Source: 1995 AACS.

R 339.3205
Source: 1995 AACS.

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R 339.3206
Source: 1995 AACS.

R 339.3207
Source: 1995 AACS.

R 339.3207a
Source: 1995 AACS.

R 339.3208
Source: 1995 AACS.

R 339.3209
Source: 1995 AACS.

R 339.3210
Source: 1995 AACS.

R 339.3210a
Source: 1995 AACS.

R 339.3211
Source: 1995 AACS.

R 339.3212
Source: 1995 AACS.

R 339.3213
Source: 1995 AACS.

R 339.3214
Source: 1995 AACS.

R 339.3215
Source: 1995 AACS.

R 339.3216
Source: 1995 AACS.

R 339.3217
Source: 1995 AACS.

R 339.3218
Source: 1995 AACS.

R 339.3219
Source: 1995 AACS.

R 339.3220
Source: 1995 AACS.

R 339.3221
Source: 1995 AACS.

R 339.3222
Source: 1995 AACS.

R 339.3223
Source: 1995 AACS.

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R 339.3224
Source: 1995 AACS.

R 339.3225
Source: 1995 AACS.

R 339.3226
Source: 1995 AACS.

R 339.3227
Source: 1995 AACS.

R 339.3228
Source: 1995 AACS.

R 339.3229
Source: 1995 AACS.

R 339.3230
Source: 1995 AACS.

R 339.3231
Source: 1995 AACS.

R 339.3232
Source: 1995 AACS.

R 339.3233
Source: 1995 AACS.

R 339.3234
Source: 1985 AACS.

R 339.3235
Source: 1995 AACS.

R 339.3236
Source: 1995 AACS.

DIRECTOR'S OFFICE
COLLECTION AGENCIES

R 339.4001
Source: 2014 AACS.

R 339.4003
Source: 2014 AACS.

R 339.4005
Source: 2014 AACS.

R 339.4007
Source: 2014 AACS.

R 339.4009
Source: 2014 AACS.

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R 339.4011
Source: 2014 AACS.

PERSONNEL AGENCIES

PART 1. GENERAL PROVISIONS

R 339.5001
Source: 2014 AACS.

R 339.5005
Source: 2014 AACS.

R 339.5009
Source: 1996 AACS.

PART 2. LICENSING

R 339.5021
Source: 2014 AACS.

R 339.5023
Source: 2014 AACS.

PART 3. STANDARDS OF CONDUCT

R 339.5031
Source: 2014 AACS.

R 339.5033
Source: 2014 AACS.

R 339.5035
Source: 2014 AACS.

R 339.5037
Source: 2014 AACS.

R 339.5039
Source: 2014 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BARBERS

PART 1. GENERAL PROVISIONS

R 339.6001
Source: 2014 AACS.

R 339.6003
Source: 2014 AACS.

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R 339.6019

Source: 1991 AACS.

PART 2. LICENSES

R 339.6021

Source: 1998 AACS.

PART 3. SANITATION

R 339.6031 Premises.

Rule 31. (1) All premises used by a licensee must be maintained in a clean, safe, and sanitary condition. The premises must be free from all of the following:

- (a) Dust.
- (b) Mold.
- (c) Mildew.
- (d) Insects.
- (e) Rodents.
- (f) Vermin.
- (g) Other sources of contamination or potential causes of health or safety hazards or nuisances.
- (2) Floors, walls, ceilings, fixtures, furnishings, and work surfaces must be kept clean. Open windows and doors must be screened to prevent the entry of insects. Waste containers must be kept closed with a lid or hinged-door and emptied when full and at least once every 24 hours. Waste containers must be cleaned and disinfected at least once every 24 hours unless lined with a plastic bag that is disposed of each time the waste container is emptied.
- (3) Equipment and supplies for barbering use must be stored separately from storage for any other purpose. Soiled or used towels or rubbish must not be allowed to accumulate on the premises or in adjacent areas. Used towel and rubbish storage must not be adjacent to storage for clean supplies. Covered containers or cabinets must be provided for clean supplies that are not wrapped for sanitation.
- (4) Toilet facilities must be furnished on the premises unless public toilet facilities are reasonably available.
- (5) Licensed premises must have stationary washbasins located within the licensed premises. Effective 180 days after the promulgation of this rule, washbasins used to satisfy the sanitation requirements of these rules must not be in a restroom or out of view of the work area where services are performed. Each basin must be connected to a pressurized water system with hot and cold running water and with adequate provision for drainage and disposal of waste into a public disposal system or septic tank.
- (6) Licensed premises must be in compliance with all regulations of the political subdivision in which they are located and with state and federal building codes, health regulations, and fire safety regulations.

