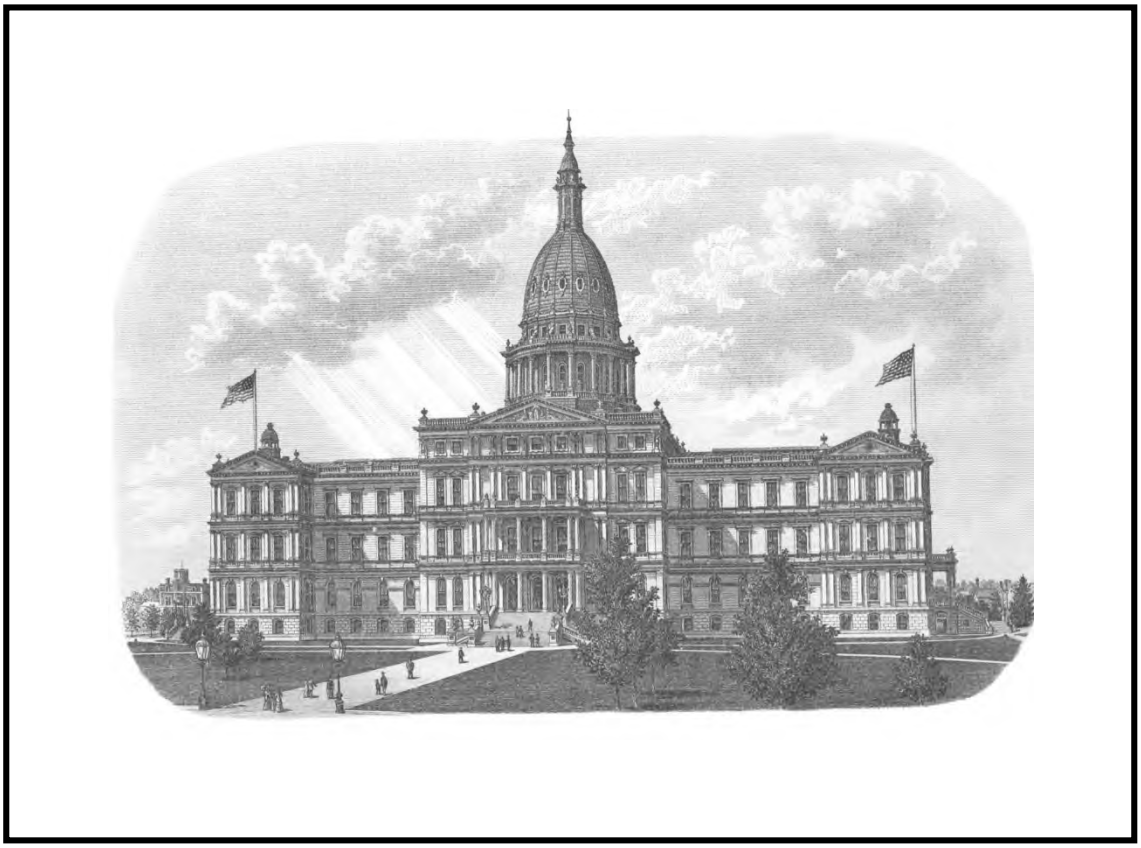
Michigan Register

Issue No. 24 – 2020 (Published January 15, 2021)



GRAPHIC IMAGES IN THE

MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

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

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

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

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

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

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

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws

Issue No. 24— 2020
(This issue, published January 15, 2021, contains
documents filed from December 15, 2020 to January 1, 2021)

Compiled and Published by the
Michigan Office of Administrative Hearings and Rules

Michigan Register (ISSN 0892-3124). Published twice per month, with a cumulative index, by the Michigan Office of Administrative Hearings and Rules, pursuant to §24.208 of the Michigan Compiled Laws. Subscription $400.00 per year, postpaid to points in the U.S. First class postage paid at Lansing, Michigan. Direct all mail concerning subscriptions to Michigan Office of Administrative Hearings and Rules, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909

Katherine Wienczewski, State Administrative Manager, Michigan Office of Administrative Hearings and Rules; Deidre O'Berry, Administrative Rules Specialist for Operations and Publications.

Gretchen Whitmer, Governor

Garlin Gilchrist, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

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

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

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

Sec. 8.

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

(a) Executive orders and executive reorganization orders.

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.

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

(g) Emergency rules filed with the secretary of state.

(h) Notice of proposed and adopted agency guidelines.

(i) Other official information considered necessary or appropriate by the office of regulatory reform.

(j) Attorney general opinions.

(k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

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

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

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

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

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

Sec. 203.

(1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

(2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.

(3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.

(4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.

(5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.

(6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.

(7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).

(8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).

(9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2020 MR 1 refers to the year of issue (2020) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

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

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

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

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

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

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

SUBSCRIPTIONS AND DISTRIBUTION

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

INTERNET ACCESS

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

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

Executive Director,
Michigan Office of Administrative Hearings and Rules

2020 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2020	February 1, 2020
2	February 1, 2020	February 15, 2020
3	February 15, 2020	March 1, 2020
4	March 1, 2020	March 15, 2020
5	March 15, 2020	April 1, 2020
6	April 1, 2020	April 15, 2020
7	April 15, 2020	May 1, 2020
8	May 1, 2020	May 15, 2020
9	May 15, 2020	June 1, 2020
10	June 1, 2020	June 15, 2020
11	June 15, 2020	July 1, 2020
12	July 1, 2020	July 15, 2020
13	July 15, 2020	August 1, 2020
14	August 1, 2020	August 15, 2020
15	August 15, 2020	September 1, 2020
16	September 1, 2020	September 15, 2020
17	September 15, 2020	October 1, 2020
18	October 1, 2020	October 15, 2020
19	October 15, 2020	November 1, 2020
20	November 1, 2020	November 15, 2020
21	November 15, 2020	December 1, 2020
22	December 1, 2020	December 15, 2020
23	December 15, 2020	January 1, 2021
24	January 1, 2021	January 15, 2021

CONTENTS

ADMINISTRATIVE RULES FILED WITH SECRETARY OF STATE

PROPOSED ADMINISTRATIVE RULES, NOTICES OF PUBLIC HEARINGS

CORRECTION OF OBVIOUS ERRORS IN PUBLICATION

OPINIONS OF THE ATTORNEY GENERAL

CUMULATIVE INDEX

MICHIGAN ADMINISTRATIVE CODE TABLE

BILLS SIGNED INTO LAW OR VETOED

ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

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

* * *

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

ADMINISTRATIVE RULES

LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PHARMACY - GENERAL RULES

Filed with the secretary of state on December 22, 2020

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

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 16174, 16175, 16178, 16182, 16186, 17722, 17731, 17737, 17746, 17748, 17748a, 17748b, 17751, 17753, 17757, 17760, and 17767 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16174, 333.16175, 333.16178, 333.16182, 333.16186, 333.17722, 333.17731, 333.17737, 333.17746, 333.17748, 333.17748a, 333.17748b, 333.17751, 333.17753, 333.17757, 333.17760, and 333.17767, and Executive Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.486 of the Michigan Administrative Code is amended; R 338.471, R 338.471a, R 338.471b, R 338.472, R 338.473, R 338.473a, R 338.473b, R 338.473c, R 338.473d, R 338.474, R 338.474a, R 338.475, R 338.477, R 338.477a, R 338.477b, R 338.477c, R 338.477d, R 338.478, R 338.479, R 338.479a, R 338.479b, R 338.479c, R 338.480, R 338.480a, R 338.481, R 338.482, R 338.489, R 338.490, R 338.493a, R 338.493b, R 338.493c, R 338.493d, R 338.493f, R 338.493g, and R 338.500 of the Code are rescinded; and R 338.501, R 338.503, R 338.505, R 338.511, R 338.513, R 338.515, R 338.517, R 338.519, R 338.521, R 338.523, R 338.525, R 338.531, R 338.532, R 338.533, R 338.534, R 338.535, R 338.536, R 338.537, R 338.538, R 338.539, R 338.551, R 338.553, R 338.555, R 338.557, R 338.559, R 338.561, R 338.563, R 338.565, R 338.567, R 338.569, R 338.571, R 338.573, R 338.575, R 338.577, R 338.582, R 338.583, R 338.584, R 338.585, R 338.586, R 338.587, R 338.588, R 338.589, and R 338.590 are added to the Code to read as follows:

PART 1. GENERAL PROVISIONS

R 338.471 Rescinded.

R 338.471a Rescinded.

R 338.471b Rescinded.

R 338.472 Rescinded.

R 338.473 Rescinded.

R 338.473a Rescinded.

R 338.473b Rescinded.

R 338.473c Rescinded.

R 338.473d Rescinded.

R 338.474 Rescinded.

R 338.474a Rescinded.

R 338.475 Rescinded.

R 338.477 Rescinded.

R 338.477a Rescinded.

R 338.477b Rescinded.

R 338.477c Rescinded.

R 338.477d Rescinded.

R 338.478 Rescinded.

R 338.479 Rescinded.

R 338.479a Rescinded.

R 338.479b Rescinded.

R 338.479c Rescinded.

R 338.480 Rescinded.

R 338.480a Rescinded.

R 338.481 Rescinded.

R 338.482 Rescinded.

R 338.486 “Medical institution” and “pharmacy services” defined; pharmacy services in medical institutions.

Rule 16. (1) As used in this rule:

(a) "Medical institution" means a hospital, skilled nursing facility, county medical care facility, nursing home, freestanding surgical outpatient facility, hospice, or other health facility that is licensed or approved by the state, which directly or indirectly provides or includes pharmacy services.

(b) "Pharmacy services" means the direct and indirect patient care services associated with the practice of pharmacy.

(2) Pharmacy services in a medical institution must be directed and provided by a licensed pharmacist.

(3) Pharmacy personnel who assist the pharmacist by performing delegated functions in the care of patients of a medical institution shall be supervised by a pharmacist who is on the premises of the medical institution.

(4) The pharmacist who directs the pharmacy services shall develop, implement, supervise, and coordinate the services provided, including, at a minimum, all of the following:

(a) Dispensing medications in a form that minimizes additional preparation before administration to the patient, including the admixture of parenterals.

(b) Obtaining the prescriber's original medication order, a direct carbonized copy, an electromechanical facsimile, or other electronic order transmission. Security measures must be in place to ensure that system access by unauthorized individuals is not allowed.

(c) Interpreting and reviewing the prescriber's medication orders and communicating problems with these orders to the prescriber before administration of first doses. If the interpretation and review will cause a medically unacceptable delay, then a limited number of medications may be stocked at the patient care areas for the administration of first doses. Medications must be provided in a manner that ensures security and immediate availability, such as sealed or secured medication kits, carts, or treatment trays. A pharmacist shall routinely inspect the medications and, after use, shall verify the contents and replace the medications as necessary.

(d) Delegating the stocking of an automated device. Technologies must be in place and utilized to ensure that the correct drugs are stocked in their appropriate assignment utilizing bar-coding or another board-approved error prevention technology that complies with R 338.3154.

(e) Monitoring medication therapy to promote positive patient outcomes while evaluating clinically significant chemical and therapeutic incompatibilities.

(f) Establishing the specifications for the procurement of all pharmaceuticals and related biologicals and chemicals approved for use in the medical institution.

(g) Inspecting all areas in the medical institution where medications are stored to verify compliance with the standards for the safe use and storage of the medications, not less than once every 6 months.

(h) Maintaining proper security for all medications stored or kept within the medical institution.

(i) Providing educational programs regarding medications and their safe use.

(j) Providing a method by which medications can be obtained during the absence of a pharmacist in a medical institution where a pharmacist is not available 24 hours a day. The method shall minimize the potential for medication error. During the absence of a pharmacist, the services of a pharmacist must be available on an on-call basis. Only a limited number of medications that are packaged in units of use must be available. The medications must be approved and reviewed periodically as deemed necessary, but not less than once a year, by an appropriate interdisciplinary practitioner committee of the medical institution. The medication must be kept in a securely locked, substantially constructed cabinet or its equivalent in an area of limited access in a centralized area outside the pharmacy. Each medication must be labeled to include the name of the medication, the strength, the expiration date, if dated, and the lot number. A written order and a proof of removal and use document must be obtained for each medication unit removed. The order and document shall be reviewed by the pharmacist within 48 hours of removing medication from the cabinet or its equivalent. The pharmacist who directs pharmacy services in the medical institution shall designate the practitioners who are permitted to remove the

medication. A pharmacist shall audit the storage locations as often as needed to guarantee control, but not less than once every 30 days.

(5) Upon recommendation of an interdisciplinary practitioners' committee, the pharmacist who directs pharmacy services in the medical institution shall adopt written policies and procedures to promote safe medication practices, to conduct medication utilization review, to approve medications for the medical institution's formulary or medication list, and to promote positive patient outcomes. A pharmacist shall meet with the committee at least quarterly to conduct assigned responsibilities.

(6) A pharmacy shall ensure that every medication dispensed is identified with its name and strength labeled on the container in which it is dispensed or on each single unit package. A pharmacy that is engaged in drug distribution to medical institutions which use unit-of-use packaging shall place identification on the label of its package to allow the package to be readily traced. The name of the patient, or a unique identifier, must be labeled on the medication container. The container may be the individual patient's assigned medication drawer. The directions for use must be on the label of the container if the directions are not communicated in another effective manner. If the medication is to be self-administered, then directions for use must be on the container. The provisions of this subrule are minimum labeling standards only and do not supersede other applicable laws or rules.

(7) A pharmacist shall supervise the destruction of unused portions of prescription medication, other than controlled substances under part 71 of the code, MCL 333.7101 to 333.7125, dispensed to patients. However, medications in single-unit packages and intravenous solutions which are designed to be tamper-evident and which show no evidence that tampering has occurred may be returned to stock. Medications that leave the medical institution or its legal affiliates may not be returned to stock for dispensing.

(8) The licensed pharmacist who directs pharmacy services in the medical institution shall make the policies, procedures, and written reports required by this rule available to the board, upon request.

R 338.489 Rescinded.

R 338.490 Rescinded.

R 338.493a Rescinded.

R 338.493b Rescinded.

R 338.493c Rescinded.

R 338.493d Rescinded.

R 338.493f Rescinded.
R 338.493g Rescinded.

R 338.500 Rescinded.

R 338.501 Definitions.

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

(a) "Approved education program" means a school of pharmacy that is accredited by or has candidate status by the Accreditation Council for Pharmacy Education.

(b) "Board" means the Michigan board of pharmacy, created in section 17721 of the code, MCL 333.17721.

(c) “Code” means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(d) “Compounding” means the preparation, mixing, assembling, packaging, and labeling of a drug or device by a pharmacist under any of the following circumstances:

(i) Upon the receipt of a prescription for a specific patient.

(ii) Upon the receipt of a medical or dental order from a prescriber or agent for use in the treatment of patients within the course of the prescriber's professional practice.

(iii) In anticipation of the receipt of a prescription or medical or dental order based on routine, regularly observed prescription or medical or dental order patterns.

(iv) For the purpose of or incidental to research, teaching, or chemical analysis and not for the purpose of sale or dispensing.

(e) "Compounding" does not include any of the following:

(i) Except as provided in section 17748c of the code, MCL 333.17748c, the compounding of a drug product that is essentially a copy of a commercially available product.

(ii) The reconstitution, mixing, or other similar act that is performed pursuant to the directions contained in approved labeling provided by the manufacturer of a commercially available product.

(iii) The compounding of allergenic extracts or biologic products.

(iv) Flavoring agents added to conventionally manufactured and commercially available liquid medications. Flavoring agents must be nonallergenic and inert, not exceeding 5% of a drug product’s total volume.

(f) “Department” means the department of licensing and regulatory affairs.

(g) “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. An electronic signature is a unique identifier protected by appropriate security measures such that it is only available for use by the intended individual and ensures non-repudiation so that the signature may not be rejected based on its validity.

(h) “Manual signature” means a signature that is handwritten or computer-generated if a prescription is electronically transmitted as defined in section 17703(7) of the code, MCL 333.17703(7).

(i) “Practical experience” means professional and clinical instruction in, but not limited to, all of the following areas:

(i) Pharmacy administration and management.

(ii) Drug distribution, use, and control.

(iii) Legal requirements.

(iv) Providing health information services and advising patients.

(v) Pharmacist’s ethical and professional responsibilities.

(vi) Drug and product information.

(vii) Evaluating drug therapies and preventing or correcting drug-related issues.

(j) “Virtual manufacturer” means a person who engages in the manufacture of prescription drugs or devices and meets all of the following:

(i) Owns either of the following:

(A) The new prescription drug application or abbreviated new prescription drug application number.

(B) The unique device identification number, as available, for a prescription device.

(ii) Contracts with a contract manufacturing organization for the physical manufacture of the drugs or devices.

(iii) Is not involved in the physical manufacture of the drugs or devices.

(iv) At no time takes physical possession of or stores the drugs or devices.

(v) Sells or offers for sale to other persons, for resale, compounding, or dispensing of, drugs or devices, salable on prescription only.

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

R 338.503 Prescription drugs and devices; return or exchange for resale prohibited.

Rule 3. (1) Prescription drugs or devices that have been dispensed and have left the control of the pharmacist must not be returned or exchanged for resale.

(2) This rule does not apply to any of the following:

(a) A pharmacy operated by the department of corrections or under contract with the department of corrections or a county jail, as provided in section 17766d of the code, MCL 333.17766d.

(b) A pharmacy or charitable clinic that participates in the program for the utilization of unused prescription drugs, as provided in section 17775 of the code, MCL 333.17775.

(c) A pharmacy or health facility that participates in the cancer drug repository program, as provided in section 17780 of the code, MCL 333.17780.

(d) Drugs returned when the wrong medication was dispensed to the patient or in the instance of a drug recall. Subject to R 338.486(7), in no instance may returned drugs be reused or returned to active stock.

R 338.505 Inspection of applicants and licensees.

Rule 5. (1) The board, board inspector, board agent, or approved entity pursuant to R 338.532, may enter at reasonable times, any building, place, or facility that is owned or controlled by any applicant for, or holder of, a license to make an inspection to enable the board to determine if the applicant possesses the qualifications and competence for the license sought or to determine whether a license holder is and has been complying with the code and rules. The inspection must concern only matters relevant to the applicant's or license holder's practice of pharmacy, manufacturing, and wholesale distributing of drugs and devices saleable by prescription only.

(2) The inspection must not extend to any of the following information:

(a) Financial data.

(b) Sales data other than shipment data.

(c) Pricing data.

(d) Personnel data other than data as to the qualifications of personnel performing functions subject to the acts and rules enforced by the board.

(e) Research data.

(3) An applicant or license holder shall permit and cooperate with the inspection.

PART 2. PHARMACIST LICENSES

R 338.511 Training standards for identifying victims of human trafficking; requirements.

Rule 11. (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 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 reviewed 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 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 January 1, 2020 and for initial licenses issued after November 13, 2022.

R 338.513 Educational limited license; application and renewal; practices.

Rule 13. (1) An applicant for an educational limited license shall submit to the department a completed application on a form provided by the department with the requisite fee. In addition to satisfying the requirements of sections 16174 and 17737 of the code, MCL 333.16174 and MCL 333.17737, the applicant shall establish either of the following:

(a) That he or she is actively enrolled in, or is within 180 days of having graduated from, an approved educational program.

(b) That he or she has successfully passed the foreign pharmacy graduate equivalency examination administered by the national association of boards of pharmacy (NABP) Foreign Pharmacy Graduate Examination Committee, 1600 Feehanville Dr., Mount Prospect, IL 60056, https://nabp.pharmacy/programs/fpgec/ .

(2) The educational limited license must be renewed annually as follows:

(a) At the time of renewal, the applicant shall submit verification to the department that he or she is actively enrolled in, or is within 180 days of having graduated from, an approved educational program. The educational limited license is valid for 1 year.

(b) If an applicant is a graduate of a non-accredited college or school of pharmacy at the time of renewal, the applicant shall submit verification to the department from his or her preceptor that the applicant is currently in an internship program under the preceptor's supervision. The educational limited license is valid for 1 year and may be renewed 1 time.

(3) An educational limited licensee may engage in the practice of pharmacy only under the personal charge of a pharmacist.

(4) An educational limited licensee shall verify that his or her pharmacy preceptor holds a valid preceptor license prior to engaging in the practice of pharmacy if the internship hours will be submitted to the department for credit.

(5) An educational limited licensee shall notify the board within 30 days if he or she is no longer actively enrolled in an approved educational program.

(6) An applicant for an educational limited license shall meet the requirements of R 338.511.

R 338.515 Internship requirements.

Rule 15. (1) An internship must be a minimum of 1,600 hours, subject to all of the following:

(a) Not more than 40 hours per week may be earned.

(b) An unconventional internship requires prior board approval and is limited to a maximum of 400 hours, with a maximum of 16 hours earned per week, and not more than 40 hours earned per week when the intern's pharmacy school is not in session. "Unconventional internship" means an educational program of professional and practical experience involving the pharmacy or related pharmaceutical experiences which, through on-the-job training, provides knowledge useful to the practice of the profession of pharmacy.

(c) The licensed pharmacy preceptor, an approved education program, or other person previously approved by the board shall verify the hours.

(2) The internship must provide professional and practical experience.

(3) If an internship is not completed through an approved educational program or under the personal charge of a preceptor licensed in this state, the individual shall petition the board for approval of hours.

(4) An individual shall obtain an educational limited license pursuant to R 338.513 before starting an internship that includes the practice of pharmacy in this state.

R 338.517 Preceptor license and responsibilities.

Rule 17. (1) An applicant for licensure as a pharmacist preceptor shall submit to the department a completed application on a form provided by the department.

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

(a) Have an unrestricted pharmacist license from this state that is in good standing for the past year.

(b) Have been engaged in the practice of pharmacy in this state for at least 1 year.

(3) A preceptor shall do all of the following:

(a) Ensure that the pharmacist on duty is supervising not more than 2 pharmacist interns at the same time. The approved preceptor is responsible for the overall internship program at the pharmacy.

(b) Determine the degree of the intern's professional skill on the topics listed in R 338.501(1)(i) and develop a training program whereby the intern can improve his or her skill in these areas.

(c) Ensure sufficient time to instruct the intern on the topics in R 338.501(1)(i) and review and discuss the intern's progress on the topics in R 338.501(1)(i).

(d) Annually submit training affidavits and, upon completion of the training, provide comments regarding the ability of the intern to practice pharmacy without supervision on a form provided by the department.

R 338.519 Examinations adoption; passing scores; reexamination.

Rule 19. (1) The board adopts the North American pharmacist licensure examination (NAPLEX) developed and administered by the NABP.

(2) The board adopts the Michigan multistate pharmacy jurisprudence examination (MPJE) that is developed and administered by NABP.

(3) The passing score for the NAPLEX or the MPJE accepted for licensure will be the passing score established by the NABP.

(4) If an applicant for licensure fails to pass either of these examinations, within 3 attempts, he or she shall provide the board, after the third attempt and prior to retesting, certification from an approved education program certifying that he or she satisfactorily completed courses that provide a thorough review of the area or areas that he or she failed in the most recent examination.

(5) An applicant who fails to pass the NAPLEX shall wait at least 45 days to retest or comply with the current waiting period established by NABP, whichever is later. An applicant who has not achieved a passing score on the NAPLEX shall not take the NAPLEX more than 3 times in a 12-month period.

(6) An applicant who fails to pass the MPJE shall wait at least 30 days to retest or comply with the current waiting period established by NABP, whichever is later.

(7) An applicant shall not sit for the NAPLEX specified in subrule (5) of this rule more than 5 times, unless he or she successfully repeats an approved education program, as specified in R 338.521(2)(a)(i), and provides proof of completion to the board.

(8) An applicant shall not sit for the MPJE specified in subrule (6) of this rule more than 5 times, unless he or she successfully repeats an approved pharmacy law course in an educational program, as specified in R 338.521(2)(a)(i), and provides proof of completion to the board.

R 338.521 Pharmacist licensure by examination.

Rule 21. (1) An applicant for licensure as a pharmacist by examination shall submit to the department a completed application on a form provided by the department with the requisite fee.

(2) In addition to meeting the requirements of section 16174 of the code, MCL 333.16174, an applicant for licensure shall satisfy all of the following requirements:

(a) Earned either of the following:

(i) A professional degree from a school of pharmacy accredited by the American council of pharmaceutical education.

(ii) A foreign pharmacy graduate examination committee certificate administered by the NABP.

(b) Successfully passed the MPJE and the NAPLEX.

(c) Completed an internship as set forth in R 338.515.

(3) An applicant's license shall be 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 pharmacy. This includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

R 338.523 Pharmacist license by endorsement; requirements.

Rule 23. (1) An applicant for licensure as a pharmacist by endorsement shall submit to the department a completed application on a form provided by the department with the requisite fee. An applicant who meets the requirements of this rule is presumed to meet the requirements of section 16186 of the code, MCL 333.16186.

(2) An applicant shall satisfy all of the following requirements:

(a) Establish that the he or she is currently licensed in another state or he or she successfully passed the foreign pharmacy graduate examination administered by NABP and was initially licensed by examination in another state.

(b) Pass the MPJE as required under R 338.519.

(c) 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 pharmacy. This includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(d) Submit the MPJE examination score report and NABP licensure transfer report to the department.

R 338.525 Relicensure of a pharmacist license; requirements.

Rule 25. (1) An applicant for relicensure whose pharmacist license has lapsed, under the provisions of sections 16201(3) or (4), and 17733 of the code, MCL 333.16201(3) and (4), and MCL 333.17733, as applicable, may be relicensed by complying with the following requirements as noted by (x):

For a pharmacist who has let his or her license lapse and who is not currently licensed in another state:	License lapsed 0-3 years	License lapsed more than 3 years, but less than 8 years	License lapsed 8 or more years
(a) Application and fee: submit to the department a completed application on a form provided by the department, with the requisite fee.	X	X	X
(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 MCL 338.47.	X	X	X
(c) Submit fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174(3).		X	X
(d) Continuing education: submit proof of having completed 30 hours of continuing education that satisfy R 338.3041 to R 338.3045 in the 2 years immediately preceding the date of application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date of the application to complete the deficient hours. The application will be held and the license will not be issued until the continuing education requirements have been met.	X	X	X
(e) Pass MPJE: retake and pass the MPJE as provided in R 338.519.		X	X
(f) Submit proof of having completed both a 1-time training in identifying victims of human trafficking as required in R 338.511 and a 1-time training in opioids and other controlled substances awareness as required in R 338.3135.	X	X	X
(g) Practical experience: complete 200 hours of practical experience under the personal charge of a currently licensed Michigan pharmacist in or outside of Michigan, within 6 months of applying for relicensure.		X	

(h) Practical experience: complete 400 hours of practical experience under the personal charge of a currently licensed Michigan pharmacist in or outside of Michigan, within 6 months of applying for relicensure.			X
(i) Examination: pass the NAPLEX within 2 years before applying for relicensure, as provided in R 338.519.			X
(j) Verification: submit verification from the licensing agency of all other states of the United States in which the applicant has ever held a license to practice pharmacy. Verification must include the record of any disciplinary action taken or pending against the applicant.	X	X	X

(2) For purposes of subrule (1)(g) and (h) of this rule, an applicant may be granted a nonrenewable limited license to complete the practical experience.