History: 1991 AACS; 2019 MR 21, Eff. November 4, 2019.

R 339.6033 Tools and equipment.

Rule 33. (1) Before being used on a patron, tools and equipment used for barbering must be wiped clean and sanitized using 1 of the following methods:

- (a) Exposure to ultraviolet light at a distance of not more than 8 inches for not less than 2 minutes from a germicidal lamp that has a strength of not less than 15 watts. Tools sanitized in this manner must be kept mechanically clean.
- (b) Thoroughly washing the tools and equipment in a detergent solution and placing the rinsed equipment in a container holding a chemical sanitizing agent. Chemical sanitizing agents acceptable for such uses are those registered for use in interstate commerce by the United States Environmental Protection Agency. After sanitizing, the tools and equipment must be stored in a covered container.
- (c) Sharp-edged tools must be wiped with a 70% alcohol solution.
- (2) When not in use, tools and equipment that are intended to come in contact with a patron and are capable of storage in a covered container must be stored in a covered container.
- (3) Tools and equipment must be maintained in a sanitary and safe condition and in good working order.
- (4) The reuse of unsanitized finger bowls, common powder puffs, common sponges, and paper and cotton items is prohibited. Such items must be sanitized before reuse or must be discarded.
- (5) Small items of equipment, including combs, brushes, rollers, clips, pins, head coverings, caps, permanent waving rods, protectors, and supplies, must be maintained in a sanitary condition, must be stored in covered containers, and, to minimize the possibility of accidental, unsanitized reuse, must not be carried about between work areas on the person of a licensee.

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History: 1991 AACCS; 2019 MR 21, Eff. November 4, 2019.

R 339.6035

Source: 1991 AACCS.

R 339.6037 Patron protection.

Rule 37. (1) A clean, fresh paper or cloth towel must be used for each patron.

(2) A headrest of a barber chair must be covered with clean, fresh paper or cloth before use by each patron.

(3) A hair cloth or cape must be used on each patron. A clean, fresh towel or sanitary paper or cloth neck strip must be placed around the neck to prevent the hair cloth or cape from touching the skin.

(4) After being used on a patron, a towel or cloth neck strip must be placed in a covered container with a hinged door or lid.

(5) Creams and other semisolid substances must be covered when not in use and must be removed from their containers with spatulas. Fluids or powders used on a patron must be applied from a bottle or shaker-type dispenser.

(6) A licensee shall wash his or her hands before serving each patron and shall make all reasonable attempts to prevent the spread of communicable diseases or skin lesions.

History: 1991 AACCS; 2019 MR 21, Eff. November 4, 2019.

R 339.6039

Source: 2003 AACCS.

PART 4. BARBER COLLEGES

R 339.6041 Construction standards and required equipment.

Rule 41. (1) A barber college shall provide for all of the following:

(a) A classroom with adequate space and sufficient number of desk chairs for each student in attendance.

(b) A practical training room.

(c) A separate student locker area.

(d) Adequate toilet facilities to meet the needs of the number of enrolled students.

(2) The practical training room must be equipped with all of the following:

(a) Sufficient practical training stations so that students are not required to share a station during practical training periods.

(b) Tile, first-grade linoleum, or other board-approved floor covering.

(c) Ample lamps and vibrators to give demonstrations in scientific treatment as provided in the curriculum.

(d) Ample supplies of steamers, sources of lather, and clean towels provided by the college for the proper performance of services by each student.

(3) The practical training room may be equipped with any of the following optional equipment for practical training:

(a) A cash register.

(b) A sales counter.

(c) A reception counter.

(d) A hair analysis machine.

(e) Skin care equipment.

(4) A practical training station must be equipped with all of the following:

(a) A barber chair that is in mechanical working order, easily cleaned, and not less than 6 feet from the next chair, when measured from the center of one chair base to the center of the next chair base.

(b) One storage cabinet for tools, clean towels, and hair cloths.

(c) One electric sterilizer.

(d) One approved soiled towel container with a hinged lid or door.

(e) One complete set of the customary barber tools.