(3) To demonstrate compliance with subrule (1)(g) or (h), the supervising pharmacist shall provide verification to the department of the applicant's completion of the experience on a form provided by the department.

(4) For a pharmacist who has let his or her pharmacist license lapse, but who holds a current and valid pharmacist license in another state:	License lapsed 0-3 Years	License lapsed more than 3 years, but less than 8 years	License lapsed 8 or more years
(a) Application and fee: submit to the department a completed application on a form provided by the department, with the requisite fee.	X	X	X
(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 MCL 338.47.	X	X	X
(c) Submit fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174(3).		X	X
(d) Continuing education: submit proof of having completed 30 hours of continuing education that satisfy R 338.3041 to R 338.3045 in the 2 years immediately preceding the date of application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date	X	X	X

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) Submit proof of having completed both a 1-time training in identifying victims of human trafficking as required in R 338.511 and a 1-time training in opioids and other controlled substances awareness as required in R 338.3135.	X	X	X
(f) Examination: retake and pass the MPJE as provided in R 338.519.		X	X
(g) Verification: submit verification from the licensing agency of all other states of the United States in which the applicant holds or has ever held a license to practice pharmacy. Verification must include the record of any disciplinary action taken or pending against the applicant.	X	X	X

PART 3. PHARMACY LICENSES

R 338.531 Pharmacy license; applications; requirements.

Rule 31. (1) An applicant for a pharmacy license shall submit to the department a completed application on a form provided by the department together with the requisite fee.

(2) An applicant shall submit all of the following information:

(a) Certified copies of articles of incorporation or partnership certificates and certified copies of assumed name certificates, if applicable.

(b) Submission of fingerprints for the purpose of a criminal history background check required under section 17748(6) of the code, MCL 333.17748(6).

(c) Proof of registration or licensure from every state or province where the pharmacy is currently licensed or has ever held a license or registration.

(d) The name and license number of the pharmacist in this state designated as the pharmacist in charge (PIC) pursuant to section 17748(2) of the code, MCL 333.17748(2), who must have a valid and unrestricted license.

(e) The identity and address of each partner, officer, or owner, as applicable.

(f) A completed self-inspection form.

(g) If the applicant intends to provide compounding services, proof of application with an entity that satisfies the requirements of R 338.532.

(h) An inspection report that satisfies the requirements of R 338.534.

(i) If the applicant is an in-state pharmacy that intends to compound pharmaceutical products, the applicant shall submit to an inspection from an approved accrediting organization under R 338.532.

(j) If the applicant is a governmental entity, an individual must be designated as the licensee. The licensee and the pharmacist on duty shall be responsible for complying with all federal and state laws regulating the practice of pharmacy and the dispensing of prescription drugs.

(3) The department shall issue only 1 pharmacy license per address. If an applicant has more than 1 location at which drugs are prepared or dispensed, each address location shall obtain a separate license.

R 338.532 Compounding accrediting organizations; board approval; inspection entities.

Rule 32. (1) The board shall approve, under section 17748a of the code, MCL 333.17748a, accrediting organizations or inspection entities for pharmacies that compound-pharmaceuticals according to standards adopted by reference in R 338.533.

(2) The department shall post on its website, the list of organizations approved under subrule (1) of this rule.

(3) An organization may petition the board for approval under subrule (1) of this rule. The petition must include, but not be limited to, all of the following:

(a) Requirements for accreditation or compliance.

(b) Requirements for inspectors.

(c) Training provided to inspectors.

(d) Copy of the most current inspection form.

(e) The length of accreditation.

(f) Agreement and plan to share results of inspections with the department.

(4) If the board approves the petition, the approval is valid for 3 years from the date of approval. The organization may submit a petition that complies with subrule (3) of this rule to seek continuing approval.

(5) The board may rescind approval of an organization upon just cause. The rescission will not immediately affect the compliance of a pharmacy using the accreditation. Within 12 months of the rescission date or by the next licensure renewal date, whichever is later, the accreditation is void, and a pharmacy shall obtain accreditation or an inspection from an organization that satisfies subrule (1) of this rule.

R 338.533 Compounding standards and requirements; outsourcing facilities; requirements.

Rule 33. (1) The board approves and adopts by reference the compounding standards of the United States Pharmacopeia (USP), published by the United States Pharmacopeial Convention, 12601 Twinbrook Parkway, Rockville, MD 20852-1790. This includes, but is not limited to, USP Chapters 795 and 797.

(2) The standards adopted by reference in subrule (1) of this rule are available at cost at http://www.usp.org/compounding, or at cost from the Board of Pharmacy, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(3) A pharmacy that provides compounding services shall comply with all current standards adopted in subrule (1) of this rule.

(4) An outsourcing facility located in this state or that dispenses, provides, distributes, or otherwise furnishes compounded pharmaceuticals in this state must be inspected and registered as an outsourcing facility by the United States Food and Drug Administration (FDA) prior to applying for a pharmacy license in this state.

(5) A licensed outsourcing facility shall submit to the board a copy of the biannual report it provided to the FDA that identifies the drugs compounded in the previous 6-month period, including a drug’s active ingredients, strength, and dosage form.

(6) An outsourcing facility shall do all of the following:

(a) Compound drugs by or under the supervision of a licensed pharmacist.

(b) Compound drugs pursuant to current good manufacturing practices for finished pharmaceuticals set forth in 21 CFR 211.1 to 211.208 (1978).

(c) Ensure that a pharmacist or pharmacists who conducts or oversees compounding at an outsourcing facility is proficient in the practice of compounding and has acquired the education, training, and experience to maintain that proficiency by doing any of the following:

(i) Participating in seminars.

(ii) Studying appropriate literature.

(iii) Consulting with colleagues.

(iv) Being certified by a compounding certification program approved by the board.

(d) Label compounded drugs with all of the following and label compounded drugs that are patient specific with all of the following and consistent with the requirements in R 338.582:

(i) Required drug and ingredient information.

(ii) Facility identification.

(iii) The following or similar statement: “This is a compounded drug. For office use only” or “Not for resale.”

(e) Ensure that bulk drug substances used for compounding meet specified FDA criteria.

(7) An outsourcing facility may compound drugs that appear on an FDA shortage list, if the bulk drug substances used to compound the drugs comply with the criteria specified in this rule.

R 338.534 Inspections.

Rule 34. (1) A pharmacy located outside of this state that applies for licensure in this state as a pharmacy that will not ship compounded sterile pharmaceutical products into this state, shall submit to the department a copy of its most recent pharmacy inspection that was performed within the last 2 years.

(2) An applicant for a new pharmacy located in this state shall have an inspection conducted by the department or its designee prior to licensure.

(3) An applicant for licensure of a pharmacy that will provide sterile compounded pharmaceuticals shall have all of the following:

(a) An onsite physical inspection conducted by any of the following:

(i) The department.

(ii) The national association of boards of pharmacy verified pharmacy program (NABP-VPP).

(iii) An accrediting organization according to R 338.532.

(iv) A state licensing agency of the state in which the applicant is a resident and in accordance with the NABP’s multistate pharmacy inspection blueprint program.

(b) A physical inspection and corresponding report completed within 18 months of application.

(c) A physical inspection and corresponding report that demonstrates compliance with all applicable standards that are adopted by reference in R 338.533.

(4) An out-of-state pharmacy that intends to ship sterile compounded pharmaceutical products into this state shall obtain an inspection from a board approved accrediting organization every 18 months.

R 338.535 Discontinuing sterile compounding services; requirements to resume sterile compounding services.

Rule 35. (1) A sterile compounding pharmacy or outsourcing facility that ceases to provide sterile compounding services in this state shall notify the department within 30 days of ceasing to provide sterile compounding services.

(2) A pharmacy shall not resume providing sterile compounding services in this state until the pharmacy is approved by the department and is accredited or an organization satisfying the requirements of R 338.532(1) verifies that the pharmacy is USP compliant.

(3) A pharmacy shall apply for approval to resume sterile compounding services by submitting to the department an application on a form provided by the department together with the requisite fee.

(4) An outsourcing facility shall not resume providing sterile compounding services in this state until the outsourcing facility is approved by the department and verifies that it is compliant with the requirements of R 338.533(4) to (7).

R 338.536 Housing of a pharmacy.

Rule 36. (1) All professional and technical equipment and supplies and prescription drugs must be housed in a suitable, well-lighted, and well-ventilated room or department with clean and sanitary surroundings.

(2) All pharmacies shall have a prescription department that is devoted primarily to the practice of pharmacy that occupies not less than 150 square feet of space, and that includes a prescription counter that provides not less than 10 square feet of free working surface. For each additional pharmacist who is on duty at any 1 time, the free working space must be increased by not less than 4 square feet. The prescription counter must be kept orderly and clean. The space behind the prescription counter must be sufficient to allow free movement within the area and must be free of obstacles.

(3) All pharmacies that occupy less than the entire area of the premises owned, leased, used, or controlled by the licensee must be permanently enclosed by partitions from the floor to the ceiling. All partitions must be of substantial construction and must be securely lockable so that drugs and devices that can be sold only by a pharmacist will be unobtainable during the absence of the pharmacist. Only the area of the premises owned, leased, used, or controlled by the licensee may be identified by the terms “drugstore,” “apothecary,” or “pharmacy,” or by use of a similar term or combination of terms as listed in section 17711(2) of the code, MCL 333.17711(2). A pharmacy department must be locked when the pharmacist is not on the premises.

R 338.537 Professional and technical equipment and supplies.

Rule 37. A pharmacy must be equipped with all of the following:

(a) Drawers, shelves, and storage cabinets.

(b) A sink that has hot and cold running water.

(c) A refrigerator of reasonable capacity located in the pharmacy department.

(d) Current editions or revisions of the Michigan pharmacy laws and rules, and not less than 2 current or revised pharmacy reference texts that pertain to pharmacology, drug interactions, or drug composition. A current electronic version of pharmacy laws, rules, and pharmacy reference texts, including accessible internet versions, meets the requirements of this subrule.

R 338.538 Closing pharmacy.

Rule 38. (1) A pharmacy that is ceasing operations shall return to the department the pharmacy license and the controlled substance license, if applicable, and shall provide the department with written notification of all of the following at least 15 days prior to closing:

(a) The effective date of closing.

(b) The disposition of controlled substances.

(c) The disposition of non-controlled substances.

(d) The disposition of records and prescription files.

(2) A pharmacy shall comply with all applicable federal requirements for discontinuing operation as a pharmacy that dispenses controlled substances.

R 338.539 Relicensure.

Rule 39. (1) An applicant for relicensure of a pharmacy license shall submit to the department a completed application on a form provided by the department with the requisite fee.

(2) A pharmacy that has an expired license shall satisfy the requirements of R 338.531 to be relicensed.

PART 4. MANUFACTURER LICENSE

R 338.551 Manufacturer license; application.

Rule 51. (1) An applicant for a manufacturer license shall submit to the department a completed application on a form provided by the department with the requisite fee.

(2) An applicant shall provide all of the following information:

(a) A criminal history background check required pursuant to section 17748(6) of the code, MCL 333.17748(6).

(b) Verification or certification from every state or province where the applicant is currently licensed or has ever held a license.

(c) Certified copies of articles of incorporation or certificates of partnership and assumed name certificates, if applicable.

(d) The identity and address of each partner, officer, or owner, as applicable.

(e) A completed compliance checklist for manufacturers.

(f) A list or a catalog of all drug products or devices to be manufactured by the facility.

(g) Unless exempt under section 17748(2) of the code, MCL 333.17748(2), the name and license number of the pharmacist designated as the pharmacist in charge (PIC).

(h) A copy of the FDA certification for the site to be licensed, if an applicant is a manufacturer of biologicals.

(i) An inspection from the manufacturer's resident state board of pharmacy or verified-accredited wholesale distributors (VAWD) accreditation dated not more than 2 years prior to the application.

(3) A separate license is required for each location where prescription drugs or devices are manufactured.

(4) A pharmacy is a manufacturer and shall obtain a manufacturer license if it prepares or compounds prescription drugs for resale, compounding, or dispensing by another person in an amount that exceeds 5% of the total number of dosage units of prescription drugs prepared by the pharmacy during a consecutive 12-month period.

R 338.553 Persons to whom prescription drugs or devices may be sold.

Rule 53. A manufacturer may only supply, distribute, sell, barter, or otherwise transfer prescription drugs or devices to persons who are licensed by the board to distribute, prescribe, or dispense prescription drugs or devices in or outside this state.

R 338.555 Federal regulation on good manufacturing practice for finished pharmaceuticals; adoption by reference; compliance.

Rule 55. (1) The board approves and adopts by reference the current good manufacturing practice for finished pharmaceuticals regulations set forth in 21 CFR 211.1 to 211.208 (1978).

(2) A manufacturer shall comply with the standards adopted in subrule (1) of this rule.

(3) The standards adopted by reference in subrule (1) of this rule are available at no cost at https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm?CFRPart=211, or at 10 cents per page from the Board of Pharmacy, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

R 338.557 Closure of a manufacturer.

Rule 57. (1) A manufacturer that is ceasing operations shall return the manufacturer license and the controlled substance license, if applicable, to the department, and provide the department with written notification of all of the following at least 15 days prior to closing:

(a) The effective date of closing.

(b) The disposition of controlled substances.

(c) The disposition of non-controlled substances.

(d) The disposition of records and prescription files.

(2) A manufacturer shall comply with all applicable federal requirements for discontinuing a controlled substance business.

R 338.559 Relicensure.

Rule 59. (1) An applicant for relicensure of a manufacturer license shall submit to the department a completed application on a form provided by the department with the requisite fee.

(2) A manufacturer that has an expired license shall satisfy the requirements of R 338.551 in order to be relicensed.

PART 5. WHOLESALE DISTRIBUTOR LICENSE

R 338.561 Pharmacy as wholesale distributor; licensure.

Rule 61. A pharmacy that transfers prescription drugs or devices shall obtain a wholesale distributor license if it distributes more than 5% of the total dosage units of prescription drugs dispensed during any consecutive 12-month period, except in the following circumstances:

(a) The distribution of a drug among hospitals or other health care entities which are under common control.

(b) Intracompany distribution of any drug between members of an affiliate, defined pursuant to section 360eee(1) of the Federal Food, Drug, and Cosmetic Act, 21 USC section 360eee(1), or within a manufacturer.

(c) Distribution of a drug by a charitable organization to a nonprofit affiliate of the organization, defined pursuant to section 360eee(1) of the Federal Food, Drug, and Cosmetic Act, 21 USC section 360eee(1).

(d) Distribution of a product for emergency medical reasons including a public health emergency declaration pursuant to section 319 of the Public Health Service Act, 42 USC 247d.

R 338.563 Wholesale distributor; application for licensure; requirements.

Rule 63. (1) An applicant for a wholesale distributor license shall submit to the department a completed application on a form provided by the department with the requisite fee. A wholesale distributor includes virtual manufacturers.

(2) An applicant shall provide all of the following information:

(a) A criminal history background check required pursuant to section 17748(6) of the code, MCL 333.17748(6).

(b) Proof of registration or licensure from every state where the applicant currently holds or has ever held a license or registration.

(c) Certified copies of articles of incorporation or certificates of partnership and assumed names if applicable.

(d) The identity and address of each partner, officer, or owner as applicable.

(e) A completed compliance checklist.

(f) A list or catalog of all drug products and devices to be distributed.

(g) A copy of the FDA certification for the site to be licensed, if the applicant is distributing biologicals.

(h) Unless exempt under section 17748(2) of the code, MCL 333.17748(2), the name and the license number of the pharmacist designated as the pharmacist in charge (PIC) or the name of the facility manager. For individuals designated as a facility manager, the applicant shall provide the following:

(i) Proof, in the form of an affidavit, that the facility manager has achieved the following:

(A) A high school equivalency education, or higher, defined as 1 of the following:

(I) A high school diploma.

(II) A general education development certificate (GED).

(III) A parent-issued diploma for home schooled individuals.

(IV) Completion of post-secondary education, including an associate's, bachelor's, or master's degree.

(B) Completion of a training program that-includes, but is not limited to, all of the following subjects:

(I) Knowledge and understanding of laws in this state and federal laws relating to the distribution of drugs and devices.

(II) Knowledge and understanding of laws in this state and federal laws relating to the distribution of controlled substances.

(III) Knowledge and understanding of quality control systems.

(IV) Knowledge and understanding of the USP standards relating to the safe storage and handling of prescription drugs.

(V) Knowledge and understanding of pharmaceutical terminology, abbreviations, dosages, and format.

(C) Experience equal to either of the following:

(I) A minimum of 1 year of work experience related to the distribution or dispensing of prescription drugs or devices where the responsibilities included, but were not limited to, recordkeeping.

(II) Previous or current employment as a designated representative of a wholesale distributor certified by the VAWD of NABP.

R 338.565 Persons to whom prescription drugs and devices may be sold.

Rule 65 A wholesale distributor of prescription drugs or devices may supply, distribute, sell, barter, or otherwise transfer prescription drugs or devices only to persons who are licensed by the board to distribute, prescribe, or dispense prescriptions drugs or devices in or outside this state.

R 338.567 Wholesale distributor practices; control of prescription drugs or devices; inspections.

Rule 67. (1) A wholesale distributor that does not physically touch prescription drugs or devices shall file an affidavit with the department signed by the PIC or facility manager attesting to this fact.

(2) A wholesale distributor that previously filed an affidavit under subrule (1) of this rule shall not obtain custody and control of drugs or devices until both of the following have occurred:

(a) The licensee provides written notification to the department of physical custody.

(b) The department conducts an inspection of the premises.

R 338.569 Wholesale distributor recordkeeping and policy requirements.

Rule 69. (1) A wholesale distributor shall establish and maintain inventories and records of transactions regarding the receipt, if applicable, and the distribution or other disposition of prescription drugs or devices. These records must include all of the following information:

(a) The source of the prescription drugs or devices, including the name and principal address of the seller or transferor and the address from which the prescription drugs or devices were shipped.

(b) The identity and quantity of the prescription drugs or devices received, if applicable, and distributed or disposed of.

(c) The dates of receipt, if applicable, and distribution of the prescription drugs or devices.

(2) A wholesale distributor shall establish and maintain a list of officers, directors, managers, and other persons who are in charge of wholesale drug distribution, storage, and handling, including a description of their duties and a summary of their qualifications.

(3) A wholesale distributor shall have written policies and procedures that include all of the following:

(a) A procedure whereby the oldest stock of a prescription drug is distributed first. The procedure may permit deviation from this requirement if the deviation is temporary and appropriate.

(b) A procedure for handling recalls and withdrawals of the prescription drugs or devices. The procedure must deal with recalls and withdrawals due to any of the following:

(i) Any action initiated at the request of the FDA, other federal state or local law enforcement agency, or other governmental agency.

(ii) Any voluntary action by the manufacturer to remove defective or potentially defective prescription drugs or devices from the market.

(iii) Any action undertaken to promote public health and safety by replacing existing merchandise with an improved product or new package design.

(c) A procedure to ensure that a wholesale distributor prepares for, protects against, and handles, any crises that affects security or operation of any facility in the event of employee strike, flood, fire, or other natural disaster, or other local, state, or national emergency.

(d) A procedure to ensure that any outdated prescription drugs or devices will be segregated from other prescription drugs or devices and either returned to the manufacturer or destroyed. This procedure must include a provision for the written documentation of the disposition of outdated prescription drugs or devices that must be maintained for 2 years after the disposition of the outdated prescription drugs or devices.

(e) Procedures for identifying, recording, and reporting losses or thefts of prescription drugs or devices and for correcting errors and inaccuracies in inventory.

(4) The records described in subrules (1) and (2) of this rule must be made available for inspection and photocopying by authorized federal, state, or local law enforcement agency officials. The records that are kept on-site or that are immediately retrievable by computer or other electronic means must be readily available for an authorized inspection during the retention period described in subrule (5) of this rule. Records that are kept at a central location apart from the site must be made available for inspection within 2 working days of a request.

(5) The records described in this rule must be maintained for a minimum of 2 years after the disposition of the prescription drugs or devices.

R 338.571 Facility requirements.

Rule 71. (1) A wholesale distributor that has physical custody or control of the prescription drugs or devices shall satisfy all of the following facility requirements:

(a) Be of suitable size and construction to facilitate cleaning, maintenance, and proper operations.

(b) Have storage areas that are designed to provide for adequate lighting, ventilation, temperature, sanitation, humidity, space, equipment, and security conditions.

(c) Have a quarantine area for the storage of prescription drugs or devices that are outdated, damaged, deteriorated, misbranded, adulterated, or that are in immediate or sealed secondary containers that have been opened.

(d) Be maintained in a clean and orderly condition.

(e) Be free from infestation by insects, rodents, birds, or vermin of any kind.

(f) Be secure from unauthorized entry by complying with all of the following:

(i) Access from outside the premises must be kept to a minimum and be well-controlled. The outside perimeter of the premises must be well-lighted. Entry into areas where prescription drugs or devices are held must be limited to authorized personnel.

(ii) Be equipped with an alarm system to detect entry after hours.

(iii) Be equipped with a security system that will provide protection against theft and diversion. When appropriate, the security system must provide protection against theft or diversion that is facilitated or hidden by tampering with computers or electronic records.

(2) All prescription drugs or devices must be stored at temperatures and under appropriate conditions pursuant to the label requirements or pursuant to the requirements set forth in the current edition of the USP compendium. If storage requirements are not established for a prescription drug, the drug may be held at a controlled room temperature to help ensure that its identity, strength, quality, and purity are not adversely affected. Appropriate manual, electromechanical, or electronic temperature and humidity recording equipment devices, or logs must be utilized to document the proper storage of prescription drugs or devices.

R 338.573 Examination of materials; returned, damaged and outdated prescription drugs or devices.

Rule 73. (1) A wholesale distributor shall comply with both of the following provisions that pertain to the examination of materials:

(a) Each outside shipping container must be visually examined upon receipt for the identity of the prescription drug or devices and to prevent the acceptance of contaminated prescription drugs or devices or prescription drugs or devices otherwise unfit for distribution. The examination must be adequate to reveal container damage that would suggest possible contamination or other damage to the contents.

(b) Each outgoing shipment must be visually inspected for identity of the prescription drug products and to ensure that prescription drugs or devices that have been damaged in storage or held under conditions that are inconsistent with USP compendium standards are not delivered.

(2) All of the following provisions apply to returned, damaged, and outdated prescription drugs or devices:

(a) Prescription drugs or devices that are outdated, damaged, deteriorated, misbranded, or adulterated, must be quarantined and physically separated from other prescription drugs or devices until they are destroyed or returned to the supplier.

(b) Any immediate or sealed outer or sealed secondary containers of any prescription drugs or devices that have been opened or used must be identified as such and the drugs or devices must be quarantined and physically separated from other prescription drugs or devices until they are either destroyed or returned to the supplier.

(c) If the conditions under which a prescription drug has been returned cast doubt on the drug's safety, identity, strength, quality, or purity, then the drug must be destroyed or returned to the supplier, unless examination, testing, or other investigation proves that the drug meets appropriate standards of safety, identity, strength, quality, and purity. In determining whether the conditions under which the drug has been returned cast doubt on the drug's safety, identity, strength, quality, or purity, the wholesale distributor shall consider the conditions under which the drug has been held, stored, or shipped before or during its return and the condition of the drug and its container, carton, or labeling as a result of storage or shipping.

(3) The recordkeeping requirements of R 338.569 must be followed.

R 338.575 Closing a wholesale distributor.

Rule 75. (1) A wholesale distributor that is ceasing operations shall return the wholesale distributor license and controlled substance license, if applicable, to the department, and shall provide the department with written notification of all of the following at least 15 days prior to closing:

(a) The effective date of closing.

(b) The disposition of controlled substances.

(c) The disposition of noncontrolled substances.

(d) The disposition of records and prescription files.

(2) A wholesale distributor shall comply with all applicable federal requirements for discontinuing a business that handles a controlled substance.

R 338.577 Relicensure.

Rule 77. (1) An applicant for relicensure of a wholesale distributor license shall submit to the department a completed application on a form provided by the department with the requisite fee.

(2) An applicant for relicensure of a wholesale distributor license that has expired must satisfy the requirements of R 338.563 in order to be relicensed.

PART 6. PRACTICE OF PHARMACY

R 338.582 Prescription drug labeling and dispensing.

Rule 82. (1) All labeling of prescription drugs must comply with the requirements of the code and sections 351 to 399f of the Federal Food, Drug, and Cosmetic Act, 21 USC 351 to 399f.

(2) All containers in which prescription medication is dispensed must bear a label that contains, at a minimum, all of the following information:

(a) Pharmacy name and address.

(b) Prescription number.

(c) Patient's name.

(d) Date the prescription was most recently dispensed.

(e) Prescriber's name.

(f) Directions for use.

(g) The name of the medication and the strength, unless the prescriber indicates "do not label."

(h) The quantity dispensed, if applicable.

(i) The name of the manufacturer or supplier of the drug if the drug has no brand name, unless the prescriber indicates “do not label.”

(3) If a drug is dispensed that is not the brand prescribed, the pharmacy shall notify the purchaser and the prescription label must indicate both the name of the brand prescribed and the name of the brand dispensed. If the dispensed drug does not have a brand name, the prescription label must indicate the name of the brand prescribed followed by the generic name of the drug dispensed. This subrule does not apply if the prescriber indicates "do not label."

(4) If drug product selection takes place, the brand name or the name of the manufacturer or supplier of the drug dispensed must be noted on the prescription.

(5) This rule does not apply to pharmacy services provided in a medical institution.

R 338.583 Prescription drug receipts.

Rule 83. (1) The purchaser of a prescription drug shall receive, at the time the drug is delivered to the purchaser, a receipt that contains all of the following information:

(a) The brand name of the drug dispensed, if applicable, unless the prescriber indicates "do not label."