(5) A barber college shall indicate to the public that it is a barber college by a sign, with letters that are not less than 6 inches in height, that includes the words "barber school" or "barber college." A sign must be displayed indicating that the work performed in the barber college is primarily performed by students.

History: 1991 AACCS; 1994 AACCS; 2019 MR 21, Eff. November 4, 2019.

R 339.6045

Source: 2014 AACCS.

R 339.6047 Barber college; curriculum.

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Rule 47. A barber college shall follow a curriculum of instruction in barbering shown under table 47. The curriculum may vary within 10% of the hours for each subject specified in this rule as long as the total theory hours is not less than 225 and the total practical hours is not less than 1,575.

TABLE 47
Barber Training Curriculum

Topic	Theory Hours	Practical Hours
(a) Orientation: (i) History of barbering profession. (ii) Implements of barbering profession.	10	0
(b) Safety and sanitation: (i) General (basic first aid, work stations). (ii) Bacteriology and diseases of hair, scalp, skin, nails, and glands. (iii) Implements (sanitation, maintenance, care). (iv) Laws and rules governing safety and sanitation.	60	50
(c) Client services: (i) Composition, structure, function of skin, hair, head, face, and neck. (ii) Analysis of bone structure, skin, and hair. (iii) Determination of services desired by client. (iv) Examination of client (identifying disorders and diseases), referral for medical treatment. (v) Recommending services and follow-up maintenance.	30	These activities shall be performed as part of activities specified in subdivisions (d), (e), and (f) of this rule.
(d) Haircut and shave: (i) Hair cutting. (ii) Hair styling. (iii) Razor honing and stropping. (iv) Shaving and beard trimming.	60	1,000
(e) Chemical services: (i) Shampooing and conditioning hair. (ii) Hair waving and relaxing. (iii) Hair coloring and lightening.	15	125
(f) Secondary services: (i) Skin care (facials, massage, and therapy). (ii) Hair and scalp treatments (preparations, massage, and therapy). (iii) Selling and servicing hairpieces.	25	275
(g) Laws, rules, and regulations: (i) Governing the barber. (ii) Governing the barbershop.	10	0
(h) Business management: (i) Ethics. (ii) Merchandising. (iii) Bookkeeping. (iv) Taxes. (v) Insurances	10	100
(i) State board examination preparation	5	25
	225	1,575

History: 1991 AACs; 2019 MR 21, Eff. November 4, 2019.

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Source: 1991 AACCS.

R 339.6051

Source: 2014 AACCS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

NURSING HOME ADMINISTRATORS

PART 1. GENERAL PROVISIONS

R 339.14001 Definitions.

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

- (a) "Accredited institution" means a college or university that meets the standards set forth in R 339.14005.
 - (b) "Board" means the Michigan board of nursing home administrators.
 - (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) "Life Safety Code" means the National Fire Protection Association 101 Life Safety Code.
 - (f) "Sponsor" means a person or an organization offering continuing education courses relating to the practice of nursing home administration.
- (2) The terms defined in the code have the same meanings when used in these rules.
History: 1992 AACCS; 2014 AACCS; 2019 MR 9, Eff. May 20, 2019.

R 339.14002 Rescinded.

History: 2016 AACCS; 2019 MR 9, Eff. May 20, 2019.

R 339.14003

Source: 2014 AACCS.

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), approved September 28, 1998, and revised 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 Title 34, Part 602 of the Code of Federal Regulations. The CHEA recognition standards may be obtained from CHEA, 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 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 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, MI 48909.R 339.14007 Approved course of instruction and training.

History: 1992 AACCS; 1998-2000 AACCS; 2014 AACCS; 2019 MR 9, Eff. May 20, 2019.

R 339.14007 Approved course of instruction and training.

Rule 7. The department, in consultation with the board, approves a course of instruction and training that meets all of the following:

- (a) Complies with section 17309(2) of the code, MCL 333.17309(2).
- (b) Includes, at a minimum, a total of 9 semester credits or 144 clock hours of instruction. The instruction provided shall include all of the following subjects:
 - (i) Administrative management of a nursing home.
 - (ii) Human resources management in a nursing home.
 - (iii) Financial management of a nursing home.

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- (iv) State and federal laws and regulations regarding the nursing home industry, operation of a nursing home, emergency preparedness, including Medicare and Medicaid provider compliance with the requirements of the Life Safety Code, and the protection of patients' health, safety, and welfare in a nursing home.
 - (v) Gerontology or the aging process.
 - (vi) Identification of elder abuse and neglect.
 - (c) Is offered by an accredited institution that meets the standards in R 339.14005.
- History: 1992 AACCS; 1998-2000 AACCS; 2014 AACCS; 2019 MR 9, Eff. May 20, 2019.

Editor's Note: An obvious error in R 339.14007 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in *Michigan Register*, 2019 MR 9. The memorandum requesting the correction was published in *Michigan Register*, 2019 MR 12.

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 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), MCL 333.17309(3), of the code.
- (2) In addition to meeting the requirements of subrule (1) of this rule, an applicant shall, within 1 year 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.

History: 2014 AACCS; 2019 MR 9, Eff. May 20, 2019.

R 339.14009 Eligibility for examinations.

Rule 9. (1) An applicant may take the CORE and the NHA LOS examinations required under R 339.14008(2) after the applicant has received authorization from the department to take the examinations.

(2) The department shall authorize the applicant to take the examinations when it has received the required fee and a completed application on a form provided by the department and either of the following:

- (a) Documentation sent directly to the department from an accredited institution verifying that the applicant has met the educational requirements specified in R 339.14008(1)(c)(i).
- (b) Documentation sent directly to the department that the applicant has met the employment requirements specified in R 339.14008(1)(c)(ii).

History: 1992 AACCS; 2014 AACCS; 2019 MR 9, Eff. May 20, 2019.

R 339.14011 Passing examination scores.

Rule 11. The passing score for the CORE and for the NHA LOS examinations is the passing score recommended by the NAB.

History: 2019 MR 9, Eff. May 20, 2019.

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 shall 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.

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- (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 may 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 shall 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 license renewals after March 17, 2019 and for initial licenses issued on or after March 17, 2021.

History: 1992 AACCS; 1995 AACCS; 1998-2000 AACCS; 2014 AACCS; 2019 MR 9, Eff. May 20, 2019.

R 339.14013 Minimum English language standard.

Rule 14013. (1) Pursuant to section 16174(1)(d) of the code, MCL 333.16174(1)(d), an applicant seeking initial licensure shall demonstrate a working knowledge of the English language if the applicant's educational or training program was taught outside the United States, unless exempted by subrule (3) of this rule.

(2) To demonstrate a working knowledge of the English language, an applicant shall submit proof that he or she has obtained a total score of not less than 80 on the test of English as a foreign language internet-based test (TOEFL-IBT) administered by the educational testing service.

(3) If an applicant's education or training program was taught in English within 1 or more of the following, he or she is exempted from the requirements of subrule (1) of this rule:

- (a) Any country where English is the official language.
- (b) Canada, except Quebec.
- (c) England.
- (d) Ireland.
- (e) New Zealand.
- (f) Australia.

History: 1992 AACCS; 1998-2000 AACCS; 2014 AACCS; 2019 MR 9, Eff. May 20, 2019.

R 339.14015 Rescinded.

History: 1992 AACCS; 2019 MR 9, Eff. May 20, 2019.

R 339.14019

Source: 1992 AACCS.

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(3) or (4), as applicable, may be relicensed by complying with the following requirements as noted by (√):

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(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) Application and fee: 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(3).		√
(d) Passed the CORE and NHA LOS examinations.		√
(e) If applicable, provide proof of any nursing home administrator license previously held: An applicant's nursing home administrator license must be verified by the licensing agency of any state or territory of the United States or province of Canada in which the applicant has ever held a nursing home administrator license. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√
(f) Completed 36 hours of continuing education (CE) credits during the 2 years immediately preceding the application for relicensure.	√	√

(2) An applicant who has let his or her Michigan license lapse and who is currently licensed or registered in another state or territory of the United States or province of Canada may be relicensed under section 16201(4), MCL 333.16201(4) of the code if the applicant satisfies all of the following:	Lapsed 0-3 Years.	Lapsed More than 3 Years.
(a) Application and fee: 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.		√

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(c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3).		√
<p>(d) Provides proof of a current and valid nursing home administrator license:</p> <p>An applicant's nursing home administrator license must be verified by the licensing agency of any state or territory 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>	√	√
<p>(e) Meets either of the following:</p> <p>(i) The educational requirements specified in R 339.14008(1)(c)(i).</p> <p>(ii) Had been licensed or registered and practicing as a nursing home administrator for 5 consecutive years or more in any state or territory of the United States as of the date of application for relicensure, as specified in R 339.1408(1)(c)(ii).</p>		√
(f) Completed 36 hours of CE credits during the 2 years immediately preceding the application for relicensure.	√	√

History: 2014 AACCS; 2019 MR 9, Eff. May 20, 2019.