(b) The name of the manufacturer or supplier of the drug if the drug has no brand name, unless the prescriber indicates "do not label."

(c) The strength of the drug, if significant, unless the prescribed indicates "do not label."

(d) The quantity dispensed, if applicable.

(e) The name and address of the pharmacy.

(f) The serial number of the prescription.

(g) The date the prescription was most recently dispensed.

(h) The name of the prescriber.

(i) The name of the patient for whom the drug was prescribed.

(j) The price for which the drug was sold to the purchaser.

(2) Notwithstanding R 338.582, the information required in this rule must appear on either the prescription label or on a combination label and receipt.

(3) For prescription services that are covered by a third-party pay contract, the price included in the receipt is the amount paid by the patient.

(4) A pharmacist shall retain a copy of the receipt for a period of 90 days. The inclusion of the information required in this rule in the automated data processing system or on the written prescription form and the retention of the form constitutes retaining a copy of the receipt. The physical presence of the prescription form in the pharmacy or the ability to retrieve the information from the automated data processing system constitutes compliance with the requirement of having the name and address of the pharmacy on the form.

(5) This rule does not apply to pharmacy services provided in a medical institution.

R 338.584 Noncontrolled prescriptions.

Rule 84. (1) A prescriber who issues a prescription for a noncontrolled prescription drug shall date the prescription; provide a manual signature on the prescription, as defined in R 338.501(1)(h) of these rules; and ensure that the prescription contains all of the following information:

(a) The full name of the patient for whom the drug is being prescribed.

(b) The prescriber’s printed name and address.

(c) The drug name and strength.

(d) The quantity prescribed.

(e) The directions for use.

(f) The number of refills authorized.

(2) A prescriber shall ensure that a prescription is legible and that the information specified in subrule (1)(c) to (f) of this rule is clearly separated.

(3) A prescriber shall not prescribe more than either of the following on a single prescription form as applicable:

(a) For a prescription prescribed in handwritten form, up to 4 prescription drug orders.

(b) For a prescription prescribed on a computer-generated form or a preprinted list or produced on a personal computer or typewriter, up to 6 prescription drug orders.

(4) A prescription is valid for 1 year from the date the prescription was issued.

(5) A prescriber may electronically transmit a noncontrolled substance prescription to the pharmacy of the patient’s choice by utilizing a system that includes all of the following:

(a) A combination of technical security measures such as, but not limited to, those listed in security standards for the protection of electronic protected health information set forth in 45 CFR 164.312 (2013) that implements the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), to ensure all of the following:

(i) Authentication of an individual who prescribes or dispenses.

(ii) Technical non-repudiation.

(iii) Content integrity.

(iv) Confidentiality.

(b) An electronic signature as defined in R 338.501(1)(g). An electronic signature is valid when it is used to sign a noncontrolled prescription.

(c) Appropriate security measures to invalidate a prescription if either the electronic signature or prescription record to which it is attached or logically associated is altered or compromised following transmission by the prescriber. The electronic prescription may be reformatted to comply with industry standards provided that no data is added, deleted, or changed.

(6) The electronic prescription must meet all requirements of the HIPAA.

(7) The electronic prescription must permit the prescriber to instruct the pharmacist to dispense a brand name drug product provided that the prescription includes both of the following:

(i) The indication that no substitute is allowed, such as "dispense as written" or "DAW."

(ii) The indication that no substitute is allowed and that it is a unique element in the prescription.

(8) If the prescription is transmitted electronically, the prescriber shall generate and transmit the prescription in a format that can be read and stored by a pharmacy in a retrievable and readable form. The electronic prescription must identify the name of the pharmacy intended to receive the transmission, and must include the information identified in subrule (1) of this rule.

(9) The electronic prescription must be preserved by a licensee or dispensing prescriber for not less than 5 years. A paper version of the electronic prescription must be made available to an authorized agent of the board upon request. A secured copy must be retained for a minimum of 1 year by the transaction service vendor for record-keeping purposes and must be shared only with the parties involved in the transaction except as otherwise permitted by state or federal law.

(10) An electronic signature that meets the requirements of this rule has the full force and effect of a handwritten signature on a paper-based written prescription.

(11) A pharmacy shall keep the original prescription record for 5 years. After 3 years, a pharmacy may make an electronic duplicate of the original paper prescription, which will become the original prescription. A pharmacy shall present a paper copy of the electronic duplicate of the prescription to an authorized agent of the board upon request.

(12) This rule does not apply to pharmacy services provided in a medical institution.

R 338.585 Customized patient medication package.

Rule 85. (1) A pharmacist may, with the consent of the patient, or the patient's caregiver, or a prescriber, provide a customized patient medication package (CPMP). A CPMP is a package that is prepared by a pharmacist for a specific patient and that contains 2 or more prescribed solid oral dosage forms. The CPMP is designed and labeled to indicate the day and time or period of time that the contents within each CPMP are to be taken. The person who dispenses the medication shall instruct the patient or caregiver on the use of the CPMP.

(2) If medication is dispensed in a CPMP, all of the following conditions must be met:

(a) Each CPMP must bear a readable label that states all of the following information:

(i) A serial number for the CPMP and a separate identifying serial number for each of the prescription orders for each of the drug products contained in the CPMP.

(ii) The name, strength, physical description, and total quantity of each drug product contained in the CPMP.

(iii) The name of the prescriber for each drug product.

(iv) The directions for use and cautionary statements, if any, contained in the prescription order for each drug product in the CPMP.

(v) The date of the preparation of the CPMP.

(vi) An expiration date for the CPMP. The date must not be later than the earliest manufacturer's expiration date for any medication included in the CPMP or 60 days after the date of dispensing.

(vii) The name, address, and telephone number of the dispenser.

(viii) Any other information, statements, or warnings required for any of the drug products contained in the CPMP.

(b) A CPMP must be accompanied by any mandated patient information required under federal law. Alternatively, required medication information may be incorporated by the pharmacist into a single educational insert that includes information regarding all of the medications in the CPMP.

(c) At a minimum, each CPMP must be in compliance with the United States Pharmacopeia (USP) and national formulary, as defined in section 17706(2) of the code, MCL 333.17706(2), for moisture permeation requirements for a class b single-unit or unit-dose container. Each container must be either non-reclosable or so designed as to show evidence of having been opened. Each CPMP must comply with all of the provisions of the poison prevention packaging act of 1970, 15 USC 1471 to 1477.

(d) When preparing a CPMP, the dispenser shall take into account any applicable compendial requirements or guidelines, the physical and chemical compatibility of the dosage forms placed within each container, and any therapeutic incompatibilities that may attend the simultaneous administration of the medications. Medications must not be dispensed in CPMP packaging in any of the following situations:

(i) The USP monograph or official labeling requires dispensing in the original container.

(ii) The drugs or dosage forms are incompatible with packaging components or each other.

(iii) The drugs are therapeutically incompatible when administered simultaneously.

(iv) The drug products require special packaging.

(e) If 2 medications have physical characteristics that make them indistinguishable from each other, then the medication must not be packaged together in the same CPMP.

(f) Medications that have been dispensed in CPMP packaging shall not be returned to stock or dispensed to another patient when returned to the pharmacy for any reason. If a prescription for any drug contained in the CPMP is changed, then a new appropriately labeled CPMP must be prepared for the patient.

(g) In addition to all individual prescription filing requirements, a record of each CPMP dispensed must be made and filed. At a minimum, each record must contain all of the following information:

(i) The name and address of the patient.

(ii) The serial number of the prescription order for each drug product contained in the CPMP.

(iii) Information identifying or describing the design, characteristics, or specifications of the CPMP sufficient to allow subsequent preparation of an identical CPMP for the patient.

(iv) The date of preparation of the CPMP and the expiration date assigned.

(v) Any special labeling instructions.

(vi) The name or initials of the pharmacist who prepared the CPMP.

R 338.586 Prescription records; nonapplicability to inpatient medical institution service.

Rule 86. (1) A prescription must be numbered, dated, and initialed or electronically initialed by the pharmacist who performs the final verification prior to dispensing at the time of the first filling at the pharmacy.

(2) If the drug that is dispensed is other than the brand prescribed or if the prescription is written generically, the name of the manufacturer or supplier of the drug dispensed must be indicated on the prescription.

(3) This rule does not apply to pharmacy services provided in a medical institution.

R 338.587 Prescription refill records; manual systems; profile systems; automated pharmacy data systems; nonapplicability to medical institution service; record confidentiality; and access.

Rule 87. (1) A pharmacist shall record prescription refills using only 1 of the systems described in subrule (2), (3), or (4) of this rule and in compliance with the provisions of subrule (2), (3), or (4) of this rule, as applicable.

(2) A pharmacy may utilize a manual system of recording refills if the system is in compliance with both of the following criteria:

(a) The amount and date dispensed must be entered on the prescription in an orderly fashion and the dispensing pharmacist initials the entry. If the pharmacist only initials and dates the prescription, then the full face amount of the prescription must be deemed dispensed.

(b) If the drug that is dispensed is other than the brand prescribed or if the prescription is written generically, then the name of the manufacturer or supplier of the drug dispensed must be indicated on the prescription.

(3) A pharmacy may utilize a uniform system of recording refills if the system is in compliance with all of the following criteria:

(a) Records must be created and maintained in written form. All original and refill prescription information for a particular prescription appears on single documents in an organized format. The pharmacy shall preserve the records for 5 years. The records are subject to inspection by the board or its agents.

(b) The following information for each prescription must be entered on the record:

(i) The prescription number.

(ii) The patient's name and address.

(iii) The prescriber's name.

(iv) The prescriber's federal drug enforcement administration (DEA) number, if appropriate.

(v) The number of refills authorized.

(vi) The "dispense as written" instructions, if indicated.

(vii) The name, strength, dosage form, quantity, and name of the manufacturer of the drug prescribed, and the drug dispensed originally and upon each refill. If the drug dispensed is other than the brand prescribed or if the prescription is written generically, then the name of the manufacturer or supplier of the drug dispensed must be indicated.

(viii) The date of issuance of the prescription.

(ix) The date and identifying designation of the dispensing pharmacist for the original filling and for each refill.

(c) Prescription entries must be made on the record at the time the prescription is first filled and at the time of each refill, except that the format of the record may be organized so that information already entered on the record may appear for a prescription or refill without reentering the information. The dispensing pharmacist is responsible for the completeness and accuracy of the entries and must initial the record each time a prescription is filled or refilled.

(d) The information required by subdivision (b) of this subrule must be entered on the record for all prescriptions filled at a pharmacy, including nonrefillable prescriptions. This requirement is in addition to the requirements set forth in R 338.586.

(4) A pharmacy may utilize a uniform automated data processing system of recording refills if the system is in compliance with all of the following criteria:

(a) All information that is pertinent to a prescription must be entered on the record, including all of the following information:

(i) The prescription number.

(ii) The patient's name and address.

(iii) The prescriber's name.

(iv) The prescriber's federal DEA number, if appropriate.

(v) The number of refills authorized.

(vi) Whether the drug must be dispensed as written.

(vii) The name, strength, dosage form, quantity, and name of the manufacturer of the drug prescribed and the drug dispensed originally and upon each refill. If the drug dispensed is other than the brand prescribed or if the prescription is written generically, then the name of the manufacturer or supplier of the drug dispensed must be indicated.

(viii) The date of issuance of the prescription.

(ix) The date and identifying designation of the dispensing pharmacist for the original filling and for each refill.

(b) Prescription entries must be made on the record at the time the prescription is first filled and at the time of each refill, except that the format of the record may be organized so that information already entered on the record may appear for a prescription or refill without reentering the information. The dispensing pharmacist is responsible for the completeness and accuracy of the entries. The pharmacy shall preserve the records on-site for 5 years. The records are subject to inspection by the board or its agents. A procedure must be established to facilitate inspections.

(c) The required information must be entered on the record for all prescriptions filled at the pharmacy, including nonrefillable prescriptions. This requirement is in addition to the requirements set forth in R 338.586.

(d) The recording system must provide adequate safeguards against improper manipulation, the alteration of records, and the loss of records.

(e) The recording system must have the capability of producing a printout of all original and refilled prescription data, including a prescription-by-prescription and refill-by-refill audit trial for any specified strength and dosage form of a controlled substance by either brand or generic name or an audit trail of controlled substance prescriptions written for a particular patient or by a particular practitioner. A printout of an audit trail or other required information must be made available to an authorized agent of the board upon request. The prescription data must be maintained for 5 years. Data older than 16 months must be provided within 72 hours of the time the request is first made by the agent. Prescription data for the most current 16 months must be readily retrievable on site and available for immediate review.

(f) If the automated data processing system is inoperative for any reason, then the pharmacist shall ensure that all refills are authorized and that the maximum number of refills is not exceeded. When the automated data processing system is restored to operation, the pharmacist shall enter the information regarding prescriptions filled and refilled during the inoperative period into the automated data processing system within 48 hours.

(g) A pharmacy shall make arrangements with the supplier of data processing services or materials to ensure that the pharmacy continues to have adequate and complete prescription and dispensing records if the relationship with the supplier terminates for any reason. A pharmacy shall ensure continuity in the maintenance of records.

(h) The automated data processing system must be an integrated system that is capable of complying with all of the requirements of these rules.

(5) This rule does not apply to pharmacy services provided in a medical institution.

(6) Records that are created under subrule (2), (3) or (4) of this rule are subject to the same requirements regarding confidentiality and access that apply to original prescriptions.

R 338.588 Automated devices.

Rule 88. (1) “Automated device” means a mechanical system that performs an operation or activity, other than compounding or administration, relating to the storage, packaging, dispensing, or delivery of a drug and that collects, controls, and maintains transaction information.

(2) An automated device may be used only in the following locations:

(a) A pharmacy, or at the same physical address as the pharmacy provided that the location of the automated device is owned and operated by the same legal entity as the pharmacy.

(b) A hospital.

(c) A county medical care facility.

(d) A hospice.

(e) A nursing home.

(f) Other skilled nursing facility as defined in section 20109(4) of the code, MCL 333.20109(4).

(g) An office of a dispensing prescriber.

(h) A location affiliated with a hospital, but not at the same physical address as the pharmacy, that is owned and operated by the hospital, consistent with section 17760 of the code, MCL 333.17760.

(3) A pharmacy that operates an automated device under this section to deliver a drug or device directly to an ultimate user or health care provider shall notify the department of the automated device’s location on a form provided by the department. An automated device located within a licensed pharmacy must be used only by a pharmacist or his or her pharmacy personnel under the personal charge of a pharmacist.

(4) If an automated device is used in a dispensing prescriber's office, the device must be used only to dispense medications to the dispensing prescriber's patients and only under the control of the dispensing prescriber. A pharmacy shall not own, control, or operate an automatic dispensing device in a dispensing prescriber's office, unless the prescriber’s office is affiliated with a hospital consistent with section 17760 of the code, MCL 333.17760 and subrule (2)(h) of this rule. All of the following apply to the use of an automated device in a dispensing prescriber's office:

(a) If a dispensing prescriber delegates the stocking of the automated device, then technologies must be in place and utilized to ensure that the correct drugs are stocked in their appropriate assignment utilizing a board-approved error prevention technology that complies with R 338.3154.

(b) A dispensing prescriber operating an automated device is responsible for all medications that are stocked and stored in that device as well as removed from that device.

(c) If any medication or device is dispensed from an automated device in a dispensing prescriber’s office, then documentation as to the type of equipment, serial numbers, content, policies, procedures, and location within the facility must be maintained by the dispensing prescriber for review by an agent of the board. This documentation must include at least all of the following information:

(i) Manufacturer name and model.

(ii) Quality assurance policy and procedure to determine continued appropriate use and performance of the automated device.

(iii) Policy and procedures for system operation that addresses at a minimum all of the following:

(A) Accuracy.

(B) Patient confidentiality.

(C) Access.

(D) Data retention or archival records.

(E) Downtime procedures.

(F) Emergency procedures.

(G) Medication security.

(H) Quality assurance.

(5) An automated device that is to be used for furnishing medications for administration to registered patients in any hospital, county medical care facility, nursing home, hospice, or any other skilled nursing

facility, as defined in section 20109(4) of the code, MCL 333.20109(4), must be supplied and controlled by a pharmacy that is licensed in this state. The use of an automated device in these locations is not limited to the provisions of subrule (3) of this rule. If a pharmacist delegates the stocking of the device, then technologies must be in place and utilized to ensure that the correct drugs are stocked in their appropriate assignment utilizing bar-coding or another board-approved error-prevention technology. Each automated device must comply with all of the following provisions:

(a) A pharmacy operating an automated device is responsible for all medications that are stocked and stored in that device as well as removed from that device.

(b) If any medication or device is dispensed from an automated device, then documentation as to the type of equipment, serial numbers, content, policies, procedures, and location within the facility must be maintained by the pharmacy for review by an agent of the board. The documentation must include at least all of the following information:

(i) Name and address of the pharmacy responsible for the operation of the automated device.

(ii) Name and address of the facility where the automated device is located.

(iii) Manufacturer name and model number.

(iv) Quality assurance policy and procedure to determine continued appropriate use and performance of the automated device.

(v) Policy and procedures for system operation that address at a minimum all of the following:

(A) Accuracy.

(B) Patient confidentiality.

(C) Access.

(D) Data retention or archival records.

(E) Downtime procedures.

(F) Emergency procedures.

(G) Medication security.

(H) Quality assurance.

(I) Ability to provide on demand to an agent of the board a list of medications qualifying for emergency dose removal without pharmacist prior review of the prescription or medication order.

(6) An automated device that is operated at a location affiliated with a hospital, but not at the same physical address as the pharmacy, that is owned and operated by the hospital, must comply with section 17760 of the code, MCL 333.17760.

(7) Records and electronic data kept by automated devices must meet all of the following requirements:

(a) All events involving access to the contents of the automated devices must be recorded electronically.

(b) Records must be maintained for 5 years by the pharmacy or dispensing prescriber and must be retrievable on demand for review by an agent of the board. The records must include all of the following information:

(i) The unique identifier of the automated device accessed.

(ii) Identification of the individual accessing the automated device.

(iii) The type of transaction.

(iv) The name, strength, dosage form, quantity, and name of the manufacturer of the drug accessed.

(v) The name of the patient for whom the drug was ordered.

(vi) Identification of the pharmacist responsible for the accuracy of the medications to be stocked or restocked in the automated device.

(8) Policy and procedures for the use of the automated device must include a requirement for pharmacist review of the prescription or medication order before system profiling or removal of any medication from the system for immediate patient administration. This subrule does not apply to the following situations:

(a) The system is being used as an after-hours cabinet for medication dispensing in the absence of a pharmacist as provided in R 338.486(4)(j).

(b) The system is being used in place of an emergency kit as provided in R 338.486(4)(c).

(c) The system is being accessed to remove medication required to treat the emergent needs of a patient as provided in R 338.486(4)(c). A sufficient quantity to meet the emergent needs of the patient may be removed until a pharmacist is available to review the medication order.

(d) In each of the situations specified in subdivisions (a) to (c) of this subrule, a pharmacist shall review the orders and authorize any further dispensing within 48 hours

(e) The automated device is located in a dispensing prescriber's office.

(9) A copy of all policies and procedures related to the use of an automated device must be maintained at the pharmacy responsible for the device's specific location or at the dispensing prescriber's office and be available for review by an agent of the board.

R 338.589 Professional responsibility; “caregiver” defined.

Rule 89. (1) A pharmacist has a professional responsibility for the strength, quality, purity, and the labeling of all drugs and devices dispensed under a prescription. In discharging this responsibility, a pharmacist shall utilize only those drugs and devices that are obtained from manufacturers and wholesale distributors licensed under section 17748 of the code, MCL 333.17748, or from other lawful channels of distribution.

(2) A pharmacist shall not fill a prescription order if, in the pharmacist's professional judgment, any of the following provisions apply:

(a) The prescription appears to be improperly written.

(b) The prescription is susceptible to more than 1 interpretation.

(c) The pharmacist has reason to believe that the prescription could cause harm to the patient.

(d) The pharmacist has reason to believe that the prescription will be used for other than legitimate medical purposes.

(3) A prescription drug must be dispensed only when the pharmacy is open and under the personal charge of a pharmacist.

(4) To encourage intended, positive patient outcomes, a pharmacist shall communicate to the patient, or the patient’s caregiver, necessary and appropriate information regarding safe and effective medication use at the time a prescription is dispensed. As used in this subrule, "caregiver" means the parent, guardian, or other individual who has assumed responsibility for providing a patient’s care. All of the following provisions apply to communicating medication safety and effectiveness information:

(a) The information must be communicated orally and in person, except when the patient or patient’s caregiver is not at the pharmacy or when a specific communication barrier prohibits oral communication. In either situation, providing printed or electronic/digital material designed to help the patient use the medication safely and effectively satisfies the requirements of this subrule.

(b) The information must be provided with each prescription for a drug not previously prescribed for the patient.

(c) If the pharmacist deems it appropriate, the information must be provided with prescription refills.

(d) The information must be provided if requested by the patient or patient’s caregiver or agent for any prescription dispensed by the pharmacy. This subrule does not require that a pharmacist provide consultation if a patient or a patient’s caregiver refuses consultation.

This subrule does not apply to prescriptions dispensed for administration to a patient while the patient is in a medical institution.

(5) Pharmacist delegation of acts, tasks, or functions shall be in compliance with section 16215 of the code, MCL 333.16215, and under the personal charge of the delegating pharmacist, except as provided

in R 338.486. A pharmacist who delegates acts, tasks, or functions to a licensed or unlicensed person shall do all of the following:

(a) Determine the knowledge and skill required to safely and competently complete the specific act, task, or function to be delegated.

(b) Before delegating an act, task, or function, make a determination that the delegate has the necessary knowledge and skills to safely and competently complete the act, task, or function.

(c) Provide written procedures or protocols, or both, to be followed by the delegatee in the performance of the delegated act, task, or function.

(d) Supervise and evaluate the performance of the delegatee.

(e) Provide remediation of the performance of the delegatee if indicated.

(6) A delegating pharmacist shall bear the ultimate responsibility for the performance of delegated acts, tasks, and functions performed by the delegatee within the scope of the delegation.

R 338.590 Hospice emergency drug box.

Rule 90. (1) A pharmacy that establishes a medication box exchange program for hospice emergency care services rendered in patients' homes pursuant to the provisions of section 17746 of the code, MCL 333.17746, shall establish drug boxes that are in compliance with this rule. Before providing drug boxes for a hospice emergency care system, the pharmacist in charge shall ensure that the hospice has developed policies and procedures that require all of the following:

(a) Maintenance by the hospice of a drug box exchange log that accounts for the hospice's receipt of the boxes from the pharmacy, assignment of the boxes to registered nurses or physicians' assistants, and return of the boxes to the pharmacy for restocking.

(b) A procedure to ensure that the drug boxes are inspected at least weekly to determine if they have expired or have been opened.

(c) Procedures for the storage and control of a drug box while it is assigned to, and being used by, the prescriber, a registered nurse, or a physician's assistant.

(d) A procedure for implementing the hospice medical director's responsibility for ensuring that prescriptions for drugs removed from the drug boxes are obtained from an appropriate prescriber.

(2) A pharmacy shall stock drug boxes for a hospice emergency care system in accordance with the policies and procedures developed by the hospice and approved by the hospice medical director.

(3) The drugs contained in each drug box must be listed inside the front cover of the box. Each box must be equipped with only 1 nonreusable, tamper-evident seal or sealing system which is a color that designates that the box has not been opened and several nonreusable, tamper-evident seals or sealing systems which are a different color that designates that the box has been opened.

(4) A drug box must be numbered. A permanent record of all drug boxes must be maintained at the pharmacy.

(5) A label that contains all of the following information must be attached to the drug box so that it is visible from the outside of the box:

(a) The name and address of the pharmacy.

(b) The name and address of the hospice.

(c) The name of the pharmacist who last inspected and restocked the drug box.

(d) The date the drug box was last restocked.

(e) The date on which the drug box must be returned to the pharmacy for the replacement of expired drugs.

(f) The number of the drug box.

(6) After the drug box has been stocked and labeled, the pharmacist shall seal it with the nonreusable, tamper-evident seal or sealing system which is the color that designates that the box has not been opened.

(7) A drug box must be kept in a substantially constructed, securely locked storage compartment when not under the direct control of the pharmacist, prescriber, registered nurse, or physician's assistant. The box must be stored under conditions that will maintain the stability, integrity, and effectiveness of the drugs. Access to the storage compartment and to the drug box must be limited to individuals who are authorized to stock the drug box or to dispense drugs from the drug box on the order of an appropriate prescriber.

(8) The drug box must remain sealed at all times, except when in use. All drugs removed from the box must be recorded on a medication use form. After completing the form, the physician, registered nurse or physician's assistant who removed the drug must place the form in the drug box and seal the box with a nonreusable, tamper-evident seal or sealing system which is a color that designates that the box has been opened.

(9) Each drug box under the control of the pharmacy must be examined at least weekly to ensure that the seal which designates that the box has not been opened is still intact and the expiration date has not been exceeded. If the expiration date has been exceeded or the box has been opened, the box must be returned to the pharmacy. The written prescription for all drugs that have been administered from the drug box must accompany the drug box when it is returned to the pharmacy after opening.

(10) The pharmacy shall maintain a permanent record of drug box exchanges on a drug box exchange log. The record must contain all of the following information:

(a) The number of the box.

(b) The name of the hospice to which the box is released.

(c) The date the box is released to the hospice.

(d) The name and signature of the pharmacist who releases the box to the hospice.

(e) The expiration date assigned.

(f) The date the box is returned to the pharmacy for restocking.

(g) The name and signature of the pharmacist who received the box for restocking.

(11) Upon return of the drug box to the pharmacy, the pharmacist shall reconcile the drugs dispensed from the drug box with the prescriptions of the appropriate prescriber or medical director of the hospice. The pharmacist shall note that the prescriptions were dispensed from the hospice drug box on the back of the prescriptions. The prescriptions must be filed in the same manner as other prescriptions are maintained at the pharmacy.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PHARMACY – PHARMACIST CONTINUING EDUCATION

Filed with the secretary of state on December 22, 2020

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

(By authority conferred on the department of licensing and regulatory affairs by sections 16145, 16148, 16184, 16201, 16204, 16205, 17731, 17737, and 17767 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16184, 333.16201, 333.16204, 333.16205, 333.17731, 333.17737, and 333.17767, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.3041, R 338.3043, and R 338.3044 of the Michigan Administrative Code are amended, and R 338.3045 is rescinded, to read as follows:

R 338.3041 License renewals; continuing education requirements; applicability.