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 was first registered or licensed as a nursing home administrator in another 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 in R 339.14008(1)(c)(i).

(3) If an applicant was first registered or licensed as a nursing home administrator in another 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 educational requirements specified in R 339.14008(1)(c)(i).

(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant shall have his or her license or registration 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 shall include the record of any disciplinary action taken or pending against the applicant.

History: 2014 AACCS; 2019 MR 9, Eff. May 20, 2019.

R 339.14021

Source: 2014 AACCS.

PART 4. CONTINUING EDUCATION

R 339.14022 Required continuing education; certification; documentation.

Rule 22. (1) If a licensee who is applying for license renewal has been licensed for the entire 2-year licensing cycle immediately preceding the expiration date of his or her license, the licensee shall accumulate not less than 36 hours of continuing education

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credits from courses approved pursuant to R 339.14026 before submitting a renewal application.

(2) A licensee's renewal submission is the certification that he or she has accumulated 36 hours of continuing education within 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.

History: 2019 MR 9, Eff. May 20, 2019.

R 339.14023 Rescinded.

History: 1992 AACCS; 2019 MR 9, Eff. May 20, 2019.

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 a continuing education course approved pursuant to R 339.14026 or R 339.14026a.

(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 shall 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 shall be earned in state specific laws and regulations pertaining to licensed nursing home and nursing care facilities during each renewal cycle.

History: 2019 MR 9, Eff. May 20, 2019.

R 339.14024a Carry over credit; duplicate continuing education credit; limitation.

Rule 24a. (1) The continuing education credit hours earned during 1 renewal cycle shall not be carried forward to the next renewal cycle.

(2) A licensee shall not earn continuing education credit for completing the same course twice within the same renewal cycle.

History: 2019 MR 9, Eff. May 20, 2019.

R 339.14025 Rescinded.

History: 1992 AACCS; 1995 AACCS; 1998-2000 AACCS; 2014 AACCS; 2019 MR 9, Eff. May 20, 2019.

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 as part of the curriculum of a college or university that meets the accreditation standards adopted in R 339.14005.

History: 2019 MR 9, Eff. May 20, 2019.

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 (a) and (b), 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:

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- (i) A 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.
- History: 2019 MR 9, Eff. May 20, 2019.

R 339.14027 Rescinded.

History: 1992 AACCS; 1995 AACCS; 1998-2000 AACCS; 2014 AACCS; 2019 MR 9, Eff. May 20, 2019.

R 339.14029 Withdrawal of board approval of continuing education course.

Rule 29. Approval of a continuing education course may be withdrawn by the board for failure to comply with the requirements of R 339.14026a.

History: 1992 AACCS; 2019 MR 9, Eff. May 20, 2019.

R 339.14030 Rescinded.

History 2014 AACCS; 2019 MR 9, Eff. May 20, 2019.

R 339.14031 Rescinded.

History: 1992 AACCS; 2014 AACCS; 2019 MR 9, Eff. May 20, 2019.

R 339.14032 Qualifying continuing education subjects.

Rule 32. One or more qualifying subjects shall be covered in a course for the participant to receive continuing education credit. Qualifying subjects are those that contribute to the professional competency of a licensee, including 1 or more of the following:

- (a) Behavioral science.
- (b) Economics, finance, marketing, or management.
- (c) Geriatrics, gerontology, or aging.
- (d) Health care, patient care, or elder abuse and neglect identification.
- (e) Pharmacology and toxicology.
- (f) Human resources.
- (g) State and federal laws and regulations regarding the nursing home industry.
- (h) Communications or information technology.
- (i) Pain and symptom management.

History: 2019 MR 9, Eff. May 20, 2019.

R 339.14033 Rescinded.

History: 1992 AACCS; 2014 AACCS; 2019 MR 9, Eff. May 20, 2019.

R 339.14035 Rescinded.

History: 1992 AACCS; 1995 AACCS; 2014 AACCS; 2019 MR 9, Eff. May 20, 2019.

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DIRECTOR'S OFFICE

ARCHITECTS – GENERAL RULES

R 339.15101

Source: 2018 AACS.

R 339.15102

Source: 1998-2000 AACS.

R 339.15103

Source: 2014 AACS.

R 339.15104

Source: 2001 AACS.

R 339.15105

Source: 1985 AACS.

R 339.15201

Source: 2018 AACS.

R 339.15202

Source: 2018 AACS.

R 339.15203

Source: 1998-2000 AACS.

R 339.15204

Source: 2006 AACS.

R 339.15301

R 339.15302

Source: 2014 AACS.

R 339.15401

Source: 1985 AACS.

R 339.15402

Source: 1985 AACS.

R 339.15403

Source: 1985 AACS.

R 339.15501

Source: 2018 AACS.

R 339.15502

Source: 2018 AACS.

R 339.15502a

Source: 2018 AACS.

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R 339.15503

Source: 2013 AACS.

R 339.15504

Source: 2018 AACS.

R 339.15505

Source: 2018 AACS.

R 339.15506

Source: 2018 AACS.

R 339.15507

Source: 2013 AACS.

PROFESSIONAL ENGINEERS

PART 1. GENERAL PROVISIONS

R 339.16001

Source: 2014 AACS.

R 339.16002

Source: 1998-2000 AACS.

R 339.16003

Source: 2014 AACS.

R 339.16004

Source: 2001 AACS.

R 339.16006

Source: 1985 AACS.

PART 2. LICENSURE

R 339.16021

Source: 2008 AACS.

R 339.16022

Source: 1985 AACS.

R 339.16023

Source: 1998-2000 AACS.

R 339.16024

Source: 2014 AACS.

R 339.16025

Source: 2014 AACS.

R 339.16026

Source: 2008 AACS.

PART 3. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 339.16031

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Source: 1985 AACs.

R 339.16032

Source: 1985 AACs.

R 339.16033

Source: 1985 AACs.

R 339.16034

Source: 1985 AACs.

PART 4. CONTINUING EDUCATION

R 339.16040

Source: 2013 AACs.

R 339.16041

Source: 2013 AACs.

R 339.16042

Source: 2013 AACs.

R 339.16043

Source: 2013 AACs.

R 339.16044

Source: 2013 AACs.

PROFESSIONAL SURVEYORS

PART 1. GENERAL PROVISIONS

R 339.17101

Source: 2014 AACs.

R 339.17102

Source: 1997 AACs.

R 339.17103

Source: 2014 AACs.

R 339.17104

Source: 2001 AACs.

R 339.17105

Source: 1985 AACs.

PART 2. EXAMINATIONS

R 339.17201

Source: 1985 AACs.

R 339.17202

Source: 1995 AACs.

R 339.17203

Source: 2013 AACs.

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PART 3. LICENSURE, RECIPROCITY, AND RENEWAL

R 339.17301
Source: 2014 AACs.

R 339.17302
Source: 2014 AACs.

PART 4. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 339.17401
Source: 1995 AACs.

R 339.17402
Source: 1985 AACs.

R 339.17403
Source: 1995 AACs.

R 339.17404
Source: 2014 AACs.

PART 5. CONTINUING EDUCATION

R 339.17505
Source: 2013 AACs.

R 339.17506
Source: 2013 AACs.

R 339.17507
Source: 2013 AACs.

R 339.17508
Source: 2013 AACs.

R 339.17509
Source: 2013 AACs.

FORESTERS

PART 1. GENERAL PROVISIONS

R 339.18001
Source: 2014 AACs.

R 339.18005
Source: 2014 AACs.

R 339.18007
Source: 2014 AACs.

PART 2. REGISTRATION

R 339.18021
Source: 1998-2000 AACs.

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R 339.18023

Source: 2014 AACS.

R 339.18025

Source: 2014 AACS.

R 339.18027

Source: 2014 AACS.

R 339.18029

Source: 1998-2000 AACS.

PART 3. STANDARDS OF CONDUCT

R 339.18031

Source: 2014 AACS.

R 339.18035

Source: 2014 AACS.

MORTUARY SCIENCE

PART 1. GENERAL PROVISIONS

R 339.18901

Source: 2014 AACS.

R 339.18905

Source: 2014 AACS.

R 339.18919

Source: 1991 AACS.