Rule 1. (1) These rules apply to applications for renewal of a pharmacist's license and a special retired volunteer pharmacist's license under sections 16201 and 16184 of the code, MCL 333.16201 and 333.16184. A licensee seeking renewal 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) Beginning with renewals on January 1, 2020, an applicant for license renewal shall have completed a 1-time training identifying victims of human trafficking as required in R 338.511 and section 16148 of the code, MCL 333.16148.

(c) An applicant for license renewal, who also applies for a controlled substance license, shall have completed a 1-time training in opioids and other controlled substances awareness as required in R 338.3135.

(d) An applicant for license renewal, who has been licensed for the 2-year period immediately preceding the end of the license cycle, shall furnish the board with satisfactory evidence that the applicant completed not less than 30 hours of continuing education approved by the board, under R 338.3043 and R 338.3044, during the 2 years immediately preceding the application for renewal, which must comply with all of the following:

(i) An applicant for license renewal shall complete at least 1 hour of the 30 required hours of continuing education in pharmacy ethics and jurisprudence. This paragraph applies only to renewals after December 30, 2020.

(ii) An applicant for license renewal shall complete a minimum of 10 hours of the 30 required hours of 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, and workshops.

(iii) An applicant for license renewal shall complete at least 1 hour of the 30 required hours of continuing education in pain and symptom management, as required under section 16204(2) of the code, MCL 333.16204(2). Continuing education in pain and symptom management includes, but is 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.

(iv) An applicant for license renewal shall earn no more than 12 hours of continuing education during a 24-hour period.

(v) An applicant for license renewal shall not earn credit for taking the same continuing education course or program twice during 1 renewal period.

(2) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. An applicant 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 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) 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) Except as otherwise stated, this rule takes effect upon promulgation of the rules.

R 338.3043 Continuing education courses and programs; standards for approval.

Rule 3. The board shall approve continuing education courses or programs pursuant to the following standards in this rule:

(a) A continuing education course or program sponsor shall submit a completed application on forms provided by the department and provide a "Patient Protection" form for any course or program that involves treatment of live patients.

(b) A completed application form shall be submitted to the department at least 70 days prior to the date the continuing education course or program is conducted and 70 days prior to the next regularly scheduled board meeting for the proposed continuing education to be considered for approval by the board. A continuing education course or program conducted prior to board consideration will not be approved.

(c) A continuing education course or program must meet the standards and criteria for an acceptable category of continuing education under this rule and R 338.3044 and must be relevant to health care and advancement of the licensee's pharmacy education.

(d) A continuing education course or program must be a planned learning program designed to promote the continual development of knowledge, skills, and attitudes on the part of the pharmacist. The course or program must be an individual organized educational experience under responsible sponsorship and capable direction and must provide qualified instruction.

(e) A continuing education course or program shall be developed and presented by a sponsor and must provide all of the following:

(i) Administrative support that ensures maintenance and availability of adequate records of participation.

(ii) An adequate budget and resources.

(iii) Appropriate, qualified, competent teaching staff.

(iv) A statement of educational goals or measurable behavioral objectives, or both.

(v) Delivery methods that allow for active participation and involvement.

(vi) Appropriate, adequate facilities.

(vii) Evaluations of the participant and the provider.

(f) The continuing education course or program must include study in 1 or more of the following subjects:

(i) Social, psychological, economic, and legal aspects of health care delivery.

(ii) The properties and actions of drugs and dosage forms.

(iii) Etiology, characteristics, and therapeutics of the disease state.

(iv) Emergency skills related to the health and safety of the patient.

(v) Specialized professional services.

(vi) Other areas of study that the board finds are designed to maintain or enhance a pharmacist's ability to deliver competent pharmacy services.

(g) Board approval is valid for a 3-year term of approval from the date of approval.

(h) The board shall reevaluate an approved continuing education course or program prior to any changes during the approval term, including but not limited to, changes to either of the following:

(i) Instructors and speakers.

(ii) Course or program content, title, and number of continuing education hours to be awarded to participants.

(i) Subject to subdivision (j) of this rule, all changes to a previously approved course or program must be submitted on required department forms at least 70 days prior to the date the course or program is offered to participants and 70 days prior to the next regularly scheduled board meeting to be considered for approval by the board. Any changes to a submitted and previously approved course or program conducted prior to board reconsideration and approval will not be approved.

(j) Emergency changes to instructors and speakers that cannot be submitted to the board at least 70 days prior to the date of the course or program may be reviewed by the department in consultation with the board chair or a continuing education board committee member if proof that is acceptable to the department and that supports the nature of the emergency is submitted with the change.

(k) The specific dates that the course or program will be offered do not require further board approval and may be changed without review by the board if the presentation dates are within the board’s original 3-year term of approval.

(l) A sponsor conducting the course or program shall record all of the following on a continuing education certificate or other proof prepared by that sponsor:

(i) The name of the sponsor.

(ii) Continuing education approval number assigned by the department.

(iii) Course title or name of the program.

(iv) Name of the speaker or instructor.

(v) Date the approved course or program was conducted.

(vi) Number and type of continuing education hours awarded.

(vii) Approved sponsor’s signature.

(viii) Dates of the current approval term.

(ix) Name of participant.

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

R 338.3044 Acceptable continuing education for licensees.

Rule 4. The board shall consider all of the following as acceptable continuing education:

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES		
(a)	Completion of an approved continuing education course or program related to the practice of pharmacy. A continuing education	The number of hours earned will be the number of hours approved by the sponsor or the approving

	course or program 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: • A pharmacy program accredited by the Accreditation Council for Pharmacy Education (ACPE) or the Canadian Council for Accreditation of Pharmacy Programs (CCAPP). • A continuing education sponsoring organization, institution, or individual approved by the ACPE. • Another state board of pharmacy. If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held, or activity completed.	organization. If the activity was not approved for a set number of hours, then 1 credit hour for every 50 minutes of participation may be earned. No limitation on the number of hours earned.
(b)	Completion of postgraduate pharmacy practice or administration courses offered for credit in a pharmacy school accredited by the ACPE or the CCAPP. If audited, a licensee shall submit an official transcript that reflects completion of the postgraduate pharmacy practice or administration course and number of semester or quarter credit hours earned.	Twelve hours of continuing education will be earned for each academic quarter credit earned and 18 hours will be earned for each academic semester credit earned. No limitation on the number of hours earned.
(c)	Participation in a home study program offered through an ACPE-approved provider or other instructional approaches that include an evaluation component including, but not limited to, on-line continuing education programs and journal articles. If audited, a licensee shall submit an affidavit attesting to the number of hours the licensee spent participating in the home study program that includes a description of the activity.	One hour will be earned for each hour devoted to a home study program. A maximum of 20 hours per renewal period.
(d)	Participation as a preceptor for at least 1 pharmacy intern. A preceptorship shall be for a minimum of 120 hours in person and have a 1 intern - to -	Five hours of continuing education may be earned for a minimum of 120 hours in person of preceptorship in each renewal period.

	1 preceptor ratio. This may involve multiple preceptor relationships at different times. If audited, a licensee shall submit written documentation from the educational institution or preceptor's supervisor verifying the dates and hours of the preceptorship.	A maximum of 5 hours may be earned in each renewal period.
(e)	Renewal of a pharmacy license held in another state that requires continuing education for license renewal that is substantially equivalent in subject matter and total amount of required hours to that required in these rules if the licensee resides and practices in another state. If audited, a licensee shall submit proof of current licensure in another state and a copy of a letter or certificate of completion showing all of the following: the licensee's name, number of hours earned, the sponsor's name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or the activity was completed.	Thirty hours will be earned. A maximum of 30 hours may be earned in each renewal period.
(f)	Initial publication of an article or a chapter related to the practice of pharmacy in either of the following: • A pharmacy textbook. • A peer reviewed journal. If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	Ten hours will be earned per publication. A maximum of 10 hours may be earned in each renewal period.
(g)	Successful completion of a board certification national pharmacy examination through Board of Pharmacy Specialties (BPS). If audited, a licensee shall submit proof of a passing score on the examination.	Ten hours may be earned in the year in which the licensee achieves a passing score. A maximum of 20 hours may be earned in each renewal period. Credit will not be given for repeating the same examination twice in a renewal period.
(h)	Presentation of a continuing education program approved by the board under R 338.3043 or subdivision (a) of this rule that is not a part of the licensee's regular job	Two hours for every 50 minutes devoted to presenting the program. A maximum of 10 hours will be

	description. If audited, a licensee shall submit a copy of the curriculum and a letter from the program sponsor verifying the length and date of the presentation.	earned in each renewal period.
(i)	Attendance at a pharmacy-related program that is approved by the board pursuant to R 338.3043. If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of hours earned, sponsor name or the name of the organization that approved the program or course for continuing education credit, and the date on which the program was held or the activity was completed.	The number of hours earned will be the number of hours approved by the sponsor or the approving organization. If the activity was not approved for a set number of hours, then 1 credit hour for every 50 minutes of participation may be earned. No limitation on the number of hours earned.

R 338.3045 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

SANITARIANS REGISTRATION – GENERAL RULES

Filed with the secretary of state on December 22, 2020

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

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, and 18413 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, and 333.18413, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2009-10, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 333.26364, and 445.2030)

R 338.3901 of the Michigan Administrative Code is amended, R 338.3911, R 338.3913, R 338.3921, R 338.3923, R 338.3925, R 338.3927, R 338.3929, and R 338.3931 are added, and R 338.3901a, R 338.3902, R 338.3903, R 338.3905, R 338.3906, R 338.3906a, and R 338.3910 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.3901 Definitions.

Rule 1. (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.

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

R 338.3901a Rescinded.

R 338.3902 Rescinded.

R 338.3903 Rescinded.

R 338.3905 Rescinded.

R 338.3906 Rescinded.

R 338.3906a Rescinded.

R 338.3910 Rescinded.

PART 2. EDUCATION

R 338.3911 Accreditation standards; adoption by reference.

Rule 11. (1) The department approves and adopts by reference the standards for accrediting environmental health baccalaureate programs developed and adopted by the National Environmental Health Science and Protection Accreditation Council (EHAC), effective January 1, 2017, and entitled "Requirements for the Accreditation of Environmental Health Science and Protection Baccalaureate Programs." The guidelines are available free of charge from The National Environmental Health Science and Protection Accreditation Council, P.O. Box 66057, Burien, Washington 98166, or from the council's website at https://www.nehspac.org/ at no cost. Copies of the guidelines are available for inspection and distribution at a cost of 10 cents per page from the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.

(2) The department approves and adopts by reference the standards for accrediting environmental health graduate programs developed and adopted by EHAC, revised 2012, updated August 22, 2018, and entitled "Guidelines for the Accreditation of Environmental Health Science and Protection: Graduate Programs." The guidelines are available free of charge from The National Environmental Health Science and Protection Accreditation Council, P.O. Box 66057, Burien, Washington 98166, or from the council's website at https//www.nehspac.org/ at no cost. Copies of the guidelines are available for inspection and distribution at a cost of 10 cents per page from the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.

(3) A baccalaureate program in environmental health or graduate program in environmental health accredited by the EHAC as an approved environmental health educational program under subrules (1) and (2) of this rule meets the qualifications for an environmental health educational program that is approved by the department.

(4) The department adopts by reference the recognition standards and criteria of the Council for Higher Education (CHEA), effective September 2018, and the procedures and criteria for recognizing postsecondary accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR part 602, subparts B and C (2018). Copies of the standards and criteria of CHEA and the United States Department of Education are available for inspection and distribution at a cost of 10 cents per page from the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909. The CHEA recognition standards also may be obtained from the Council for Higher Education Accreditation, One Dupont Circle NW, Suite 510, Washington, D.C. 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 United States Department of Education Office of Postsecondary Education, 1990 K Street, NW, Washington, D.C.

20006 or from the department's website at http://www.ed.gov/about/offices/list/OPE/index.html at no cost.

(5) A bachelor's degree, master's degree, or doctoral degree in any subject from a postsecondary institution that is accredited by a postsecondary accrediting agency that meets the recognition standards and criteria of CHEA under subrule (4) of this rule is an educational program that is approved by the department.

R 338.3913 Sanitarian educational training requirements.

Rule 13. (1) An applicant shall complete an educational program that satisfies 1 of the following requirements:

(a) A bachelor's degree, master's degree, or doctoral degree in environmental health from an educational program approved by the department under R 338.3911(3).

(b) A bachelor's degree, master's degree, or doctoral degree in any subject from an educational program at an institution approved by the department under R 338.3911(5) that includes both of the following requirements:

(i) At least 30 semester hours or 45 quarter hours of college level credit in basic science coursework, including engineering sciences, environmental sciences, health sciences, life sciences, natural sciences, or physical sciences.

(ii) College level credit for coursework in mathematics or statistics.

(c) A bachelor's degree, master's degree, or doctoral degree from an educational program at an institution located outside the United States that is substantially equivalent to the educational requirements under subdivision (a) or (b) of this subrule.

(2) If an applicant is a graduate of an educational program under subrule (1)(b) of this rule, the applicant shall have his or her educational credentials evaluated by a curriculum evaluation conducted by the National Environmental Health Association (NEHA).

(3) If an applicant is a graduate of an educational program under subrule (1)(c) of this rule, the applicant shall have his or her educational credentials evaluated by a credential evaluation organization that is a current member organization of the National Association of Credential Evaluation Services (NACES).

(4) The educational program shall verify that the applicant has successfully completed the program by sending the applicant's official transcripts to the department.

PART 3. REGISTRATION

R 338.3921 Training standards for identifying victims of human trafficking; requirements.

Rule 21. (1) Under section 16148 of the code, MCL 333.16148, an individual who is seeking registration or is registered shall complete training in identifying victims of human trafficking that satisfies all of the following:

(a) Training content must cover all the following:

(i) Understanding the types and venues of human trafficking in Michigan or the United States.

(ii) Identifying victims of human trafficking in health care settings.

(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.

(iv) Resources for reporting the suspected victims of human trafficking.

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

(i) Training offered by a nationally recognized or state-recognized, health-related organization.

(ii) Training offered by, or in conjunction with, a state or federal agency.

(iii) Training obtained in an educational program that has been approved by the department for initial registration, or by a college or university.

(iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subrule (1)(a) of this rule and is published in a peer review journal, health care journal, or professional or scientific journal.

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

(i) Teleconference or webinar.

(ii) Online presentation.

(iii) Live presentation.

(iv) Printed or electronic media.

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

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

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

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

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

(3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for registration renewals beginning with the 2017 renewal cycle and for initial registrations issued after March 17, 2021.

R 338.3923 Examination; adoption.

Rule 23. The department approves and adopts the registered environmental health specialist/registered sanitarian examination developed by NEHA. The passing score for the registered environmental health specialist/registered sanitarian examination is the passing score established by NEHA.

R 338.3925 Registration; requirements.

Rule 25. (1) An applicant for a sanitarian registration shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to satisfying the requirements of the code and the administrative rules promulgated under the code, an applicant shall satisfy 1 of the following:

(a) The requirements of R 338.3913(1)(a). No proof of prior work experience is required.

(b) The requirements of R 338.3913(1)(b) and verification by the employer sent to the department that the applicant has completed 4,000 hours in planning, developing, or implementing systems to improve the quality of air, water, food, or other environmental factors that affect the health of the public.

(c) The requirements of R 338.3913(1)(c), subject to the following requirements:

(i) If the credential evaluation required under R 338.3913(3) determines that the applicant's educational credentials are substantially equivalent to R 338.3913(1)(a), no proof of prior work experience is required.

(ii) If the credential evaluation required under R 338.3913(3) determines that the applicant's educational credentials are substantially equivalent to R 338.3913(1)(b), verification by the employer shall be sent to the department that the applicant has completed 4,000 hours in planning, developing, or implementing systems to improve the quality of air, water, food, or other environmental factors that affect the health of the public.

(2) In addition to satisfying the requirements of subrule (1)(a), (b), or (c) of this rule, an applicant shall complete and pass the examination adopted under R 338.3923.

(3) If an applicant for a sanitarian registration submits proof that he or she is a current holder in good standing of the registered environmental health specialist/registered sanitarian (REHS/RS) credential from NEHA, then it is presumed that the applicant satisfies the requirements of subrule (1)(a), (b), or (c) of this rule and satisfies subrule (2) of this rule.

R 338.3927 Registration by endorsement.

Rule 27. (1) An applicant for a Michigan registration by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to satisfying the other requirements of the code and administrative rules promulgated under the code, an applicant shall satisfy the educational and experiential requirements, as specified in R 338.3925(1)(a), (b), or (c) and satisfy the requirements of this rule.

(2) An applicant who was first licensed or registered in another state is presumed to have met the requirements of sections 16186(1)(a) and (b) of the code, MCL 333.16186, if he or she satisfies both of the following requirements:

(a) Verifies that he or she has been licensed or registered for a minimum of 3 years immediately before filing an application for registration as a sanitarian in this state. An applicant may submit either of the following as verification:

(i) Documentation of the applicant's employment verified by the employer of employment in another state as a licensed or registered sanitarian for the period specified under subdivision (a) of this subrule.

(ii) Documentation of the status of a license or registration from all other states in which the applicant currently holds or has ever held licensure or registration. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(b) Completed and passed the examination adopted under R 338.3923.

(3) If an applicant for a sanitarian registration submits proof that he or she is a current holder in good standing of the REHS/RS credential from NEHA, then it is presumed that the applicant satisfies the educational and experiential requirements as specified in R 338.3925(1)(a), (b), or (c) of subrule (1) of this rule and satisfies subrule (2) of this rule.

R 338.3929 Application for sanitarian re-registration; requirements.

Rule 29. (1) An applicant for re-registration as a sanitarian shall submit to the department a completed application on a form provided by the department, together with the requisite fee. In addition to satisfying the other requirements of the code and administrative rules promulgated under the code, an applicant shall satisfy 1 of the following requirements, as applicable:

(a) If the registration was lapsed for less than 3 years, an applicant shall satisfy all of the following requirements:

(i) Establish that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.

(ii) Submit to the department on a form provided by the department verification of his or her license or registration by the agency of any state in which the applicant holds a current license or registration or ever held a license or registration as a sanitarian. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(b) If the registration was lapsed for 3 or more years, an applicant shall satisfy all the following requirements:

(i) Establish that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.

(ii) Submit to the department fingerprints as set forth in section 16174(3) of the code, MCL 333.16174.

(iii) Provide to the department proof of passing the examination adopted under R 338.3923.

(iv) Submit on a form provided by the department verification of his or her license or registration by the agency of any state in which the applicant holds a current license or registration or ever held a license or registration as a sanitarian. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(2) If an applicant for sanitarian re-registration submits proof that he or she is a current holder in good standing of the REHS/RS credential from NEHA, then it is presumed that the applicant satisfies the requirement of subrule (1)(b)(iii) of this rule.

R 338.3931 Registration renewal; requirements.

Rule 31. An applicant for registration renewal who has been registered for the 2-year period immediately preceding the application for renewal shall submit to the department the required fee and a completed application on a form provided by the department.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF PROFESSIONAL LICENSING

PUBLIC HEALTH CODE—GENERAL RULES

Filed with the secretary of state on December 22, 2020

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

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16194, 16201, and 16221(e)(iv)(B) of the public health code, 1978 PA 368, MCL 333.16145, 333.16194, 333.16201, and 333.16221, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.7001, R 338.7001a, and R 338.7002 of the Michigan Administrative Code are amended and R 338.7002a and R 338.7002b are added, as follows:

R 338.7001 Definitions.

Rule 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) “Issue date” means the date that the initial license was granted to the licensee by the department.

(d) “Limitation” means that term as defined in section 16106(4) of the code, MCL 333.16106.

(e) "Stark Law" means section 1877 of part e of title XVIII of the social security act, 42 USC 1395nn.

R 338.7001a Biennial license and registration renewal; expiration.

Rule 1a. (1) The following licenses and registrations expire biennially and must be renewed every 2 years on or before the date indicated:

Acupuncture	10/1
Audiology	1/1
Chiropractic	12/1
Marriage and family therapy	2/1
Midwifery	Issue date
Nursing	Issue date
Nursing home administrators	11/1
Occupational therapy	6/1
Optometry	Issue date
Pharmacy	Issue date
Physical therapy	8/1
Physician's assistants	Issue date

Psychology	9/1
Respiratory care	1/1
Sanitarians	12/1
Speech-language pathology	10/1

(2) A license or registration having a limitation may be renewed for a term less than 2 years.

R 338.7002 Triennial license or registration renewal; expiration.

Rule 2. (1) The following licenses and registrations expire triennially and must be renewed every 3 years on or before the date indicated:

Athletic trainer	10/1
Counseling	6/1
Dentistry	Issue date
Massage therapy	11/1
Medicine	Issue date
Osteopathic medicine and surgery	Issue date
Podiatric medicine and surgery	Issue date
Social work	5/1
Veterinary medicine	Issue date

(2) A license having a limitation may be renewed for a term less than 3 years.

R 338.7002a Quadrennial license renewal; expiration.

Rule 2a. (1) The following license expires quadrennially and must be renewed every 4 years on or before the date indicated:

Behavior Analysts	Issue date

(2) A license having a limitation may be renewed for a term less than 4 years.

R 338.7002b Minimum English language standard.

Rule 2b. (1) Pursuant to section 16174(1)(d) of the code, MCL 333.16174, an applicant seeking licensure or registration must demonstrate a working knowledge of the English language under the minimum standards established by the department.

(2) To demonstrate a working knowledge of the English language, the applicant must establish that he or she meets 1 of the following:

(a) The applicant's health professional educational program was taught in English.

(b) The applicant supplies transcripts establishing that he or she earned not less than 60 college level credits from an English-speaking undergraduate or graduate school.

(c) The applicant obtained a passing score of 650 or higher on the Examination for the Certificate of Competency in English (ECCE) test developed by Michigan Language Assessment, as demonstrated by a certificate of competency or certificate of competency with honors.

(d) The applicant obtained a passing score of 650 or higher on the Examination for the Certificate of Proficiency in English (ECPE) test developed by Michigan Language Assessment, as demonstrated by a certificate of proficiency or certificate of proficiency with honors.

(e) The applicant obtained a total score of not less than 6.5 on the International English Language Testing System (IELTS) Academic test.

(f) The applicant obtained a total score of not less than 55 on the Michigan English Test (MET) developed by Michigan Language Assessment.

(g) The applicant 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.

ADMINISTRATIVE RULES

DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

UTILIZATION REVIEW

Filed with the secretary of state on December 18, 2020

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

(By authority conferred on the director of insurance and financial services by section 3157a of the insurance code of 1956, 1956 PA 218, 500.3157a, and Executive Reorganization Order No. 2013-1, MCL 550.991)

R 500.61, R 500.62, R 500.63, R 500.64, R 500.65, R 500.66, R 500.67, R 500.68, and R 500.69 are added to the Michigan Administrative Code as follows:

PART 1. GENERAL

R 500.61 Definitions.

Rule 61. As used in these rules:

(a) "Act" means the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302.

(b) "Association" means the catastrophic claims association created under section 3104 of the act, MCL 500.3104.

(c) "Department" means the department of insurance and financial services.

(d) "Director" means the director of the department.

(e) "Facility" means an entity licensed by the state pursuant to the public health code, 1978 PA 368, MCL 333.1101 to 333.25211. The office of an individual practitioner is not considered a facility.

(f) "Injured person" means a person who has suffered an accidental bodily injury covered by personal protection insurance provided under chapter 31 or 31A of the act, MCL 500.3101 to 500.3179 and 500.3181 to 500.3189.

(g) "Insurer" means that term as defined in section 106 of the act, MCL 500.106.

(h) "Managed care option" means that term as defined in section 3181 of the act, MCL 500.3181.

(i) "Medically accepted standards" means the most appropriate practice guidelines for the treatment, training, products, services and accommodations provided to an injured person. These practice guidelines may include generally accepted practice guidelines, evidence-based practice guidelines, or any other practice guidelines developed by the federal government or national or professional medical societies, boards, and associations.

(j) "Personal protection insurance" means benefits provided under section 3107(1)(a) of the act, MCL 500.3107(1)(a).

(k) "Practitioner" means an individual who is licensed, registered, or certified as used in the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(l) “Provider” means a physician, hospital, clinic, or other person providing treatment, training, products, services, and accommodations to an injured person.

(m) “Utilization review” means that term as defined in section 3157a(6) of the act, MCL 500.3157a(6).

R 500.62 Scope and applicability.

Rule 62. These rules do all of the following:

(a) Establish criteria and standards for utilization review that identify utilization of treatment, training, products, services, and accommodations provided to an injured person for the injured person’s care, recovery, or rehabilitation as required under section 3107(1)(a) of the act, MCL 500.3107(1)(a), above the usual range of utilization, based on medically accepted standards.

(b) Establish procedures for all of the following:

(i) Acquisition of necessary records, medical bills, and other information concerning the treatment, training, products, services, and accommodations provided to an injured person.

(ii) For an insurer and for the association to request an explanation for, and requiring a provider to explain, the reasonable necessity or indication for treatment, training, products, services, and accommodations provided to an injured person.

(iii) Provider appeals to the department from an insurer’s or the association’s determination that the provider overutilized or otherwise rendered or ordered inappropriate treatment, training, products, services, and accommodations, or that the cost of the treatment, training, products, services, and accommodations was inappropriate under chapter 31 of the act, MCL 500.3101 to 500.3179, and rules promulgated thereunder.

(c) Apply to treatment, training, products, services, and accommodations provided after July 1, 2020, to an injured person who is insured under a policy of no-fault automobile insurance issued under chapter 31 or chapter 31A of the act, MCL 500.3101 to 500.3179 and 500.3181 to 500.3189.

(d) Apply to all insurers providing personal protection insurance under chapter 31 of the act, MCL 500.3101 to 500.3179 or under chapter 31A of the act, MCL 500.3181 to 500.3189, and to the association. Nothing in these rules should be construed to limit the ability of insurers and the catastrophic claims association to contract with a medical review organization to perform utilization review activities on their behalf. An insurer that uses a medical review organization remains responsible for complying with the act and any rules promulgated thereunder.

PART 2. REQUESTS FOR EXPLANATION AND RECORD RETENTION

R 500.63. Requests for explanation.

Rule 63. (1) If a provider provides treatment, training, products, services, or accommodations to an injured person that are not usually associated with, are longer in duration than, are more frequent than, or extend over a greater number of days than the treatment, training, products, services, or accommodations usually required for the diagnosis or condition for which the injured person is being treated, the insurer or the association may request that the provider explain the necessity or indication for the treatment, training, products, services, or accommodations in writing. An insurer or the association may request that the provider include in its written explanation medical records, bills, and other information concerning the treatment, training, products, services, or accommodations.