PART 2. LICENSING

R 339.18921

Source: 2001 AACS.

R 339.18923

Source: 1998-2000 AACS.

R 339.18925

Source: 1991 AACS.

R 339.18927

Source: 2001 AACS.

R 339.18929

Source: 2014 AACS.

PART 3. STANDARDS OF OPERATIONS

R 339.18930

Source: 2001 AACS.

R 339.18931

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Source: 2014 AACS.

R 339.18933

Source: 1991 AACS.

R 339.18937

Source: 1991 AACS.

PART 4. STANDARDS OF CONDUCT

R 339.18941

Source: 2014 AACS.

R 339.18943

Source: 1991 AACS.

R 339.18945

Source: 1991 AACS.

R 339.18947

Source: 2014 AACS.

LANDSCAPE ARCHITECTS

PART 1. GENERAL PROVISIONS

R 339.19001

Source: 2014 AACS.

R 339.19005

Source: 1998-2000 AACS.

R 339.19007

Source: 2014 AACS.

R 339.19020

Source: 1983 AACS.

PART 2. REGISTRATION

R 339.19021

Source: 1998-2000 AACS.

R 339.19023

Source: 1983 AACS.

R 339.19025

Source: 1991 AACS.

R 339.19027

Source: 2014 AACS.

PART 3. EXAMINATIONS

R 339.19031

Source: 1998-2000 AACS.

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R 339.19033

Source: 1998-2000 AACS.

R 339.19035

Source: 1998-2000 AACS.

R 339.19037

Source: 1998-2000 AACS.

R 339.19039

Source: 1998-2000 AACS.

PART 4. STANDARDS OF CONDUCT

R 339.19041

Source: 1983 AACS.

R 339.19045

Source: 2014 AACS.

R 339.19049

Source: 2014 AACS.

PROFESSIONAL COMMUNITY PLANNERS

PART 1. GENERAL PROVISIONS

R 339.20001

Source: 2014 AACS.

R 339.20002

Source: 2014 AACS.

R 339.20009

Source: 2014 AACS.

PART 2. REGISTRATION

R 339.20011

Source: 2014 AACS.

R 339.20013

Source: 2014 AACS.

R 339.20015

Source: 2014 AACS.

R 339.20017

Source: 2014 AACS.

R 339.20018

Source: 2014 AACS.

R 339.20019

Source: 2014 AACS.

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PART 3. STANDARDS OF CONDUCT

R 339.20031

Source: 2014 AACS.

R 339.20033

Source: 2014 AACS.

R 339.20035

Source: 2014 AACS.

R 339.20037

Source: 2014 AACS.

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REAL ESTATE BROKERS AND SALESPERSONS - GENERAL RULES

R 339.22101

Source: 2018 AACS.

R 339.22103

Source: 2014 AACS.

R 339.22199

Source: 1991 AACS.

R 339.22201

Source: 2018 AACS.

R 339.22203

Source: 2018 AACS.

R 339.22205

Source: 2017 AACS.

R 339.22207

Source: 2017 AACS.

R 339.22209

Source: 2014 AACS.

R 339.22211

Source: 2017 AACS.

R 339.22213

Source: 2014 AACS.

R 339.22215

Source: 2017 AACS.

R 339.22217

Source: 2018 AACS.

R 339.22219

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Source: 2018 AACS.

R 339.22221

Source: 2018 AACS.

R 339.22301

Source: 2017 AACS.

R 339.22305

Source: 2002 AACS.

R 339.22307

Source: 2002 AACS.

R 339.22309

Source: 2017 AACS.

R 339.22310

Source: 2017 AACS.

R 339.22311

Source: 2017 AACS.

R 339.22313

Source: 2018 AACS.

R 339.22315

Source: 2018 AACS.

R 339.22317

Source: 2017 AACS.

R 339.22319

Source: 2017 AACS.

R 339.22321

Source: 2002 AACS.

R 339.22323

Source: 2017 AACS.

R 339.22325

Source: 2017 AACS.

R 339.22327

Source: 2017 AACS.

R 339.22329

Source: 2017 AACS.

R 339.22333

Source: 2002 AACS.

R 339.22335

Source: 1997 AACS.

R 339.22337

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Source: 2014 AACs.

R 339.22339

Source: 2017 AACs.

R 339.22401

Source: 2017 AACs.

R 339.22403

Source: 1997 AACs.

R 339.22405

Source: 2017 AACs.

R 339.22501

Source: 2013 AACs.

R 339.22503

Source: 2013 AACs.

R 339.22505

Source: 2013 AACs.

R 339.22507

Source: 2013 AACs.

R 339.22509

Source: 2013 AACs.

R 339.22511

Source: 2013 AACs.

R 339.22513

Source: 2013 AACs.

R 339.22515

Source: 2013 AACs.

R 339.22517

Source: 2013 AACs.

R 339.22519

Source: 2013 AACs.

R 339.22521

Source: 2013 AACs.

R 339.22523

Source: 2013 AACs.

R 339.22525

Source: 2013 AACs.

R 339.22527

Source: 2013 AACs.

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R 339.22529

Source: 2013 AACS.

R 339.22601

Source: 2018 AACS.

R 339.22602

Source: 2018 AACS.

R 339.22603

Source: 2018 AACS.

R 339.22604

Source: 2018 AACS.

R 339.22605

Source: 2018 AACS.

R 339.22606

Source: 2018 AACS.

R 339.22607

Source: 2018 AACS.

R 339. 22609

Source: 2018 AACS.

R 339.22611

Source: 2018 AACS.

R 339.22613

Source: 2018 AACS.

R 339.22615 Rescinded.

History: 1991 AACS; 2007 AACS; 2014 AACS.

R 339.22617

Source: 2018 AACS.

R 339.22618

Source: 2018 AACS.

Rule 339.22619

Source: 2018 AACS.

R 339.22620

Source: 2018 AACS.

R 339.22621

Source: 2018 AACS.

R 339.22622

Source: 2018 AACS.

R 339.22623

Source: 2018 AACS.

R 339.22624

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Source: 2018 AACS.

R 339.22625

Source: 2018 AACS.

R 338.22626

Source: 2018 AACS.

R 339.22627

Source: 2018 AACS.

R 339.22628

Source: 2018 AACS.

R 339.22629

Source: 2018 AACS.

R 339.22630

Source: 2018 AACS.

R 339.22631

Source: 2018 AACS.

R 339.22632

Source: 2018 AACS.

R 339.22633

Source: 2002 AACS.

R 339.22635

Source: 2002 AACS.

R 339.22637

Source: 2002 AACS.

R 339.22639

Source: 2007 AACS.

R 339.22641

Source: 2007 AACS.

R 339.22643

Source: 1991 AACS.

R 339.22645

Source: 2018 AACS.

R 339.22647

Source: 2014 AACS.

R 339.22651

Source: 2014 AACS.

R 339.22652

Source: 2014 AACS.

R 339.22653

Source: 2007 AACS.

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R 339.22654
Source: 2007 AACS.

R 339.22655
Source: 2007 AACS.

R 339.22657
Source: 2014 AACS.

R 339.22659
Source: 2014 AACS.

R 339.22661
Source: 2002 AACS.

R 339.22663
Source: 2007 AACS.

R 339.22664
Source: 2007 AACS.

R 339.22665
Source: 2014 AACS.

R 339.22667
Source: 1997 AACS.

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REAL ESTATE APPRAISERS - GENERAL RULES

R 339.23101
Source: 2014 AACS.

R 339.23102
Source: 2016 AACS.

R 339.23103
Source: 2014 AACS.

R 339.23201
Source: 2014 AACS.

R 339.23203
Source: 2018 AACS.

R 339.23305
Source: 2010 AACS.

R 339.23207
Source: 2002 AACS.

R 339.23301
Source: 2007 AACS.

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R 339.23303
Source: 2007 AACCS.

R 339.23305
Source: 1996 AACCS.

R 339.23307
Source: 2007 AACCS.

R 339.23309
Source: 2007 AACCS.

R 339.23311
Source: 2007 AACCS.

R 339.23313
Source: 1996 AACCS.

R 339.23315
Source: 2007 AACCS.

R 339.23316
Source: 2007 AACCS.

R 339.23317
Source: 2007 AACCS.

R 339.23319
Source: 2007 AACCS.

R 339.23320
Source: 2010 AACCS.

R 339.23321
Source: 2007 AACCS.

R 339.23323
Source: 2002 AACCS.

R 339.23325
Source: 2010 AACCS.

R 339.23326
Source: 2018 AACCS.

R 339.23327
Source: 2010 AACCS.