(2) If an insurer or the association requests a provider to provide a written explanation under this rule, the request must be submitted to the provider within 30 days of the insurer's or association's receipt of the bill related to the treatment, training, products, services, or accommodations.
(3) A provider that receives a request for a written explanation from an insurer or the association must respond within 30 days of receipt of the insurer's or association's request.
(4) If an insurer's or the association's request for records under subrule (1) of this rule requires the provider to provide medical records, bills, or other information in excess of that which customarily accompany a bill submitted to the insurer or the association, the insurer or the association must reimburse the provider at a reasonable and customary fee, plus the actual costs of copying and mailing, within 30 days of the insurer's or association's request.

PART 3. INSURER AND ASSOCIATION DETERMINATIONS AND PROVIDER APPEALS

R 500.64 Determinations by an insurer or the association.

Rule 64. (1) If, after reviewing a provider's written explanation provided under part 2 of these rules, an insurer or the association determines that a provider overutilized or otherwise rendered or ordered inappropriate treatment, training, products, services, or accommodations, or that the cost of the treatment, training, products, services, or accommodations was inappropriate under chapter 31 of the act, MCL 500.3101 to 500.3179, the insurer or the association must issue a written notice of the determination to a provider within 30 days of receipt of the provider's written explanation. The notice must include all of the following:
(a) The criteria or standards on which the insurer relied in making its determination, with specific reference to the insurer's utilization review program.
(b) The amount of payment to the provider that has been made as a result of the determination, including an explanation for the difference between that amount and the amount billed by the provider.
(c) If applicable, a description of any additional records the provider must submit to the insurer in order for the insurer or the association to reconsider its determination.
(d) A copy of the form referenced in R 500.65(1).
(e) The date of the determination.
(2) The association's determination may be used by an insurer as the criteria or standards identified in an insurer's written notice described in subrule (1) of this rule.
(3) An insurer's or the association's denial of a provider's bill on the basis that the provider overutilized or otherwise rendered or ordered inappropriate treatment, training, products, services, or accommodations, or that the cost of the treatment, training, products, services, or accommodations was inappropriate under chapter 31 of the act, MCL 500.3101 to 500.3179, is a determination from which a provider may appeal to the department under R 500.65, regardless of whether the insurer has requested a written explanation from the provider under this rule.

R 500.65 Appeals to the department.

Rule 65. (1) A provider may appeal a determination made by an insurer or the association. The appeal must be filed within 90 days of the date of the disputed determination and must be made on a form prescribed by the department.
(2) Within 14 days of receipt of a provider appeal, the department shall notify the insurer or the association and the injured person of the appeal and request any additional information necessary to review the appeal.

(3) An insurer or the association may file a reply to a provider's appeal no later than 21 days after the date of the notice provided under subrule (2) of this rule.
(4) The director shall base his or her decision upon written materials submitted by the parties. Failure of any party to supply any information in a timely manner shall result in a decision based upon information available to the director at the time of the decision.
(5) The director shall issue a decision within 28 days after the insurer or the association files a reply to a provider's appeal or, if a reply is not filed, within 28 days after the time for filing a reply has expired. The director may, upon written notice to the insurer or the association and the provider, take an additional 28 days to issue a decision under this rule.
(6) If a provider appeals a determination made by an insurer and the department issues a decision that the provider is entitled to payment, the provider is entitled to interest on any overdue payments as set forth in section 3142 of the act, MCL 500.3142.
(7) A decision issued by the department under these rules is subject to judicial review as provided in section 244(1) of the act, MCL 500.244(1).

PART 4. INSURER UTILIZATION REVIEW PROGRAM

R 500.66 Required components of an insurer's utilization review program.
Rule 66. (1) Within 60 days of the effective date of these rules, insurers must have in place a utilization review program to review records and bills for treatment, training, products, services, and accommodations provided to an injured person that is above the usual range of utilization based on medically accepted standards.
(2) The utilization review program must do all of the following:
(a) Provide for bill review, including whether provider charges for treatment, training, products, services, and accommodations comply with chapter 31 of the act, MCL 500.3101 to 500.3179, and rules promulgated thereunder.
(b) Make determinations regarding the appropriateness of treatment, training, products, services, and accommodations based on medically accepted standards.
(c) Issue determinations under R 500.64.
(3) Insurers must submit information regarding their utilization review program to the director annually on a form prescribed by the department.
(4) No later than 90 days after the submission of the information required under subrule (3) of this rule, the director shall issue a certification of the insurer's utilization review program. Certification shall be either unconditional or conditional. The director may extend the time for review by an additional 30 days upon written notice to the insurer.
(5) The director may issue unconditional certification for a period of 3 years.
(6) The director may issue conditional certification if it determines that the insurer or other entity does not substantially satisfy the criteria in subrule (2) of this rule. If the insurer agrees to undertake corrective action, then conditional certification shall be granted by the department for a maximum period of 1 year.
(7) The director may at any time modify an unconditional certification to a conditional certification if the director determines that an insurer has failed to comply with any of these rules. The director shall provide written notice to the insurer in the event of such a modification. The unconditional certification shall be reinstated upon satisfactory completion of a corrective action plan developed by the insurer and approved by the director.

(8) The director may revoke a certification upon a finding that an insurer has failed to comply with any of the rules and has failed to satisfactorily complete a corrective action plan. The director shall provide written notice to an insurer upon revocation.

R 500.67 Renewal of certification.
Rule 67. An insurer must apply for renewal of its certification on a form prescribed by the department. The application must be submitted no less than 90 days prior to the expiration of the insurer's current certification.

PART 5. ANNUAL REPORT AND RECORD RETENTION

R 500.68 Annual report.
Rule 68. (1) No later than March 31 of each year, each insurer shall submit a report on a form prescribed by the department regarding utilization review data and activities. The department shall provide instruction to insurers regarding completion of the report.
(2) The annual report is subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

R 500.69 Record retention.
Rule 69. Insurers, the association, and providers must retain copies of all requests, explanations, and determinations issued under these rules for at least two years after the date of the request, explanation, or written notice, and must submit them to the department upon request.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL CODE RENEWALS

Filed with the secretary of state on December 22, 2020

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

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 202 and 205 of the occupational code, 1980 PA 299, MCL 339.202 and 339.205, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501**,** 445.2001, 445.2011, and 445.2030)

R 339.1002 and R 339.1003 of the Michigan Administrative Code are amended and R 339.1001a and R 339.1003a are added, as follows:

PART 1. LICENSE AND REGISTRATION RENEWALS

R 339.1001a Definitions.

Rule 1a. As used in these rules:

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

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

(c) "Issue date" means the date that the initial license or registration was granted to the licensee or registrant by the department.

(d) "Limitation" means a limitation relative to scope of practice as defined in section 105(3) of the code, MCL 339.105.

R 339.1002 Annual license renewal**;** expiration.

Rule 2. The following licenses expire annually and must be renewed each year on or before the date indicated:

Barber student instructor…….....Issue date.
Collection practices.....6/30.
Mortuary science trainees.....1/31.
Personnel agencies. .....12/31.

R 339.1003 Biennial license or registration renewal; expiration.

Rule 3. (1) The following licenses and registrations expire biennially and must be renewed every 2 years on or before the date indicated:

Accountancy.....7/31.

Architects.....10/31.
Barbers.....Issue date.
Barber establishments and schools……...Issue date.
Cosmetology.....Issue date.
Cosmetology establishments and schools…….....Issue date.
Hearing aid dealers.....11/30.
Landscape architects.....7/31.
Mortuary science……10/31.
Professional engineers.....10/31.
Professional surveyors.....10/31.
Real estate appraisers.....7/31.

(2) A license or registration that has a limitation may be renewed for a term that is less than 2 years.

(3) For licenses that are to be renewed biennially, the department may initially renew half of the licenses for 1 year and half of the licenses for 2 years to provide equal numbers of renewals in each fiscal year.

R 339.1003a Triennial license renewal; expiration.

Rule 3a. (1) The following licenses expire triennially and must be renewed every 3 years on or before the date indicated:

Real estate brokers and salespersons.....10/31.
Residential builder and maintenance and alteration contractor…….5/31.

(2) A license that has a limitation may be renewed for a term that is less than 3 years.

ADMINISTRATIVE RULES

DEPARTMENT OF TREASURY

STATE TREASURER

GENERAL SALES AND USE TAX RULES

SPECIFIC SALES AND USE TAX RULES

Filed with the secretary of state on December 22, 2020

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

(By authority conferred on the department of treasury by section 3 of 1941 PA 122, MCL 205.3)

R 205.127 of the Michigan Administrative Code is amended, as follows:

R 205.127 Water

Rule 77. (1) Sales of water are taxable except when delivered through water mains, sold in bulk tanks in quantities of not less than 500 gallons, sold as bottled water, or sold for an exempt use**.**

(2) The sale of equipment, tools, machinery, pipes, fittings and supplies to a person for consumption or use in distributing and carrying water is taxable. Sales of tangible personal property for installation as a component part of a water pollution control facility are exempt if the facility was issued a tax exemption certificate under part 37 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.3701 to 324.3708.

(3) As used in this rule, "bottled water" means water that is placed in a safety sealed container or package for human consumption, including water that is delivered to the buyer in a reusable container that is not sold with the water. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain 1 or more of the following:

(a) Antimicrobial agents.
(b) Fluoride.
(c) Carbonation.
(d) Vitamins, minerals, and electrolytes.
(e) Oxygen.
(f) Preservatives.
(g) Only those flavors, extracts, or essences derived from a spice or fruit.

ADMINISTRATIVE RULES

DEPARTMENT OF NATURAL RESOURCES

MINERALS MANAGEMENT SECTION

LEASING STATE-OWNED OIL AND GAS RIGHTS

Filed with the secretary of state on December 18, 2020

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

(By authority conferred on the department of natural resources by sections 502 and 504 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.502 and 324.504)

R 299.8101, R 299.8102, R 299.8103, R 299.8104, R 299.8105, R 299.8106, and R 299.8107 of the Michigan Administrative Code are amended, as follows:

R 299.8101 Definitions.

Rule 101. As used in these rules:

(a) "Auction lease" means a lease issued as the result of competitive bidding at public auction.

(b) "Bonus bid" means a payment by the buyer to the lessor at the time of sale as part of the consideration for acquisition of an oil and gas lease.

(c) "Department" means the Michigan department of natural resources.

(d) "Development lease" means a lease that allows the use of the surface of state lands for oil and gas exploration, development, and production.

(e) "Direct lease" means a lease issued as the result of individual negotiations with the department.

(f) "Gas" means a mixture of hydrocarbons and varying quantities of non-hydrocarbons in a gaseous state which may or may not be associated with oil, including those liquids resulting from condensation, including, but not limited to, natural gas and casinghead gas.

(g) "Land" means any property description in which the state owns any oil and gas rights.

(h) "Lessee" means the working interest owner or owners of a lease as shown in the records of the department.

(i) "Lessor" means the department.

(j) "Nondevelopment lease" means a lease that does not allow any use of the land surface, including the surface of submerged bottom lands, for oil and gas exploration, development, and production.

(k) "Nonleasable lands" means lands that will not be leased for oil and gas exploration, development, and production.

(l) "Oil" means natural crude oil or petroleum and other hydrocarbons, regardless of gravity, that are produced at the well in liquid form by ordinary production methods and that are not the result of condensation of gas after it leaves the underground reservoir, including, but not limited to, oil, casinghead gasoline, drip gasoline, and natural gasoline extracted from natural gas.

(m) "Performance bond" means a surety to guarantee that the lessee and the lessee's heirs, executors, administrators, successors, and assigns shall faithfully perform the covenants, conditions, and agreements specified in the lease and the laws and rules of the state of Michigan.

(n) "Qualified party" means an individual of the age of majority or a partnership, corporation, or other legal entity qualified to do business in the state of Michigan.

(o) "Sale unit" means the land description or descriptions as numbered on the lease sale notice.

R 299.8102 Lease sale applications; notice of location and classification of lands.

Rule 102. (1) Any party may submit applications identifying state lands desired for oil and gas leasing. The department may also identify lands for leasing.

(2) Applications for state lands desired to be offered for leasing must be in writing and must be submitted to the Department of Natural Resources, P.O. Box 30451, Lansing, Michigan 48909-7951, or such other address as applicable. Applications may be general or specific in nature. General applications must specify the area by county, township, and range. Specific applications must include all of the following information:

(a) The specific land description, including private claims and submerged lands.

(b) County.

(c) Section.

(d) Township.

(e) Range.

(f) For platted subdivisions, the lot and block numbers, subdivision name, and county.

(3) The minimum application fee must accompany the written application and must be in accordance with the fee schedule approved by the department.

(4) The department shall identify all available lands nominated for leasing and shall recommend classifications for leasing as development, non-development, or nonleasable. A public notice describing the general location of the lands requested for leasing must be published in a newspaper, as defined in section 1461 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1461, not less than 10 days before the director of the department takes final action on the recommended land classifications. This notice must be published at least once in a newspaper published in the county where the lands are situated. If a newspaper is not published in the county where the lands are situated, the notice must be published in a newspaper published in a county adjoining the county where the lands are located.

(5) The department shall offer lands approved for leasing at public auction or may enter into leases under R 299.8105.

R 299.8103 Sale by public auction; notice; list of lands offered for leasing.

Rule 103. (1) A notice of lease sales must be published at least once in a newspaper, as defined in section 1461 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1461, not less than 10 days before the sale. The newspaper must be published in the county where the lands are situated. If a newspaper is not published in the county where the lands are situated, the notice must be published in a newspaper published in a county adjoining the county where the lands are located. A notice must describe the general location of the land to be offered for lease and the date, time, and place of sale.

(2) Any party may request from the department a list of lands being offered for leasing at public auction. The lease sale list must include all of the following information:

(a) The date, time, and place of sale.

(b) Descriptions of lands being offered.

(c) The conditions of sale.

R 299.8104 Offer at public auction; procedure.

Rule 104. (1) Oil and gas lease rights in state lands may be offered at competitive public auction (lease sale).

(2) The department shall stipulate the terms and conditions under which lands may be offered for lease sale.

(3) Any qualified party may make a bid on sale units offered for lease.

(4) The full amount of the bonus bid must be paid as directed by the department.

(5) Failure of the successful bidder to pay the total bid shall result in the forfeiture of the bonus bid and the lease rights to the sale unit or units involved.

(6) The department reserves the right to reject any bid and may, in its discretion, stop the sale of any sale unit at any time and for any stated reason.

(7) Lands in sale units for which no bids are received must not be offered at lease sale unless applied for again. The department, in its discretion, may include the unbid land in a future sale or sales.

R 299.8105 Direct leases.

Rule 105. (1) The department may enter into direct leases for lands needed to complete a drilling unit. Qualified parties shall submit written application as described in R 299.8102(2) and shall submit proof that they own or control lease rights to the majority of the land in the proposed drilling unit.

(2) The department may also enter into direct leases for lands offered but not leased at public auction if the lands have been offered at 2 previous lease sales within a 1-year period without receiving the required number of bidders. Qualified parties shall submit written application as described in R 299.8102(2).

(3) Direct leases entered into under subrules (1) and (2) of this rule normally require payment of a bonus, rental rate, and rate of royalty at least equal to those under which other lease rights in the proposed unit were acquired, but must not be less than the minimum rates established for leases on lands offered at public auction.

(4) This rule and R 299.8104 notwithstanding, when the department determines that state land not under lease is being drained, the department may enter into a direct lease on those lands being drained.

R 299.8106 Awarding of leases.

Rule 106. (1) Department approval is required before any lease may be issued. The department reserves the right to reject any and all bids with reasons stated.

(2) The department may group descriptions for which issuance of leases has been approved into 1 or more leases, depending on the location of the descriptions and any special lease conditions.

(3) Before a lease is executed for any state lands, the successful bidder shall file a performance bond acceptable to the lessor, unless waived by the department. The amount of performance bond, maximum acreage covered, and when and how the bond may be drawn upon shall be specified by the department.

(4) The lessee shall return all copies, properly executed, with proper performance bond, within 15 days from the date of receipt shown on the receipt form of the post office department.

(5) If the lessee is unable to return the lease forms and performance bond within the time specified, the lessor may, upon request of the lessee, authorize additional time if the lessor determines that the delay is not the fault of lessee. Failure of the lessee to comply within time limits authorized shall result in forfeiture of the entire bid paid. Lands on which lease rights have been forfeited must be offered for

leasing at the earliest possible date, unless withdrawn for any stated reason by the department or unless leased under R 299.8105.

(6) The original copy of the properly executed lease must be returned to the lessee and a duplicate copy must be retained by the lessor.

(7) No operations on any leased land shall begin until a fully executed lease has been received by the lessee.

(8) All leases are subject to all present and future applicable federal and state laws and rules.

(9) The department may require any lease applicant or the successful bidder on any sale unit or assignee under any lease to submit the following information:

(a) If an individual, proof of attainment of the age of majority.

(b) If a copartnership, a certified copy of the registration or a sworn statement signed by 1 partner setting forth the names and addresses of all partners and the articles of partnership.

(c) If a corporation or other legal entity, copies of the incorporation papers showing qualifications to do business in the state of Michigan.

R 299.8107 Leases; forms; determination of terms; preclusion of certain other leases prohibited; issuance in name of party other than successful bidder prohibited; responsibility for compliance with terms and conditions.

Rule 107. (1) A lease must be on a form prescribed by the department.

(2) The department shall determine the royalty and rental rates, minimum bonus, primary lease term, and other lease terms.

(3) A lease for oil and gas on any lands does not preclude other leases for metallic or nonmetallic minerals where such joint operations might prove feasible.

(4) The lessee shall comply with all terms and conditions of the lease.

PROPOSED ADMINISTRATIVE RULES, NOTICES OF PUBLIC HEARINGS

MCL 24.242(3) states in part:

"… the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform."

MCL 24.208 states in part:

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

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules."

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CHIROPRACTIC - GENERAL RULES

Filed with the secretary of state on

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

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 16401, 16412, 16423, and 16431 of **the public health code,** 1978 PA 368, MCL 333.16145, 333.16148, 333.16401, 333.16412, 333.16423, and 333.16431, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.12001, R 338.12021, R 338.12031, R 338.12032, R 338.12033, R 338.12034, R 338.12035, R 338.12036, R 338.12037, R 338.12041, R 338.12052, R 338.12053, and R 338.12054 of the Michigan Administrative Code are amended, and R 338. 12042 is rescinded, as follows:

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 **the public health code,** 1978 PA 368, MCL 333.1101 to ~~333.25211, known as the public health code.~~ **333.25211.**

(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.~~ **Council on Chiropractic Education (CCE).**

(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~~ **A term** defined in the code ~~have~~ **has** the same meaning when used in these rules.

PART 2. EDUCATION

R 338.12021 Educational program standards; adoption by reference.

Rule 21. (1) ~~The board adopts by reference the~~ **The** standards of the ~~council on chiropractic education, (CCE),~~ **CCE,** as specified in the publication entitled, "CCE Accreditation Standards: Principles, Processes & Requirements for Accreditation" January ~~2018.~~ **2018, are adopted by reference.** 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 **a** cost **of 10 cents per page** 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~~ **is considered** ~~a~~ **approved.** ~~chiropractic educational program approved by the board.~~

PART 3. LICENSURE

R 338.12031 Training standards for identifying victims of human trafficking; requirements.

Rule 31. (1) ~~Pursuant to~~ **Under** section 16148 of the code, MCL 333.16148, an individual seeking licensure or registration or who is licensed or registered shall complete training in identifying victims of human trafficking that ~~meets~~ **satisfies** the following standards:

(a) Training content ~~shall~~ **must** cover all ~~of~~ the following:

(i) Understanding the types and venues of human trafficking in the United States.

(ii) Identifying victims of human trafficking in health care settings.

(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.

(iv) Resources for reporting the suspected victims of human trafficking.

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

(i) Training offered by a nationally-recognized or state-recognized health-related organization.

(ii) Training offered by, or in conjunction with, a state or federal agency.

(iii) Training obtained in an educational program that has been approved ~~by the board~~ for initial licensure or registration, or by a college or university.

(iv) Reading an article related to the identification of victims of human trafficking that ~~meets~~ **satisfies** the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.

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

(i) Teleconference or ~~webinar.~~ **online seminar.**

(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~~ **must** include the individual's name and either of the following:

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

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

(3) ~~Pursuant to~~ **Under** section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2016 renewal cycle and for initial licenses issued after March 17, 2021.

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,~~ **code and the administrative rules promulgated under the code,** an applicant shall satisfy all ~~of~~ the following requirements:

(a) Submit ~~evidence~~ **proof** 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~~ **proof** that the applicant has successfully completed at least 1 of the ~~following:~~ **following requirements:**

(i) Two years of attendance in a program or institution of chiropractic that ~~meets~~ **satisfies** the educational standards in R 338.12021 and ~~have~~ **has** official transcripts provided to the department from the educational institution.

(ii) Four semesters of attendance in a program or institution of chiropractic that ~~meets~~ **satisfies** the educational standards in R 338.12021 and ~~have~~ **has** 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~~ **satisfies** the educational standards in R 338.12021 and ~~have~~ **has** official transcripts provided to the department from the educational institution.

(c) ~~Submits evidence~~ **Submit proof** that the applicant will be supervised by a licensed chiropractor on a form provided by the department.

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~~ **National Board of Chiropractic**

Examiners ~~(NBCE).~~ **(NBCE) is approved and adopted.** The ~~board adopts the~~ passing score recommended by the NBCE for the national board examination parts I, II, III, and ~~IV.~~ **IV is approved and adopted.**

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,~~ **code and the administrative rules promulgated under the code,** an applicant shall satisfy both of the following requirements:

(a) Have graduated from a program or institution of chiropractic that ~~meets~~ **satisfies** 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~~ **proof** of official passing scores directly to the department.

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,~~ **code and the administrative rules promulgated under 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~~ **under** R 338.12033. The applicant shall have the NBCE issue ~~evidence~~ **proof** 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.

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~~ **under R 338.12041** that include all ~~of~~ the ~~following:~~ **following requirements:**

(i) The required continuing education hours listed in ~~R 338.12041(1)(c) to (g).~~ **R 338.12041(1)(d) to (h).**

(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:~~ **following requirements:**

(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~~ **under R 338.12041** that include all ~~of~~ the ~~following:~~ **following requirements:**

(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).~~ **R 338.12041(1)(d) to (h).**

(iii) Not more than 15 continuing education hours in ~~board-approved~~ distance learning programs.

(e) Provides either of the following:

(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~~ **Proof** of having passed the ~~special purposes exam for chiropractic~~ **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~~ **proof** 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.

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~~ **satisfy** 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~~ **constitutes** the applicant's certification of compliance with this rule. The licensee shall retain documentation of ~~meeting~~ **satisfying** this rule for a period of 4 years from the date of applying for license renewal. Failure to ~~comply with~~ **satisfy** this rule is a violation of section 16221(h) of the code, MCL 333.16221~~(h)~~.

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~~ **must satisfy** all ~~of~~ the ~~following:~~ **following requirements:**

(a) No more than 12 credit hours of continuing education ~~shall~~ **may** be earned during 1 24-hour period.

(b) At least 15 hours of continuing education must be completed by attending a live, in-person program.

~~(b)~~ **(c)** 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)~~ **(d)** ~~Pursuant to~~ **Under** section 16431(2) of the code, MCL 333.16431~~(2)~~, at least 1 hour of continuing education ~~shall~~ **must** be in ~~the area of~~ pain and symptom management. Continuing education in pain and symptom management ~~may include,~~ **includes,** but is not limited to, courses ~~in:~~ **in any of the following:** ~~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.~~

(i) Chiropractic manipulative treatment.

(ii) Manual therapies.

(iii) Therapeutic exercises for pain management.

(iv) Behavior management.

(v) Psychology of pain.

(vi) Pharmacology.

(vii) Behavior modification.

(viii) Stress management.

(ix) Clinical applications.

(x) Drug interventions as they related to the practice of chiropractic.

~~(d)~~ **(e)** At least 1 hour of continuing education ~~shall~~ **must** be in ~~the area of~~ sexual boundaries.

~~(e)~~ **(f)** At least 1 hour of continuing education ~~shall~~ **must** be in ~~the area of~~ ethics.

~~(f)~~ **(g)** At least 2 hours of continuing education ~~shall~~ **must** be in ~~the area of~~ physical ~~measure~~ **measures** and ~~shall~~ **must** be completed by attending a live, in-person program.

~~(g)~~ **(h)** At least 2 hours of continuing education ~~shall~~ **must** be in ~~the area of~~ performing and ordering tests and ~~shall~~ **must** 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~~ **The** following ~~as~~ **are considered** 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:~~ **Attendance at or participation in a continuing education program or activity related to the practice of chiropractic, or any non-clinical subject relevant to the practice of chiropractic 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, and review of journal articles or other self-study programs approved or offered by the Michigan Association of Chiropractors (MAC), according to the following:**

(i) ~~If audited, the licensee shall submit a letter from the program director verifying the licensee participated in the program.~~ **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 program or other activity, and the date on which the program or activity was completed.

(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.~~ **The number of continuing education hours for a specific program or activity is the number of hours approved by the approving organization for the specific program or activity.**

(iii) ~~There is no limitation on hours earned in this category.~~ **A maximum of 30 hours of continuing education may be earned for this category in each renewal period.**

(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.~~ **Successful completion of a course or courses related to the practice of chiropractic which are offered on campus by a chiropractic school approved under R 338.12021, according to the following:**

(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.~~ **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 school's name, and the date on which the course or courses 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.~~ **The number of continuing education hours for a specific course or courses is the number of hours approved by the school for the specific course or courses.**

(iii) A maximum of 30 hours of continuing education may be earned for ~~the program or activity~~ **courses completed in this category** 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~~ **must** not be a part of the licensee's regular job description and ~~shall~~ **must** be approved or offered for continuing education credit by ~~any of the following:~~ the American ~~chiropractic association,~~ **Chiropractic Association (ACA),** the ~~international chiropractors association,~~ **International Chiropractors Association (ICA), or** the ~~Michigan association of chiropractors, or an organization approved by the board under R 338.12042.~~ **MAC. Continuing education under this subdivision is subject to the following:**

(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~~ **are** granted for each 50 to 60 minutes of presentation. No ~~additional~~ **other** credit ~~shall be~~ **is** granted for preparation of a presentation.

(iii) A maximum of 10 hours of continuing education may be earned ~~for the activity~~ **in this category** in each renewal period.

(3) This rule takes effect beginning with the first renewal cycle after ~~the promulgation of this rule.~~ **January 7, 2019.** Continuing education programs approved ~~by the board~~ before the effective date of this amended rule are considered approved.

R 338.12042 ~~Approval of continuing education programs.~~ **Rescinded.**

~~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).~~

PART 5. STANDARDS OF PRACTICE

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~~ **must** satisfy all ~~of~~ the following requirements:

(a) The performance and ordering of tests ~~shall~~ **must** 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~~ **must** 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~~ **must** be substantially equivalent to nationally recognized standards**.** ~~as defined in R 338.12001(1)(f).~~

R 338.12053 Analytical instruments; criteria for ~~board~~ approval.

Rule 53. Under section 16423 of the code, MCL 333.16423, analytical instruments ~~shall~~ **must** satisfy all ~~of~~ the following requirements:

(a) The instruments ~~shall~~ **must** 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~~ **must** 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~~ **must** be substantially equivalent to nationally recognized standards**.** ~~as defined in R 338.12001(1)(f).~~

R 338.12054 Adjustment apparatus; criteria for ~~board~~ approval.

Rule 54. Under section 16423 of the code, MCL 333.16423, an adjustment apparatus ~~shall~~ **must** satisfy all ~~of~~ the following requirements:

(a) The apparatus ~~shall~~ **must** 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~~ **must** be used for the purpose of correcting or reducing subluxations, misalignments, and joint dysfunctions. The use of the apparatus may be included as, but **is** not limited to, a part of a rehabilitative exercise program.

(c) The use of the apparatus ~~shall~~ **must** be substantially equivalent to nationally recognized standards**.** ~~as defined in R 338.12001(1)(f).~~

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Administrative Rules for Chiropractic – General Rules
Rule Set 2019-84 LR

NOTICE OF PUBLIC HEARING
Tuesday, January 19, 2021
01:00 PM

The public hearing will be held virtually via Zoom to receive public comments while complying with measures designed to help prevent the spread of Coronavirus Disease 2019 (COVID 19). https://us02web.zoom.us/j/89584407954?pwd=R0ZmOGhNUmw5Z24xZ3g4a2UveGx4dz09 Password for video connection: 759646 Phone number: 877-336-1831 Conference Code for audio connection: 486917

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Chiropractic – General Rules rule set.

The proposed rules will clarify terms used in the rule set, adopt by reference accreditation standards for chiropractic educational programs; include a requirement that acceptable continuing education must be approved or offered by the Michigan Association of Chiropractors (MAC), with the exception of a course or courses related to the practice of chiropractic which are offered on campus by an approved chiropractic school or initial presentation of a continuing education program related to the practice of chiropractic to a state, regional, national, or international organization; and rescind the rule allowing a proposed sponsor of continuing education to seek approval from the board to offer continuing education courses since proposed continuing education providers will now have to seek approval from the MAC.

MCL 333.16145, 333.16148, 333.16401, 333.16412, 333.16423, and 333.16431, as well as Executive Reorganization Nos. 1991-9, 1996-2, 2003-1 and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030. These rules will take effect Immediately after filing with the Secretary of State. The rules are published on the Michigan Government web site at http://www.michigan.gov/moahr and in the Michigan Register in the 1/15/2021 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing

Department of Licensing and Regulatory Affairs Bureau of Professional Licensing Boards and Committees Section P.O. Box 30670 Lansing, MI 48909-8170 Attention: Policy Analyst
Department of Licensing and Regulatory Affairs Bureau of Professional Licensing Boards and Committees Section P.O. Box 30670 Lansing, MI 48909-8170 Attention: Policy Analyst
Email: BPL-BoardSupport@michigan.gov

Comments on the rules may be made in person at the hearing or by mail or electronic mail until 1/19/2021 at 05:00PM.

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearings due to disability may call 711-to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PHARMACY TECHNICIANS

Filed with the secretary of state on

These rules become effective immediately upon filing with the ~~Secretary~~ **secretary** of ~~State~~ **state** unless adopted under section 33, 44, **or** 45a(6), **of the administrative procedures act** ~~or 48~~ of **1969,** 1969 PA 306**, MCL 24.233, 24.244, or 24.245a**. Rules adopted under these sections become effective 7 days after filing with the ~~Secretary~~ **secretary** of ~~State~~ **state**.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections **16145,** 16148, **16184, 16201, 16204, 16205,** ~~17707,~~ 17731, 17739, 17739a, 17739b, ~~and~~ 17739c, **and 17742a** of **the public health code,** 1978 PA 368, ~~as amended,~~ MCL 333.16145~~(3)~~, 333.16148, **333.16184, 333.16201, 333.16204, 333.16205,** ~~333.17703,~~ ~~333.17707,~~ 333.17731, 333.17739, ~~333.17339a~~ **333.17739a**, 333.17739b, ~~and~~ **333.**17739c**, and 333.17742a,** and Executive Reorganization Order Nos. ~~1996-1~~ **1991-9**, 1996-2, 2003-1, and 2011-4, MCL ~~330.3101~~ **338.3501**, 445.2001, 445.2011, and 445.2030)

R 338.3651, R 338.3653, R 338.3655, R 338.3657, R 338.3659, R 338.3661, R 338.3663, and R 338.3665 of the Michigan administrative code are amended, and R 338.3652, R 338.3654, and R 338.3662 are added, as follows:

R 338.3651 Pharmacy technician licensure; eligibility; examination.

Rule 1. **(1)** An applicant for licensure **by examination** as a pharmacy technician shall submit a completed application on a form provided by the department, together with the appropriate fee **unless the applicant is exempt from filing under any of the following exemptions pursuant to section 17739a(4) of the code, MCL 333.17739a:**

(a) A student enrolled in a pharmacy technician program approved by the board under R 338.3655.

(b) A licensee who holds a temporary pharmacy technician license under R 338.3652 and section 17739b of the code, MCL 333.17739b.

(c) A licensee who holds a limited pharmacy technician licensee under section 17739c of the code, MCL 333.17739c.

(**2)** In addition to meeting the ~~requirements of the code and the~~ **requirements of section 16174 of the code, MCL 333.16174,** ~~administrative rules promulgated under the code,~~ an applicant shall comply with all of the following requirements:

(a) ~~Have met the requirements specified in section 17739a(1)(b) and (c) of the code, MCL 333.17739a(1)(b) and (c).~~ **Have graduated from an accredited high school or comparable school or educational institution or passed the general educational development test or the graduate equivalency examination.**

(b) ~~Unless exempt under section 17739a(4), MCL 333.17739a(4) of the code, have~~ **Have** passed and provided proof to the department of passing any of the following examinations:

(i) ~~Examinations specified in section 17739a(1)(d)(i) and (ii) of the code, MCL 333.17739a(1)(d)(i) and (ii).~~**The certified pharmacy technician examination given by the Pharmacy Technician Certification Board (PTCB) or the National Healthcareer Association (NHA).**

(ii) A nationally recognized **and administered** pharmacy technician certification examination that ~~covers the topics specified in section 17739a(1)(d)(iv) of the code, MCL 333.17739a(1)(d)(iv), and~~ has been approved by the board **under R 338.3654**.

(iii) An employer-based training program examination ~~with a minimum of 100 questions that covers the topics specified in section 17739a(1)(d)(iv) of the code, MCL 333.17739a(1)(d)(iv), and~~ **that** has been approved by the board~~, pursuant to both of the following:~~ **under R 338.3654.**

~~(A) The employer submits to the department at least 60 days prior to administering the examination a completed application for approval of the examination, the examination, and the answers to the examination.~~

~~(B) Approval of the examination shall be valid until the examination is changed.~~

(c) Beginning March 16, 2021, an applicant shall submit proof of having completed training in identifying victims of human trafficking as required in R 338.3659.

R 338.3652 Temporary license.

Rule 2. (1) Subject to the limitations in section 16181 of the code, MCL 333.16181, and under section 17739b, of the code, MCL 333.17739b, the department may issue a nonrenewable, temporary license to an applicant who is preparing for the proficiency examination and has completed all requirements for licensure as a pharmacy technician except passing the proficiency examination required under section 17739a(1)(d) of the code, MCL 333.17739a.

(2) An applicant applying for a pharmacy technician temporary license shall submit a completed application on a form provided by the department, together with the appropriate fee.

(3) The temporary license expires 1 year after the date the temporary license is issued.

R 338.3653 Licensure by endorsement.

Rule 3. (1) An applicant for licensure 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 administrative rules promulgated under the code, an applicant shall satisfy both of the following requirements:~~ **An applicant who meets the requirements of this rule is presumed to meet the requirements of section 16186 of the code, MCL 333.16186.**

~~(a) Have met the requirements specified in section 17739a(1)(b) and (c) of the code, MCL 333.17739a(1)(b) and (c).~~

~~(b) Meet 1 of the following requirements:~~

~~(i) If licensed less than 5 years in another state, submit proof that the applicant passed 1 of the approved examinations specified in R 338.3651(b).~~

~~(ii) If licensed 5 or more years in another state, the applicant is presumed to meet the requirements of section 17739a(1)(d) of the code, MCL 333.17739a(1)(d).~~

(2) An applicant shall satisfy all of the following requirements:

(a) Have graduated from an accredited high school or comparable school or educational institution, or passed the general educational development test or the graduate equivalency examination.

(b) Satisfy the requirements in section 16174 of the code, MCL 333.16174.

(c) Hold a pharmacy technician license or registration by examination in another state that is active and in good standing.

(d) Submit proof that the applicant passed 1 of the approved examinations specified in R 338.3651(2)(b).

(e) Beginning March 16, 2021, submit proof of having completed training in identifying victims of human trafficking as required in R 338.3659.

~~(2)~~ **(3)** In addition to meeting the requirements of ~~subrule~~ **subrules** (1) **and (2)** of this rule, an applicant's license ~~shall~~ **must** be verified**, on a form provided by the department,** by the licensing agency of ~~another~~ **any** state ~~of the United States~~ in which the applicant holds a current license or ever held a license as a pharmacy technician. ~~This includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.~~ **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.**

R 338.3654 Examination requirements; board approval; approval process.

Rule 4. (1) Except for the PTCB and NHA examinations, a nationally recognized pharmacy technician proficiency certification examination and an employer-based training program proficiency examination must be approved by the board.

(2) A nationally recognized pharmacy technician proficiency certification examination must cover the topics specified in section 17739a(1)(d)(iv) of the code, MCL 333.17739a.

(3) An employer-based training program proficiency examination must be offered in association with a specific employer-based training program and cover the topics specified in section 17739a(1)(d)(iv) of the code, MCL 333.17739a.

(4) Beginning July 1, 2022, an employer-based training program proficiency examination must meet the accreditor's accreditation standards associated with the employer-based training program that is approved under R 338.3655.

(5) An entity that offers a nationally recognized pharmacy technician proficiency certification examination or an employer-based training program proficiency examination shall submit to the department a completed application on a form provided by the department and a copy of the examination with the correct answers clearly identified for each question.

(6) An entity that offers a nationally recognized pharmacy technician proficiency certification examination or an employer-based training program proficiency examination shall submit a modification to a proficiency examination during its approval term to the department on a form provided by the department pursuant to the requirements of this rule.

(7) Beginning July 1, 2022, a nationally recognized certification proficiency examination or employer-based training program proficiency examination approved by the board before July 1, 2022, shall submit an application consistent with this rule for approval.

(8) Beginning July 1, 2022, the board's approval of an examination expires 5 years after the date of approval.

R 338.3655 Approved pharmacy technician programs.

Rule 5. (1) ~~Pursuant to sections 16171(a), 17739(2), and 17739a(1) of the code, MCL 333.16171(a), MCL 333.17739(2), and MCL 333.17739a(1), a student in an approved pharmacy technician program is exempt from, and not eligible for, licensure while in the program. Any of~~ ~~the~~ **The** following pharmacy technician programs are considered board-approved ~~for this purpose~~:

(a) A pharmacy technician program that is accredited by the ~~accreditation council~~ **American Society of Health-System Pharmacists/Accreditation Council** for ~~pharmacy education~~ **Pharmacy Education** ~~(acpe)~~ **Pharmacy Technician Accreditation Commission (ASHP/ACPE)**.

(b) A pharmacy technician program that is offered by a pharmacist education program that is accredited by the ~~accreditation council for pharmacy education (acpe)~~ **ASHP/ACPE**.

(2) If either of the following pharmacy technician programs do not meet the requirements in subrule (1) of this rule, the program may apply for board approval by submitting an application

to the department on a form provided by the department, along with an attestation form that verifies compliance with the information required in subrule (3) of this rule.

~~(c)~~ **(a)** A comprehensive curriculum-based pharmacy technician education and training program conducted by a school that is licensed pursuant to the ~~Proprietary Schools Act~~ **proprietary schools act**, 1943 PA 148, MCL 395.101 to 395.103.

~~(d)~~ **(b)** A pharmacy technician training program utilized by a pharmacy ~~or employer~~ that includes training in the functions, specified in **section 17739(1) of the code,** MCL 333.17739~~(1)~~, **and R 338.3665,** required to assist the pharmacist in the technical functions associated with the practice of pharmacy.

~~(2)~~ **(3)** The contents of the training programs offered under ~~subdivisions (c) and (d) of~~ subrule ~~(1)~~ **(2)** of this rule **must** include~~, at a minimum,~~ all of the following:

(a) The duties and responsibilities of the pharmacy technician and a pharmacist, including the standards of patient confidentiality**,** and ethics governing pharmacy practice.

(b) The tasks and technical skills, policies, and procedures related to the pharmacy technician's position pursuant to the duties specified in section 17739(1) of the code, MCL 333.17739~~(1)~~, and R 338.3665.

(c) The pharmaceutical-medical terminology, abbreviations, and symbols commonly used in prescriptions and drug orders.

(d) The general storage, packaging, and labeling requirements of drugs, prescriptions, or drug orders.

(e) The arithmetic calculations required for the usual dosage determinations.

(f) The essential functions related to drug**,** purchasing, and inventory control.

(g) The recordkeeping functions associated with prescriptions or drug orders.

~~(3) To gain approval under subdivisions (c) and (d) of subrule (1) of this rule, an application shall be submitted to the department on a form provided by the department, along with an attestation form that verifies compliance with the information required by subrule (2) of this rule.~~

(4) A pharmacy technician program that is accredited by a body recognized by the United States (U.S.) Department of Education or ASHP/ACPE will be approved by the board after submittal to the department of a completed application on a form provided by the department along with proof of accreditation.

(5) ~~(4)~~ **The pharmacy technician program shall maintain** ~~A~~ **a** record of a student's pharmacy technician training and education**,** ~~shall be maintained by the pharmacy technician training program, employer, or pharmacy~~ specified in ~~subrule (1) of~~ this rule**,** ~~for a period of 2 years and shall include both of the following~~ **for 3 years after a student completes or leaves the program, whichever is earlier, that must include all of the following**:

(a) The full name and date of birth of the pharmacy technician student.

(b) The starting date of the pharmacy technician ~~education~~ program and date the student successfully completed the program.

(c) The program syllabus and activities performed in the program.

(6) A student shall complete a board-approved pharmacy technician program within 2 years of beginning the program in order to maintain his or her exemption from licensure in subrule (7) of this rule, and R 338.3651.

(7) A student in a board-approved pharmacy technician program is exempt from, and not eligible for, licensure while in the program.

(8) As of July 1, 2022, all board-approved pharmacy technician programs must be accredited by an accrediting body recognized by the U.S. Department of Education or ASHP/ACPE.

(9) Beginning July 1, 2022, a pharmacy technician program that was board approved before July 1, 2022, must reapply and meet the requirements in subrules (4) to (8) of this rule. Beginning July 1, 2022, the board's approval of a program expires 5 years after the date of approval. After 5

years, upon review by the department, a pharmacy technician program may be reapproved if it has maintained its accreditation.

R 338.3657 ~~Requirements for relicensure;~~ **Relicensure requirements for** pharmacy ~~technician~~ **technicians**.

Rule 7. ~~(1)~~ An applicant **for relicensure** whose ~~Michigan~~ pharmacy technician license has lapsed under the provisions of section 16201(3) or (4) of the code, MCL 333.16201~~(3) or (4)~~, ~~and is not currently licensed in another state~~ **as applicable,** may be relicensed by ~~submitting a completed application on a form provided by the department, together with the appropriate fee, and~~ complying with the following requirements:

(a) ~~Length of period of lapsed license~~ **For a pharmacy technician who has let his or her license lapse and who is not currently licensed in another state:**	Lapsed 0-3 ~~Years~~ **years**	Lapsed more than 3 years
(i) ~~Application and fee~~ **Application and fee**: Submit a completed application on a form provided by the department, together with the requisite fee**.**	√	√
(ii) 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.	√	√
(iii) Submit fingerprints: Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√
(iv) ~~Continuing education~~ **Continuing education**: Submit proof of having completed 20 hours of continuing education specified in R 338.3661(1)**(c)**~~(a)(i) which~~ **that** was completed within the 2-year period ~~immediately~~ preceding the **date of the** application for relicensure. **If the continuing education hours submitted with the application are deficient, an 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.**	√	√
(v) ~~Examination~~ **Examination**: Within 2 years of the period ~~immediately~~ preceding the application for relicensure, pass 1 of the examinations specified in R 338.3651**(2)**(b)(i**)** to **(**iii).		√
(vi) Beginning March 16, 2021, an applicant shall submit proof of having completed training in identifying victims of human trafficking as required in R 338.3659.	√	√
(vii) Verification: Submit verification from the licensing agency of all other states of the United States in which the applicant has ever held a	√	√

license to practice as a pharmacy technician. Verification must include the record of any disciplinary action taken or pending against the applicant.		

~~(2) An applicant whose Michigan pharmacy technician license has lapsed and who holds a current and valid license in another state 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) Submit proof of having completed 20 hours of continuing education or passing an exam specified in R 338.3661(1)(d)(ii) which was completed within the 2-year period immediately preceding the application for relicensure.~~

~~(c) An applicant's license shall be verified by the licensing agency of all other states or territories of the United States in which the applicant holds a current license or ever held a license as a pharmacy technician. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.~~

R 338.3659. Training standards for identifying victims of human trafficking; requirements.

Rule 9. (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 ~~covering~~ **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) 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~~ **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 ~~shall~~ apply for license renewals beginning with the first renewal cycle after ~~the promulgation of this rule~~ **March 16, 2016,** and for initial licenses issued ~~5 or more years~~ after **March 16, 2021** ~~the promulgation of this rule~~.

R 338.3661 ~~Continuing~~ **License renewals; continuing** education ~~or exam; renewal~~ requirements.

Rule 11. (1) A licensee seeking renewal of a pharmacy technician's license**, who has been licensed for the 2-year period preceding the end of the license cycle,** shall **during the 2 years immediately preceding the application for renewal,** comply with all of the following**:**

(a) ~~Complete and submit an~~ **Submit to the department a completed** application for renewal **on a form provided by the department together with the requisite fee**.

(b) ~~Pay the required renewal fee.~~ **Complete the training in identifying victims of human trafficking as required in R 338.3659.**

(c) ~~Comply with R 338.3659.~~**Except as otherwise provided in subrule (6) of this rule, comply** with 1 of the following:

~~(d) Comply with with 1 of the following:~~

(i) ~~Except as otherwise provided, complete at least~~ **Complete a proficiency examination as specified in R 338.3651(2)(b)(i) to (iii).**

~~(i)~~ **(ii) Complete not less than** 20 hours of continuing education courses or programs ~~as follows~~ **approved by the board, during the 2 years preceding the application for renewal, that meet all of the following requirements**:

(A) No more than 12 hours of continuing education credit may be earned during a 24-hour period.

(B) ~~Credit for a continuing education program or activity that is identical to a program or activity that the licensee has already earned credit for during the renewal period shall not be granted.~~ **An applicant shall not earn credit for taking the same continuing education course or program twice during 1 renewal period.**

~~(C) 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.~~

~~(D)~~ **(C)** ~~At least~~ **Not less than** 5 of the continuing education credits ~~shall~~ **must** be earned by attending live courses, programs or activities that provide for direct interaction with instructors, peers, and participants, including but not limited to lectures, meetings, symposia, real-time teleconferences or webinars, and workshops.

(D) Continuing education credit ~~shall~~ **must** be earned as follows:

Subjects		Number of continuing education hours required or permitted for each activity
(~~A~~ I)	Pain and symptom management relating to the practice of pharmacy**.**	Minimum: 1 hour
(~~B~~ II)	Patient safety**.**	Minimum: 1 hour
(~~C~~ III)	Pharmacy law.	Minimum: 1 hour

(D **IV)**	Pharmacy-related subject matter**,** including the following topics: Medication or drug distribution. Inventory control systems. Mathematics and calculations. Biology. Pharmaceutical sciences. Therapeutic issues. Pharmacy operations. Pharmacology, drug therapy**,** or drug products. Preparation of sterile products. Prescription compounding. Drug repackaging. Patient interaction**,** ~~or~~ interpersonal skills**,** and communication.	Minimum: 17 hours in any combination of **the pharmacy-related subject matters included in this subparagraph (**~~D listed subjects~~. Instruction in each ~~D listed~~ subject is not required. ~~Example 1: Biology, 5 hours; Drug repackaging, 4 hours; Pharmacy operations, 8 hours; total: 17hours. Example 2: Prescription compounding, 17 hours; total: 17 hours. (Minimum: 7 hours in any combination for an applicant under subrule (4) of this rule.)~~

~~(ii) Complete a proficiency examination as specified in R 338.3651~~**(2)**~~(b)(i) to (iii).~~

(2) A continuing education course or program that is offered or approved by any of the following providers is approved by the board:

(a) A pharmacy technician educational program that has been approved by the board.

(b) A course or program approved by another state board of pharmacy.

(c) A program approved by the ASHP/ACPE.

(d) A course or program approved by the board under R 338.3663.

~~(2)~~ **(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 the requirements of this rule for a period of ~~3~~ **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)~~.

~~(3)~~ **(4)** ~~An applicant who was originally licensed in Michigan less than one year before the renewal date is not required to comply with this rule.~~ **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.**

(5) If audited, a licensee shall submit to the department a copy of a letter or certificate of completion that includes all of the following:

(a) The licensee's name.

(b) The number of hours earned.

(c) The sponsor name or the name of the organization that approved the program or activity.

(d) The date on which the program was held or activity completed.

~~(4)~~ **(6)** ~~An applicant for renewal who was originally licensed in Michigan more than one year but less than two years before the renewal date shall have accumulated ten hours of continuing education credits pursuant to these rules.~~ **Effective for applications for renewal that are filed for the renewal cycle that begins 1 year or more after the effective date of this subrule, an applicant shall meet the requirements of this subrule and the requirements in subrules (1)(a) and (b), (3), and (4) of this rule. An applicant for license renewal, who has been licensed for the entire 2-year period preceding the end of the license cycle, shall during the 2 years immediately preceding the application for renewal complete not less than 20 hours of continuing education approved by the board under R 338.3662 as follows:**

(a) An applicant for license renewal shall complete 1 hour in pharmacy ethics and jurisprudence.

(b) An applicant for license renewal shall complete 1 hour in pain and symptom management in the practice of pharmacy that includes, but is not limited to, courses in the following subjects:

(i) Behavior management.

(ii) Psychology of pain.

(iii) Pharmacology.

(iv) Behavior modification.

(v) Stress management.

(vi) Clinical applications as they relate to professional practice.

(c) An applicant for license renewal shall complete 1 hour in patient safety.

(d) An applicant for license renewal shall earn no more than 12 hours of continuing education during a 24-hour period.

(e) An applicant for license renewal shall not earn credit for taking the same continuing education course or program twice during 1 renewal period.

(f) An applicant for license renewal shall earn not less than 5 hours of continuing education in live courses, programs, or activities that provide for direct interaction with instructors, peers, and participants including, but not limited to, lectures, meetings, symposia, real-time teleconferences or webinars, and workshops.

R 338.3662 Format of acceptable continuing education for licensees.

Rule 12. Effective for applications for renewal that are filed for the renewal cycle that begins 1 year or more after the effective date of this subrule, the board shall consider all of the following as acceptable continuing education:

FORMAT OF ACCEPTABLE CONTINUING EDUCATION ACTIVITIES		
(a)	**Completion of an approved continuing education course or program related to the practice of pharmacy. A continuing education course or program 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:** • **A pharmacy program accredited by the ASHP/ACPE or the Canadian Council for Accreditation of Pharmacy Programs (CCAPP).** • **A continuing education sponsoring organization, institution, or individual approved by the ASHP/ACPE.** • **Another state board of pharmacy.** **If audited, a licensee shall submit to the department a copy of a letter or certificate of completion showing the licensee's name, number of hours earned, sponsor name or the name of the organization that approved**	**The number of hours earned will be the number of hours approved by the sponsor or the approving organization.** **If the activity was not approved for a set number of hours, then 1 credit hour for every 50 minutes of participation may be earned.** **No limitation on the number of hours earned.**

	the program or activity for continuing education credit, and the date on which the program was held, or activity completed.	
(b)	**Completion of pharmacy practice or administration courses offered for credit in a pharmacy program accredited by the ASHP/ACPE or the CCAPP.** **If audited, a licensee shall submit to the department an official transcript that reflects completion of the postgraduate pharmacy practice or administration course and number of semester or quarter credit hours earned.**	**Twelve hours of continuing education will be credited for each academic quarter credit earned and 18 hours will be credited for each academic semester credit earned.** **No limitation on the number of hours earned.**
(c)	**Participation in a home study program offered through an ASHP/ACPE-approved provider or other instructional approaches that include an evaluation component including, but not limited to, on-line continuing education programs and journal articles.** **If audited, a licensee shall submit to the department an affidavit attesting to the number of hours the licensee spent participating in the home study program that includes a description of the activity.**	**One hour will be earned for each hour devoted to a home study program.** **A maximum of 20 hours per renewal period.**
(d)	**Renewal of a pharmacy technician license held in another state that requires continuing education for license renewal that is substantially equivalent in subject matter and total amount of required hours to that required in these rules if the licensee resides and practices in another state.** **If audited, a licensee shall submit to the department proof of current licensure in another state and a copy of a letter or certificate of completion showing all of the following: the licensee's name, number of hours earned, the sponsor's name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or the activity was completed.**	**Twenty hours will be earned.** **A maximum of 20 hours may be earned in each renewal period.**

(e)	**Initial publication of an article or a chapter related to the practice of pharmacy in either of the following:** • **A pharmacy textbook.** • **A peer reviewed journal.** **If audited, a licensee shall submit to the department a copy of the publication that identifies the licensee as the author or a publication acceptance letter.**	**Ten hours will be earned per publication.** **A maximum of 10 hours may be earned in each renewal period.**
(f)	**Presentation of a continuing education program approved by the board under R 338.3663 or subdivision (a) of this rule that is not a part of the licensee's regular job description.** **If audited, a licensee shall submit to the department a copy of the curriculum and a letter from the program sponsor verifying the length and date of the presentation.**	**Two hours will be earned for every 50 minutes devoted to presenting the program.** **A maximum of 10 hours may be earned in each renewal period.**
(g)	**Attendance at a pharmacy-related program, that is approved by the board pursuant to R 338.3663.** **If audited, a licensee shall submit to the department a copy of a letter or certificate of completion showing the licensee's name, number of hours earned, sponsor name or the name of the organization that approved the program or course for continuing education credit, and the date on which the program was held or the activity was completed.**	**The number of hours earned will be the number of hours approved by the sponsor or the approving organization.** **If the activity was not approved for a set number of hours, then 1 credit hour for every 50 minutes of participation may be earned.** **No limitation on the number of hours earned.**

R 338.3663 Continuing education ~~providers;~~ standards for approval.

Rule 13. ~~(1) Continuing education for pharmacy technicians that is offered or approved by any of the following providers meets the requirements of R 338.3661(1):~~

~~(a) A pharmacy technician educational program that has been approved pursuant to R 338.3655.~~

~~(b) Another state board of pharmacy.~~

~~(c) A program approved by the Accreditation Council for Pharmacy Education (ACPE).~~

~~(2)~~ **(1)** A continuing education ~~provider~~ **course or program** that is not pre-approved under ~~subrule (1) of this rule~~ **R 338.3661(2) or 338.3662(a)** may be approved by the board~~. To be approved by the board, the provider shall comply with subrules (2), (3), and (4) of this rule,~~ **by the course or program sponsor submitting to the department a** ~~complete an~~ **completed** application **on a form** provided by the department, ~~and file it with the department for review~~ no later than ~~60~~ **70** days before the **course or** program date**, and no later than 70 days before the next regularly scheduled board meeting**. **A course or program conducted before board consideration and approval shall be denied approval.** The application and supporting documentation **must** include all of the following information:

(a) A **course or** program schedule **that includes all of the following:**

(i) ~~including~~ **The** date of the **course or** program~~,~~**.**

(ii) The topics~~, to~~ **to be covered in the course or program.**

(iii) The ~~the name~~ **names** of **all** ~~speaker~~ **of the speakers.**~~, and~~

(iv) ~~break~~ **Break** times.

(b) An explanation of how the **course or** program is ~~being~~ designed to further educate pharmacy technicians, including a short narrative describing the program content and the criteria for the selection of this topic.

(c) Copies of instructional objectives that have been developed.

(d) Copies of all promotional and advertising materials for the **course or** program.

(e) The name, title**,** and address of the **course or** program director and a description of his or her qualifications to direct the **course or** program.

(f) A description of how the amount of continuing education credit to be awarded for this **course or** program was determined.

(g) A description of how participants will be notified that continuing education credit has been earned.

(h) A description of the physical facilities, lab, or pharmacy available to ensure a proper learning environment.

(i) A copy of the curriculum vitae for each instructional staff member.

(j) A description of the delivery method ~~or methods~~ to be used and the techniques that will be employed to assure active participation.

(k) A copy of the post-test instrument that will be used for participant evaluation.

(l) A description of how post tests will be administered, corrected, and returned to participants.

(m) A description of how post-test performance will influence the awarding of continuing education credit.

(n) A description of how attendance will be monitored, including sample documents, and the name of the person monitoring attendance.

(2) A course or program must meet the standards and criteria for an acceptable category of continuing education in effect at the time of application and must be relevant to health care and advancement of the licensee's pharmacy technician education.

(3) The continuing education **course or** program approved under subrule ~~(2)~~ **(1)** of this rule ~~shall~~ **must** meet all of the following:

(a) Be an organized **course or** program of learning that ~~that will contribute~~ **contributes** to the advancement and enhancement of professional competency and scientific knowledge in the practice of pharmacy and be designed to reflect the educational needs of pharmacy technicians.

(b) Have a scientific and educational integrity and contain generally accepted pharmacy practices.

(c) Have an outline ~~which~~ **that** demonstrates consistency with the course **or program** description and reflects the course **or program** content.

(d) Be taught in a manner appropriate to the educational content, objectives, and purpose of the **course or** program and allow suitable time to be effectively presented to the audience.

(e) Provide instructors who have the necessary qualifications, training, and experience to teach the course **or program**.

(f) Provide for active participation and involvement from the participants.

(g) Offer educational materials for each continuing education activity that ~~will enhance~~ **enhances** the participant's understanding of the content and foster applications to pharmacy practice.

(h) Include learning assessments in each activity that allow pharmacy technicians to assess their achievement of the learned content. Completion of a learning assessment is required for continuing education content.

(4) Board approval is valid for a 3-year term from the date of the board's approval.

(5) The board shall reevaluate a course or program before any changes are made during the approval term, including but not limited to, changes to either of the following:

(a) Instructors and speakers.

(b) Course or program content, title, and number of continuing education hours to be awarded to participants.

(6) All of the following apply regarding changes to a previously approved course or program:

(a) Subject to subdivision (b) of this rule, all changes to a previously approved course or program must be submitted on required department forms at least 70 days before the date the course or program is offered to participants and at least 70 days before the next regularly scheduled board meeting to be considered for approval by the board. Any changes to a submitted and previously approved course or program, other than those approved under subdivision (b) of this subrule, must not be made to the course or program without prior approval.

(b) Emergency changes to instructors and speakers that cannot be submitted to the board at least 70 days before the date of the course or program or at least 70 days before the next regularly scheduled board meeting may be reviewed by the department in consultation with the board chair or a continuing education board committee member if proof that is acceptable to the department and that supports the nature of the emergency is submitted with the change.

(c) The specific dates that the course or program will be offered do not require further board approval and may be changed without review by the board if the presentation dates are within the board's original 3-year term of approval.

~~(4)~~ **(7)** The ~~program~~ provider or sponsor **of a course or program** ~~approved under subrule (2) of this rule~~ shall issue certificates or letters of attendance that include all of the following:

(a) The name of the sponsor.

(b) The name of the **course or** program.

(c) The name of the attendee.

(d) The date of the **course or** program.

(e) The ~~Michigan~~ **continuing education** approval number ~~as~~ assigned by the department **and current approval term**.

(f) The signature of the person responsible for attendance monitoring and his or her title.

(g) The number and type of hours ~~attended~~ **awarded**.

(8) The provider or sponsor of a course or program shall maintain records of the information contained in subrule (7) of this rule for 5 years after the course or program is offered to participants.

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

R 338.3665 Performance of activities and functions; delegation.

Rule 15. In addition to performing the functions described in section 17739(1) of the code, MCL 333.17739~~(1)~~, a licensed pharmacy technician may also engage in ~~reconstituting dosage forms as defined in 17702(4) of the code, MCL 333.17702(4)~~ **the following tasks**, under the delegation and supervision of a licensed pharmacist~~.~~**:**

(a) Reconstituting non-sterile dosage forms consistent with approved labeling provided by the manufacturer of a commercially available product.

(b) Technology-assisted final product verification, which includes all the following:

(i) A licensed pharmacy technician verifies the work of another licensed pharmacy technician.

(ii) The first-licensed pharmacy technician processes a medication order or prescription.

(iii) The first-licensed pharmacy technician processes the medication order or prescription using bar coding or another board-approved error prevention technology.

(iv) A pharmacist verifies the first-licensed pharmacy technician's processing of the medication order or prescription.

(v) The technology-assisted final product verification is subject to all of the following requirements:

(A) The licensed pharmacy technician holds a current full pharmacy technician license in this state, not a temporary or limited license.

(B) The licensed pharmacy technician performing technology-assisted final product verification has completed a board approved pharmacy technician program under R 338.3655.

(C) The licensed pharmacy technician performing technology-assisted final product verification has not less than 1,000 hours of pharmacy technician work experience in the same kind of pharmacy practice site in which the technology-assisted final product verification is performed while he or she holds a current full pharmacy technician license in this state, not a temporary or limited license.

(D) The practice setting where a licensed pharmacy technician performs technology-assisted final product verification has in place policies and procedures including a quality assurance plan governing pharmacy technician technology-assisted final product verification.

(E) The licensed pharmacy technician uses a technology-enabled verification system to perform final product verification.

(F) The technology enabled verification system must document and electronically record each step of the prescription process including which individuals complete each step.

(G) A licensed pharmacy technician shall not perform technology-assisted final product verification for sterile or nonsterile compounding.

(H) Technology-assisted final product verification by a licensed pharmacy technician is not limited to a practice setting.

(I) Except for a remote pharmacy that is regulated under sections 17742a and 17742b of the code, MCL 333.17742a and MCL 333.17742b, a pharmacy technician shall not participate in technology-assisted final product verification remotely. Technology-assisted product verification must be done on-site.

(J) A pharmacist using his or her professional judgment may choose to delegate technology-assisted final product verification after ensuring licensed pharmacy technicians have completed and documented relevant training and education.

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Administrative Rules for Pharmacy Technicians
Rule Set 2020-29 LR

NOTICE OF PUBLIC HEARING
Tuesday, January 19, 2021
01:00 PM

The public hearing will be held virtually via Zoom to receive public comments while complying with measures designed to help prevent the spread of Coronavirus Disease 2019 (COVID 19). https://us02web.zoom.us/j/89584407954?pwd=R0ZmOGhNUmw5Z24xZ3g4a2UveGx4dz09 Password for video connection: 759646 Phone number: 877-336-1831 Conference Code for audio connection: 486917

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Pharmacy Technicians rule set.

The proposed rules will clarify the requirements and process of applying for a pharmacy technician license; require Board approved pharmacy technician programs to be accredited; limit the time a pharmacy technician student may participate in pharmacy technician activities while in a pharmacy technician program; review pharmacy technician employer programs and examinations every 5 years; require all applicants for relicensure to show good moral character and submit their fingerprints; require all applicants to take human trafficking training; require continuing education to be met with courses and programs instead of taking a proficiency examination; require 1 hour in ethics and jurisprudence in each renewal cycle; modify the continuing education approval process; and allow pharmacy technicians to assist in technology assisted final product verification.

MCL 333.16145, 333.16148, 333.16184, 333.16201, 333.16204, 333.16205, 333.17731, 333.17739, 333.17739a, 333.17739b, and 333.17739c, as well as Executive Reorganization Nos. 1991-9, 1996-2, 2003-1 and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030. These rules will take effect Immediately after filing with the Secretary of State. The rules are published on the Michigan Government web site at http://www.michigan.gov/moahr and in the Michigan Register in the 1/15/2021 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing

Department of Licensing and Regulatory Affairs Bureau of Professional Licensing– Boards and Committees Section, Attention: Policy Analyst
Department of Licensing and Regulatory Affairs Bureau of Professional Licensing– Boards and Committees Section P.O. Box 30670 Lansing, MI 48909-8170
Email: ditschmana@michigan.gov

Comments on the rules may be made in person at the hearing or by mail or electronic mail until 1/19/2021 at 05:00PM.

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearings due to disability may call 711-to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF ~~ENERGY LABOR AND ECONOMIC GROWTH~~**LABOR AND ECONOMIC OPPORTUNITY**

DIRECTOR'S OFFICE

~~OCCUPATIONAL HEALTH STANDARDS~~**CONSTRUCTION SAFETY AND HEALTH STANDARD**

Filed with the secretary of state on

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

(By authority conferred on the director of the department of ~~licensing and regulatory affairs~~**labor and economic opportunity** by sections 14 and 24 of 1974 PA 154, MCL 408.1014 and MCL 408.1024, and Executive Reorganization Orders Nos. 1996-2, 2003-1, 2008-4, ~~and~~ 2011-4, **and 2019-3,** MCL 445.2001, 445.2011, 445.2025, ~~and~~ 445.2030**, and 125.1998**)

R 325.51995 of the Michigan Administrative Code is amended~~,~~ and R 325.51996 and R 325.51997 of the ~~Michigan Administrative~~ Code are rescinded, as follows:

CONSTRUCTION SAFETY AND HEALTH STANDARD
PART 604. CHROMIUM (VI) IN CONSTRUCTION

R 325.51995 ~~Scope and application~~**Scope, adoption, and availability of standards**.

Rule 1. (1) This standard applies to all occupational exposures to chromium (VI) in all forms and compounds in construction, except for any of the following:

(a) Exposures that occur in the application of pesticides regulated by the ~~environmental protection agency~~**Environmental Protection Agency** or another federal or state government agency, such as the treatment of wood with preservatives.

(b) Exposures to portland cement.

(c) Where the employer has objective data demonstrating that a material containing chromium or a specific process, operation, or activity involving chromium cannot release dusts, fumes, or mists of chromium (VI) in concentrations at or above 0.5 µg/m^3 as an 8-hour time-weighted average (TWA) under any expected conditions of use.

(2) This standard does not apply to general industry work as defined by 1974 PA 154 as amended, MCL 408.1001 to MCL 408.1094. Exposure to chromium (VI) in general industry work is covered by Occupational Health Standard Part 315 “Chromium (VI) in General Industry” as referenced in R 325.51997.

(3) The federal Occupational Safety and Health Administration (OSHA) regulation 29 CFR 1926.1126 “Chromium (VI),” amended May 14, 2019 is adopted by reference in these rules. As used in these rules:

(a) "Assistant secretary," means the director of the department of labor and economic opportunity or his or her designated representative.

(b) "1910.134" means Occupational Health Standard Part 451 "Respiratory Protection."

(c) "1910.1200," means Occupational Health Standard Part 430 "Hazard Communication."

(d) "1910.1020," means Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets."

(4) The federal regulation adopted in this rule has the same force and effect as a rule promulgated pursuant to the provisions of the Michigan Occupational Safety and Health Act (MIOSHA) 1974 PA 154, MCL 408.1001 to 408.109.

(5) The OSHA standard 29 CFR 1926.1126 "Chromium (VI)," amended May 14, 2019 is available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge, as of the time of adoption of these rules.

(6) The standard adopted in these rules is available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(7) The standard adopted in these rules may be obtained from the publisher or may be obtained from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus $20.00 for shipping and handling.

(8) The following Michigan occupational safety and health administrative (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143; or via the internet at the following website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety and Health Standard Part 315. "Chromium (VI) in General Industry," R 325.50141 to R 325.50143.

(b) Occupational Health Standard Part 430. "Hazard Communication," R 325.77001 to R 325.77004.

(c) General Industry and Construction Safety and Health Standard Part 451. "Respiratory Protection," R 325.60051 and R 325.60052.

(d) General Industry Construction Safety and Health Standard Part 470. "Employee Medical Records and Trade Secrets," R 325.3451 to R 325.3476.

R 325.51996 ~~Adoption of federal standard~~**Rescinded**.

~~Rule 2. (1) The federal occupational safety and health administration (OSHA) regulation 29 C.F.R. §1926.1126 "Chromium (VI)," amended March 26, 2012 is adopted by reference in these rules.~~

~~(2) As used in these rules, "Assistant secretary," means the director of the department of licensing and regulatory affairs or his or her designated representative.~~

~~(3) As used in these rules, "§1910.134" means Occupational Health Standard Part 451 "Respiratory Protection."~~

~~(4) As used in these rules, "§1910.1200," means Occupational Health Standard Part 430 "Hazard Communication."~~

~~(5) As used in these rules, "§1910.1020," means Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets."~~

~~(6) The federal regulation adopted in this rule has the same force and effect as a rule promulgated pursuant to the provisions of the Michigan Occupational Safety and Health Act (MIOSHA) 1974 PA 154, MCL 408.1001 to 408.1094.~~

R 325.51997 ~~Adopted and referenced standards~~**Rescinded**.

~~Rule 3. (1)The OSHA standard 29 C.F.R. §1926.1126 "Chromium (VI)," amended March 26, 2012 is available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge, as of the time of adoption of these rules.~~

~~(2) The standard adopted in these rules is available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.~~

~~(3) The standard adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus $20.00 for shipping and handling.~~

~~(4) The following Michigan occupational safety and health administrative (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143; or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.~~

~~(a) Occupational Health Standard Part 315 "Chromium (VI) in General Industry," R 325.50141 to R 325.50143.~~

~~(b) Occupational Health Standard Part 430 "Hazard Communication," R 325.77001 to R 325.77003.~~

~~(c) Occupational Health Standard Part 451 "Respiratory Protection," R 325.60051 and R 325.60052.~~

~~(d) Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," R 325.3451 to R 325.3476.~~

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF ~~LICENSING AND REGULATORY AFFAIRS~~**LABOR AND ECONOMIC OPPORTUNITY**

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY AND HEALTH STANDARD~~S~~

Filed with the secretary of state on

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

(By authority conferred on the director of the department of ~~licensing and regulatory~~ ~~affairs~~**labor and economic opportunity** by sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, ~~and~~ 2011-4, **and 2019-3,** MCL 330.3101, 445.2001, 445.2011, 445.2025, ~~and~~ 445.2030**, and 125.1998**)

R 325.60901 of the Michigan Administrative Code is amended, as follows:

CONSTRUCTION SAFETY AND HEALTH STANDARD
PART 609. CADMIUM IN CONSTRUCTION

R 325.60901 Scope, adoption, and availability of standards.

Rule 901. (1) These rules apply to all occupational exposures to cadmium and cadmium compounds, in all forms, in all construction work where an employee may potentially be exposed to cadmium.

(2) Construction work is defined as work involving construction, alteration**,** ~~and/or~~**or** repair, including**,** but not limited to**,** all of the following:

(a) Wrecking, demolition, or salvage of structures where cadmium or materials containing cadmium are present.

(b) Use of cadmium containing-paints and cutting, brazing, burning, grinding, or welding on surfaces that were painted with cadmium-containing paints.

(c) Construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof, that contain cadmium, or materials containing cadmium.

(d) Cadmium welding~~;~~**,** cutting and welding cadmium-plated steel~~;~~**, or** brazing or welding with cadmium alloys.

(e) Installation of products containing cadmium.

(f) Electrical grounding with cadmium welding, or electrical work using cadmium-coated conduit.

(g) Maintaining or retrofitting cadmium-coated equipment.

(h) Cadmium contamination or emergency cleanup, or both.

(i) Transportation, disposal, storage, or containment of cadmium or materials containing cadmium on the site or location at which construction activities are performed.

(3) The following federal Occupational Safety and Health Administration (OSHA) regulations are adopted by reference in these rules:

(a) 29 CFR 1926.1127 "Cadmium," as amended ~~March 26, 2012~~**May 14, 2019**.

(b) 29 CFR 1926.1127, appendix A "Substance Safety Data Sheet – Cadmium," as amended June 20, 1996.

(c) 29 CFR 1926.1127, appendix B "Substance Technical Guidelines for Cadmium," as amended June 20, 1996.

(d) 29 CFR 1926.1127, appendix D "Occupational Health History Interview With Reference to Cadmium Exposure," as amended June 20, 1996.

(e) 29 CFR 1926.1127, appendix E "Cadmium in Workplace Atmospheres," as amended June 20, 1996.

(f) 29 CFR 1926.1127, appendix F "Nonmandatory Protocol for Biological Monitoring," as amended June 20, 1996.

(4) A reference to 29 CFR 1926.51 means Construction Safety **and Health** Standard Part 1. "General Rules."

(5) A reference to 29 CFR 1926.353 and 1926.354 means Construction Safety Standard Part 7. "Welding and Cutting."

(6) A reference to 29 CFR 1926.59 and 1910.1200 means Construction Safety Standard Part 42. "Hazard Communication."

(7) A reference to 29 CFR 1910.133 means Construction Safety and Health Standard Part 6. "Personal Protective Equipment."

(8) A reference to 29 CFR 1926.33 and 1910.1020 means General Industry and Construction Safety and Health Standard Part 470. "Employee Medical Records and Trade Secrets."

(9) A reference to 29 CFR 1910.134 "Respiratory Protection," means ~~Occupational Health~~**General Industry and Construction Safety and Health** Standard Part 451. "Respiratory Protection."

(10) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(11) The OSHA regulations adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website, www.osha.gov, at no charge, as of the time of adoption of these rules.

(12) The regulations adopted in these rules are available for inspection at the Department of ~~Licensing and Regulatory Affairs~~**Labor and Economic Opportunity**, MIOSHA, ~~Regulatory Services~~**Standards and FOIA** Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(13) The regulations adopted in these rules may be obtained from the publisher or the Department of ~~Licensing and Regulatory Affairs~~**Labor and Economic Opportunity**, MIOSHA, ~~Regulatory Services~~**Standards and FOIA** Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus $20.00 for shipping and handling.

(14) The following Michigan Occupational Safety and Health Administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of ~~Licensing and Regulatory Affairs~~**Labor and Economic Opportunity**, MIOSHA, ~~Regulatory Services~~**Standards and FOIA** Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at the following website: www.michigan.gov/mioshastandards. For quantities greater ~~then~~ **than** 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety **and Health** Standard Part 1. "General Rules," R 408.40101 to R 408.40134.

(b) Construction Safety Standard Part 7. "Welding and Cutting," R 408.40701 to R 408.40762.

(c) Construction Safety Standard Part 42. "Hazard Communication," R 408.44201 to R 408.44204.

(d) Construction Safety and Health Standard Part 6. “Personal Protective Equipment,” R 408.40601 to R 408.40660.

(e) General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

(f) ~~Occupational~~**General Industry and Construction Safety and** Health Standard Part 451. “Respiratory Protection,” R 325.60051 to R 325.60052.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF ~~LICENSING AND REGULATORY AFFAIRS~~**LABOR AND ECONOMIC OPPORTUNITY**

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on

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

(By authority conferred on the director of the department of ~~licensing and regulatory affairs~~**labor and economic opportunity** by sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, ~~and~~ 2011-4, **and 2019-3,** MCL 330.3101, 445.2001, 445.2011, 445.2025, ~~and~~ 445.2030**, and 125.1998**)

R 325.60501 of the Michigan Administrative Code is amended**,** as follows:

CONSTRUCTION SAFETY AND HEALTH STANDARD
PART 605**.** METHYLENEDIANILINE (MDA) IN CONSTRUCTION

R 325.60501 Scope, application, adoption, and availability of standards.

Rule 501. (1) These rules apply to all construction operations as defined in the Michigan occupational safety and health act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094, in which there is exposure to **methylenedianiline (**MDA**)**, including but not limited to all of the following:

(a) Construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof, that contain MDA.

(b) Installation or the finishing of surfaces with products containing MDA.

(c) MDA spill or emergency cleanup, or both, at construction sites.

(d) Transportation, disposal, storage, or containment of MDA or products containing MDA on the site or location at which construction activities are performed.

(2) Except as provided in subrule (7) of this rule and 29 CFR 1926.60(f)(5), these rules do not apply to the processing, use, and handling of products containing MDA if initial monitoring indicates that the product is not capable of releasing MDA in excess of the action level under the expected conditions of processing, use, and handling that will cause the greatest possible release, and if no "dermal exposure to MDA" can occur.

(3) Except as provided in subrule (7) of this rule, these rules do not apply to the processing, use, and handling of products containing MDA if objective data are reasonably relied upon that demonstrate the product is not capable of releasing MDA under the expected conditions of processing, use, and handling that will cause the greatest possible release, and if no "dermal exposure to MDA" can occur.

(4) Except as provided in subrule (7) of this rule, these rules do not apply to the storage, transportation, distribution or sale of MDA in intact containers sealed in such a manner as to contain the MDA dusts, vapors, or liquids, except for the provisions of Construction Safety Standard Part 42. "Hazard Communication," **R 408.44201 to R 408.44204,** and 29 CFR 1926.60(e).

(5) Except as provided in subrule (7) of this rule, these rules do not apply to materials in any form that contain less than 0.1% MDA by weight or volume.

(6) Except as provided in subrule (7) of this rule, these rules do not apply to "finished articles containing MDA."

(7) If products containing MDA are exempted under subrules (2) to (6) of this rule, the employer shall maintain records of the initial monitoring results or objective data supporting that exemption and the basis for the employer's reliance on the data, as provided in the recordkeeping provision of 29 CFR 1926.60(o).

(8) These rules do not apply to general industry. Exposure to MDA in general industry is covered by General Industry Safety and Health Standard Part 303. "Methylenedianiline (MDA) in General Industry~~.~~**,**" **R 325.50051 to R 325.50076.**

(9) The following federal Occupational Safety and Health Administration (OSHA) regulations are adopted by reference in these rules:

(a) 29 CFR 1926.60 "Methylenedianiline," as amended ~~April 11, 2018~~**May 14, 2019**.

(b) 29 CFR 1926.60, appendix A "Substance Data Sheet, for 4,4'-Methylenedianiline," as amended June 20, 1996.

(c) 29 CFR 1926.60, appendix B "Substance Technical Guidelines, MDA," as amended June 20, 1996.

(d) 29 CFR 1926.60, appendix C "Medical Surveillance Guidelines for MDA," as amended June 20, 1996.

(e) 29 CFR 1926.60, appendix D "Sampling and Analytical Methods for MDA Monitoring and Measurement Procedures," as amended June 20, 1996.

(10) A reference to 29 CFR 1910.133 means Construction Safety and Health Standard Part 6. "Personal Protective Equipment~~.~~**,**" **R 408.40601 to R 408.40660.**

(11) A reference to 29 CFR 1910.38 means Construction Safety Standard Part 18. "Fire Protection and Prevention~~.~~**,**" **R 408.41801 to R 408.41884.**

(12) A reference to 29 CFR 1910.1200 means Construction Safety Standard Part 42. "Hazard Communication~~.~~**,**" **R 408.44201 to R 408.44204.**

(13) A reference to 29 CFR 1910.141 means General Industry Safety and Health Standard Part 474. "Sanitation~~.~~**,**" **R 325.47401 to R 325.47425**

(14) A reference to 29 CFR 1910.1020 and 1926.33 means General Industry and Construction Safety and Health Standard Part 470. "Employee Medical Records and Trade Secrets~~.~~**,**" **R325.3451 to R 325.3476.**

(15) A reference to 29 CFR 1910.134 means ~~Occupational~~**General Industry and Construction Safety and** Health Standard Part 451. "Respiratory Protection~~.~~**,**" **R 325.60051 to R 325.60052.**

(16) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(17) The OSHA regulations adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website, www.osha.gov, at no charge, as of the time of adoption of these rules.

(18) The regulations adopted in these rules are available for inspection at the Department of ~~Licensing and Regulatory Affairs~~**Labor and Economic Opportunity**, MIOSHA, ~~Regulatory Services Section~~**Standards and FOIA Section**, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(19) The regulations adopted in these rules may be obtained from the publisher or the Department of ~~Licensing and Regulatory Affairs~~**Labor and Economic Opportunity**, MIOSHA, ~~Regulatory Services~~**Standards and FOIA** Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus $20.00 for shipping and handling.

(20) The following Michigan Occupational Safety and Health Administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of ~~Licensing and Regulatory Affairs~~**Labor and Economic Opportunity**, MIOSHA, ~~Regulatory Services~~**Standards and FOIA** Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at the following website: www.michigan.gov/mioshastandards. For quantities greater ~~then~~ **than** 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety and Health Standard Part 6. "Personal Protective Equipment," R 408.40601 to R 408.40660.

(b) Construction Safety Standard Part 18. "Fire Protection and Prevention," R 408.41801 to R 408.41884.

(c) Construction Safety Standard Part 42. "Hazard Communication," R 408.44201 to R 408.44204.

(d) General Industry Safety and Health Standard Part 303. "Methylenedianiline (MDA) in General Industry," R 325.50051 to R 325.50076.

(e) General Industry Safety and Health Standard Part 474. "Sanitation," R 325.47401 to R 325.47425.

(f) General Industry and Construction Safety and Health Standard Part 470. "Employee Medical Records and Trade Secrets," R 325.3451 to R 325.3476.

(g) ~~Occupational Health~~**General Industry and Construction Safety and Health** Standard Part 451. "Respiratory Protection," R 325.60051 to R 325.60052.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

SPEECH-LANGUAGE PATHOLOGY – GENERAL RULES

Filed with the secretary of state on

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

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, **16148,** 17601, **17607, 17609,** ~~and~~ 17610**, and 17611** of **the public health code,** 1978 PA 368, MCL 333.16145, **333.16148,** 333.17601, **333.17607, 333.17609,** ~~and~~ 333.17610**, and 333.17611,** and Executive Reorganization Order Nos. ~~1996-1,~~ **1991-9,** 1996-2, 2003-1**,** and 2011-4, MCL ~~330.3101,~~ **338.3501,** 445.2001, 445.2011**,** and 445.2030)

R 338.601, R 338.603, R 338.604, R 338.605, R 338.611, R 338.613, R 338.615, R 338.617, R 338.619, R 338.621, R 338.623, R 338.627, R 338.629, R 338.641, R 338.645, R 338.647, and R 338.649 of the Michigan Administrative Code are amended, and R 338.602 and R 338.607 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.601 Definitions.

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

(a) "Board" means the **Michigan** board of speech-language pathology created ~~in~~ **under** section 17605 of the code, MCL 333.17605.

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

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

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

R 338.602 ~~License required; use of titles or words.~~ **Rescinded.**

~~Rule 2. In addition to the titles and words specified in section 17603 of the code, MCL 333.17603, the following terms are also prohibited from use unless an individual is licensed as a speech-language pathologist:~~

~~(a) "Teacher of speech and language impaired."~~

~~(b) "T.S.L.I."~~

R 338.603 Application for speech-language pathology license; requirements.

Rule 3. (1) An applicant for a license as a speech-language pathologist shall submit the required fee and a completed application on a form provided by the department. In addition to ~~meeting~~ **satisfying** the requirements of the code**,** and ~~these rules,~~ **the administrative rules promulgated under the code,** an applicant shall ~~meet~~ **satisfy** all of the following requirements:

(a) ~~Possess~~ **Have documentation provided directly to the department from an educational program verifying the applicant's possession of** a master's or doctoral degree from an accredited educational program that ~~meets~~ **satisfies** the standards adopted by the board under R 338.619.

(b) Have successfully completed a supervised postgraduate clinical experience in speech-language pathology that ~~meets~~ **satisfies** the requirements of R 338.615.

(c) Have passed an examination approved by the board under R 338.605.

(2) If an applicant possesses **a** current ~~certification of clinical competence in speech-language pathology~~ **Certificate of Clinical Competence in Speech-Language Pathology** ~~(ccc-slp)~~ **(CCC-SLP)** from the American ~~speech-language-hearing association~~ **Speech-Language-Hearing Association** ~~(asha)~~ **(ASHA)**, then the applicant presumably ~~meets~~ **satisfies** the requirements of subrule (1)(a), (b), and (c) of this rule.

R 338.604 Training standards for identifying victims of human trafficking; requirements.

Rule 4. (1) ~~Pursuant to~~ **Under** section 16148 of the code, MCL 333.16148, an individual seeking licensure or licensed under article 15 of the code, MCL 333.16101 to 333.18838, shall complete training in identifying victims of human trafficking that ~~meets~~ **satisfies** the following standards:

(a) Training content ~~shall~~ **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~~ **satisfies** the requirements of ~~subrule (1)(a) of this rule~~ **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~~ **must** include the individual's name and either of the following:

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

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

(3) ~~Pursuant to~~ **Under** section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule ~~shall~~ apply for license renewals beginning with the ~~first~~ **2016** renewal cycle ~~after the promulgation of this rule~~ and for initial licenses issued ~~5 or more years~~ after ~~the promulgation of this rule.~~ **March 16, 2021.**

R 338.605 Examination; adoption; passing score.

Rule 5. The board approves and adopts the ~~praxis series II speech-language pathology examination~~ **Praxis Examination in Speech-Language Pathology** that is administered by the ~~educational testing service~~ **Educational Testing Service (ETS)** or its successor organization. The board adopts the passing score recommended by ~~the American speech-language-hearing association (asha)~~ **ASHA** for the ~~praxis series II speech-language pathology examination.~~ **Praxis Examination in Speech-Language Pathology.**

R 338.607 ~~Application for limited speech-language pathology license; certified teacher; requirements.~~ **Rescinded.**

~~Rule 7. (1) The department may issue a limited license under section 16182(1) of the code, MCL 333.16182.~~

~~(2) An applicant who applies for a limited license as a speech-language pathologist prior to December 7, 2013 shall meet both of the following requirements:~~

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

~~(b) Establish that the applicant is a certified teacher whose teaching certificate was endorsed on January 12, 2009, in the area of speech and language impairment for the sole purpose of providing speech-language impairment services as part of employment or contract with a school district, nonpublic school, or state department that provides educational services.~~

~~(3) A limited license is valid only for employment described in subrule (2)(b) of this rule.~~

~~(4) A limited license may be renewed if the limited license holder continues to meet the requirements of subrule (2)(b) of this rule.~~

R 338.611 Licensure by endorsement; speech-language pathologist.

Rule 11. (1) An applicant for a license by endorsement as a speech-language pathologist shall submit the required fee and a completed application on a form provided by the department. In addition to ~~meeting~~ **satisfying** the requirements of the code**,** and ~~these rules,~~ **the administrative rules promulgated under the code,** an applicant who satisfies the requirements of this rule, as applicable, ~~shall meet~~ **satisfies** the requirements of section 16186 of the code, MCL 333.16186.

(2) If an applicant was first registered or licensed in another state ~~or province of the United States or Canada~~ for 5 years or more immediately preceding the date of filing an application for a Michigan license, then the applicant shall ~~meet~~ **satisfy** both of the following requirements:

(a) ~~Possess~~ **Have documentation provided directly to the department from an educational program verifying the applicant's possession of** a master's or doctoral degree from an accredited educational program that ~~meets~~ **satisfies** the standards adopted by the board under R 338.619 or **from** an educational program that ~~meets~~ **satisfies** the requirements of R 338.617(1)(a).

(b) Have passed the ~~praxis series II speech-language pathology examination~~ **Praxis Examination in Speech-Language Pathology** with a score adopted by the board under R 338.605.

(3) If an applicant was first registered or licensed in another state ~~or province of the United States or Canada~~ for less than 5 years immediately preceding the date of filing an application for a Michigan license, then the applicant shall ~~meet~~ **satisfy** both of the following requirements:

(a) ~~Meet~~ **Satisfy** the requirements of subrule (2)(a) and (b) of this rule.

(b) Have successfully completed a supervised postgraduate clinical experience in speech-language pathology that ~~meets~~ **satisfies** the requirements of R 338.615.

(4) If an applicant possesses **a** current ~~certification as a speech-language pathologist~~ **Certificate of Clinical Competence in Speech-Language Pathology (CCC-SLP)** ~~by~~ **from** ~~the American speech-language-hearing association (asha)~~ **ASHA,** ~~or the Canadian association of speech language pathologists and audiologists (caslpa),~~ then the applicant is presumed to ~~meet~~ **satisfy** the requirements of subrule (2) or (3) of this rule, as applicable.

(5) In addition to ~~meeting~~ **satisfying** the requirements of either subrule (2) or (3) of this rule, as applicable, an applicant's registration or license shall be verified, on a form provided by the department, by the licensing agency of any state ~~or province of the United States or Canada~~ in which the applicant holds a current registration or license or ever held a registration or license as a speech-language pathologist. Verification **must** ~~includes, but is not limited to, showing~~ **include providing all documentation** ~~proof~~ of any disciplinary action taken or pending against the applicant.

R 338.613 Supervised postgraduate clinical experience; ~~educational limited~~ **temporary** license; requirements.

Rule 13. (1) The department may issue ~~an educational limited~~ **a temporary** license under section ~~16182(2)(a)~~ **17609(4)** of the code, MCL ~~333.16182(2)(a).~~ **333.17609, to an individual for the purpose of completing a supervised postgraduate clinical experience.**

(2) An applicant for a license as a speech-language pathologist who ~~meets~~ **satisfies** the educational requirements in R 338.603(1)(a) or R 338.617(1)(a) but who still must complete the required supervised postgraduate clinical experience shall submit the required fee and a completed application for ~~an educational limited~~ **a temporary** license on a form provided by the department. In addition to ~~meeting~~ **satisfying** the requirements of the code**,** and ~~these rules,~~ **the administrative rules promulgated under the code,** an applicant for ~~an educational limited~~ **a temporary** license shall ~~meet~~ **satisfy** both of the following requirements:

(a) Have documentation provided directly to the department from an educational program verifying the applicant's possession of a master's or doctoral degree from an accredited educational program that ~~meets~~ **satisfies** the standards adopted by the board under R 338.619 or from an educational program that ~~meets~~ **satisfies** the requirements of R 338.617(1)(a).

(b) Submit a plan for the supervised postgraduate clinical experience on a form provided by the department that is signed by a speech-language pathologist who is licensed and has agreed to supervise the applicant's postgraduate experience.

(3) The supervised postgraduate clinical experience ~~shall~~ **must** ~~comply with~~ **satisfy** both of the ~~following:~~ **following requirements:**

(a) The experience ~~shall~~ **must** ~~meet~~ **satisfy** the requirements of R 338.615.

(b) Only experience obtained by an individual who holds ~~an educational limited~~ **a temporary** license in a supervised postgraduate clinical situation approved under R 338.615 ~~shall~~ **may** count toward the experience requirement.

(4) If an individual transfers to a different supervised postgraduate clinical situation, then he or she shall submit a plan for the new supervised postgraduate clinical situation on a form provided by the department that is signed by a speech-language pathologist who is licensed and has agreed to supervise the individual's postgraduate experience.

(5) ~~An educational limited license shall be issued for 2 years and shall not be renewed more than 2 times.~~ **The department may issue a nonrenewable temporary license under this rule for a period not to exceed 12 months.**

(6) A 2-year educational limited license issued before the effective date of this revised rule may be renewed no more than 2 times, with the length of each renewal period equal to 2 years.

R 338.615 Supervised postgraduate clinical experience; requirements.

Rule 15. (1) The supervised postgraduate clinical experience required for licensure in R 338.603(1)(b) and R 338.617(1)(b) ~~shall~~ **must** consist of 1,260 hours and ~~shall~~ **must** ~~meet~~ **satisfy** the requirements of this rule.

(2) At least 1,008 hours of the 1,260 hours ~~shall~~ **must** consist of **direct** clinical contact **engaged in activities consistent with section 17601(1)(a) of the code, MCL 333.17601.** ~~with the person or population served, regardless of the setting, which includes, but is not limited to, direct client or patient contact, consultations, recordkeeping, and administrative duties.~~

(3) A supervised postgraduate clinical experience ~~shall~~ **must** be completed under the supervision of a licensed speech language pathologist who holds a full and unlimited license and has no past or pending disciplinary actions.

(4) The supervisor and supervisee in a postgraduate clinical experience shall develop agreed upon outcomes and performance levels for the supervisee and maintain documentation indicating whether the outcomes and performance levels were met by the supervisee.

(5) The supervisor of a supervised postgraduate clinical experience shall engage in a sufficient number of supervisory activities to prepare the supervisee to begin independent practice as a speech language pathologist. Supervisory activities ~~shall~~ **must** include both of the ~~following:~~ **following requirements:**

(a) On-site observations of the supervisee engaged in screening, evaluation, assessment, and habilitation or rehabilitation activities. Real time, interactive video and audio conferencing technology may be used to perform on-site observations.

(b) Evaluation of reports written by the supervisee, conferences between the supervisor and supervisee, and discussions with the supervisee's professional colleagues. Correspondence, telephone calls, or review of audio or videotapes may be used to perform this type of supervisory activity.

(6) A supervised postgraduate clinical experience may be fulfilled on a full or part-time basis.

(7) A postgraduate clinical experience approved by ~~the American speech-language-hearing association (asha)~~ **ASHA** qualifies as a postgraduate clinical experience approved by the board.

R 338.617 Graduate of non-accredited postsecondary institution; speech-language pathologist; licensure.

Rule 17. (1) An applicant for a speech-language pathology license who graduated from a non-accredited postsecondary institution shall submit the required fee and a completed application on a form provided by the department. In addition to ~~meeting~~ **satisfying** the requirements of the code**,** and ~~these~~

~~rules,~~ **the administrative rules promulgated under the code,** an applicant shall ~~meet~~ **satisfy** all of the following requirements:

(a) ~~Possess~~ **Have documentation provided directly to the department from an educational program verifying the applicant's possession of** a master's or doctoral degree from an educational program that is substantially equivalent to an accredited educational program that ~~meets~~ **satisfies** the standards adopted by the board under R 338.619. ~~Evidence~~ **Proof** of having completed a substantially equivalent educational program includes an evaluation of the applicant's non-accredited education by a ~~recognized and accredited credential evaluation agency.~~ **credential evaluation agency that is a member of the National Association of Credential Evaluation Services (NACES).**

(b) Have successfully completed a supervised postgraduate clinical experience in speech-language pathology that ~~meets~~ **satisfies** the requirements of R 338.615.

(c) Have passed the ~~praxis series II examination in speech-language pathology~~ **Praxis Examination in Speech-Language Pathology** with a score approved by the board under R 338.605.

~~(d) 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 either of the following:~~

~~(i) The applicant has obtained a score of not less than 570 on the test of English as a foreign language paper-based test (toefl pbt) administered by the educational testing service and obtained a score of not less than 50 on the test of spoken English administered by the educational testing service.~~

~~(ii) The applicant 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 and obtained the following section scores:~~

~~(A) Not less than 22 on the reading section.~~

~~(B) Not less than 22 on the listening section.~~

~~(C) Not less than 26 on the speaking section.~~

~~(D) Not less than 24 on the writing section.~~

(2) If an applicant possesses **a** current ~~certification of clinical competence in speech-language pathology~~ **Certificate of Clinical Competence in Speech-Language Pathology** ~~(ccc-slp)~~ **(CCC-SLP)** from ~~the American speech-language-hearing association (asha)~~ **ASHA**, then the applicant presumably ~~meets~~ **satisfies** the requirements of subrule (1)(a), (b), **and (c)** ~~(c), and (d)~~ of this rule.

R 338.619 Educational standards; adoption by reference.

Rule 19. (1) The board approves and adopts by reference in these rules the standards of the ~~council on academic accreditation in audiology and speech-language pathology~~ **Council on Academic Accreditation in Audiology and Speech-Language Pathology** ~~(caa)~~ **(CAA)** for the accreditation of speech-language pathology education programs in the publication entitled "Standards for Accreditation of Graduate Education Programs in Audiology and Speech-Language Pathology," which were effective ~~January 1, 2014.~~ **August 1, 2017.** Copies of the standards are available from the American Speech-Language-Hearing Association, 2200 Research Boulevard, **#310,** Rockville, ~~MD~~ **Maryland** 20850~~-3289~~ at no cost from the association's website at ~~http://www.asha.org/academic/accreditation/standards_forms.htm~~ **https://caa.asha.org/wp-content/uploads/Accreditation-Standards-for-Graduate-Programs.pdf**. A copy of the standards also is available for inspection and distribution at **a** cost **of 10 cents per page** from the Board of Speech-Language Pathology, Bureau of ~~Health Professions~~ **Professional Licensing**, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, ~~MI~~ **Michigan** 48909.

(2) Any educational program for speech-language pathologists that is accredited by the ~~council on academic accreditation in audiology and speech-language pathology (caa)~~ **CAA** qualifies as a speech-language pathology educational program approved by the board.

(3) A higher education institution is considered approved by the board if it is accredited by the accrediting body of the region in which the institution is located and the accrediting body ~~meets~~ **satisfies** either the recognition standards and criteria of the ~~council for higher education accreditation~~ **Council for Higher Education Accreditation (CHEA)** or the recognition procedures and criteria of the ~~U.S.~~ **United States** ~~department of education.~~ **Department of Education.** The board adopts by reference the procedures and criteria for recognizing accrediting agencies of the ~~U.S.~~ **United States** ~~department of education,~~ **Department of Education,** effective July 1, ~~2000~~ **2010**, as contained in ~~Title 34, Part 602 of the Code of Federal Regulations,~~ **34 CFR part 602,** and the policies and procedures for recognition of accrediting organizations of ~~the council for higher education accreditation (chea)~~ **CHEA**, effective ~~January 23, 2006~~ **June 28, 2010**. Copies of the standards and criteria of ~~the council for higher education accreditation~~ **CHEA** and the ~~U.S.~~ **United States** ~~department of education~~ **Department of Education** are available for inspection and distribution at **a** cost **of 10 cents per page** from the Michigan Board of Speech-Language Pathology, Bureau of ~~Health Professions~~ **Professional Licensing**, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, ~~MI~~ **Michigan** 48909. The ~~chea~~ **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 ~~U.S.~~ **United States** Department of Education, Office of Postsecondary Education at: http://www.ed.gov/about/offices/list/OPE/index.html.

~~(4) The board adopts by reference the standards of the following postsecondary accrediting organizations, which are available for inspection and distribution at cost from the Michigan Board of Speech-Language Pathology, Bureau of Health Professions, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. Copies of the following standards may be obtained from the individual accrediting organization at the identified cost:~~

~~(a) The standards of the Middle States Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104, set forth in the document entitled "Characteristics of Excellence in Higher Education: Eligibility Requirements and Standards for Accreditation," 2011 edition, which is available at no cost on the commission's website at http://www.msche.org.~~

~~(b) The standards of the New England Association of Schools and Colleges, Inc., Commission on Institutions of Higher Education, 209 Burlington Road, Bedford, MA 07130, in the document entitled "Standards for Accreditation," 2011 edition, which is available at no cost on the association's website at http://www.neasc.org.~~

~~(c) The standards of the North Central Association of Colleges and Schools, The Higher Learning Commission, 230 South LaSalle Street, Suite 7-500, Chicago, IL 60604, set forth in the document entitled "Criteria for Accreditation, Assumed Practices, Obligations of Affiliation," effective January 1, 2013, which is available for no cost on the association's website at http://www.ncahlc.org/information-for-institutions/obtaining-accreditation.html.~~

~~(d) The standards of the Northwest Commission on Colleges and Universities, 8060 165th Avenue NE, Suite 100, Redmond, WA 98052, set forth in the document entitled "Accreditation Handbook," 2013 edition, which is available at no cost on the commission's website at http://www.nwccu.org.~~

~~(e) The standards of the Southern Association of Colleges and Schools, Commission on Colleges, 1866 Southern Lane, Decatur, GA 30033, set forth in the document entitled "Principles of Accreditation: Foundation for Quality Enhancement", 2012 Edition, which is available at no cost on the association's website at http://www.sacscoc.org.~~

~~(f) The standards of the Western Association of Schools and Colleges, the Accrediting Commission for Senior Colleges and Universities, 985 Atlantic Avenue, Suite 100, Alameda, CA 94501, set forth in~~

~~the document entitled "Handbook of Accreditation," 2013 edition, which is available at no cost on the commission's website at http://www.wascsenior.org.~~

R 338.621 Relicensure.

Rule 21. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201~~(3)~~, if the applicant satisfies ~~both~~ **all** of the following requirements:

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

~~(b) Submits proof to the department of acquiring not less than 20 continuing professional development (cpd) credits that satisfies the requirements of R 338.629 during the 2 years immediately preceding the date of the application for relicensure.~~

(b) Establishes that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.

(c) Submits proof to the department of acquiring not less than 20 continuous professional development (CPD) credits that satisfy the requirements of R 338.629 during the 2 years immediately preceding the date of relicensure.

(2) An applicant whose license has lapsed for 3 years or more preceding the date of application for relicensure may be relicensed under section 16201(4) of the code, MCL 333.16201~~(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) Submits proof to the department of acquiring not less than 20 continuing professional development credits that satisfies the requirements of R 338.629 during the 2 years immediately preceding the date of application for relicensure.~~

(b) Establishes that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.

~~(c) Satisfies either of the following requirements:~~

~~(i) Passes the praxis series II examination in speech-language pathology with a score approved by the board under R 338.605.~~

~~(ii) Presents evidence to the department that he or she was registered or licensed as a speech language pathologist in another state during the 3-year period immediately preceding the application for relicensure.~~

(c) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174.

(d) Submits proof to the department of acquiring not less than 20 CPD credits that satisfy the requirements of R 338.629 during the 2 years immediately preceding the date of relicensure.

(e) Satisfies 1 of the following requirements:

(i) Re-takes and passes the Praxis Examination in Speech-Language Pathology with a score approved by the board under R 338.605 in the 2 years immediately preceding the application for relicensure.

(ii) Possesses a current Certificate of Clinical Competence in Speech-Language Pathology (CCC-SLP) from ASHA.

(iii) Presents proof to the department that he or she was registered or licensed as a speech language pathologist in another state during the 3-year period immediately preceding the application for relicensure.

(3) In addition to ~~meeting~~ **satisfying** the requirements of subrule (1) or (2) of this rule, an applicant's registration or license ~~shall~~ **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 registration or license or ever held a registration or license as a speech language pathologist. Verification **must** ~~includes, but is~~

~~not limited to, showing~~ **include providing all documentation** ~~proof~~ of any disciplinary action taken or pending against the applicant.

R 338.623 Relicensure; certified teachers; limited license.

Rule 23. (1) An applicant whose limited license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201~~(3)~~, if the applicant ~~meets~~ **satisfies** all of the following requirements:

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

~~(b) Meets the requirements of R 338.607(2)(b).~~

(b) Establishes that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.

~~(c) Submits proof to the department of acquiring not less than 20 continuing professional development credits that satisfies the requirements of R 338.629.~~

(c) Establishes that the licensee is a certified teacher whose teaching certificate was endorsed on January 12, 2009, as provided under section 17609(2) of the code, MCL 333.17609, in the area of speech and language impairment for the sole purpose of providing services as a part of employment or contract with a school district, intermediate school district, nonpublic school, or state department that provides educational services.

(d) Submits proof to the department of acquiring not less than 20 CPD credits that satisfy the requirements of R 338.629 during the 2 years immediately preceding the date of relicensure.

(2) In addition to ~~meeting~~ **satisfying** the requirements of subrule (1) of this rule, an applicant's registration or license ~~shall~~ **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 registration or license or ever held a registration or license as a speech language pathologist. Verification **must** ~~includes, but is not limited to, showing~~ **include providing all documentation** ~~proof~~ of any disciplinary action taken or pending against the applicant.

(3) An applicant whose limited license has lapsed for 3 years or more is not eligible for relicensure but may apply for a full and unlimited license under R 338.603.

R 338.627 License renewal; requirements; applicability.

Rule 27. (1) This rule applies to applications for renewal of a speech-language pathologist license or a limited speech-language pathologist license under section 17609(1), (2) and (3) of the code, MCL 333.17609~~(1), (2) and (3)~~, that are filed for renewal cycles ~~beginning 1 year or more after the effective date of this rule.~~ **after March 16, 2017.**

(2) An applicant for license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall accumulate not less than 20 ~~continuing professional development (cpd)~~ **CPD** credits in activities approved by the board in R 338.629 during the 2 years preceding the ~~application for renewal.~~ **end of the license cycle.**

(3) Submission of an application for renewal ~~shall constitute~~ **constitutes** the applicant's certification of compliance with the requirements of this rule. A licensee shall retain documentation of ~~meeting~~ **satisfying** the requirements of this rule for a period of ~~3~~ **4** years from the date of applying for license renewal. Failure to ~~comply with~~ **satisfy** this rule is a violation of section 16221(h) of the code, MCL 333.16221~~(h)~~.

(4) The department may select and audit a sample of licensees who have renewed their license and request proof of compliance with subrule (2) of this rule. If audited, a licensee shall submit documentation as specified in R 338.629.

(5) If the renewing licensee is a certified teacher whose teaching certificate was endorsed on January 12, 2009, as provided under section 17609(2) of the code, MCL 333.17609, in the area of speech and language impairment for the sole purpose of providing services as a part of employment or contract with a school district, intermediate school district, nonpublic school, or state department that provides educational services, a Verification of Employment in an Educational Setting form shall be submitted to the department.

R 338.629 Acceptable ~~continuing~~ **continuous** professional development activities; requirements, limitations.

Rule 29. (1) The 20 ~~continuing professional development (cpd)~~ **CPD** credits required under R 338.627(2) for the renewal of a license ~~shall~~ **must** ~~comply with~~ **satisfy** the following **requirements** as applicable:

(a) No more than 12 ~~cpd~~ **CPD** credits ~~shall~~ **may** be earned for approved ~~continuing education~~ **CPD** programs or activities during one 24-hour period.

(b) A licensee ~~shall not~~ **cannot** earn ~~cpd~~ **CPD** credit for a ~~continuing education~~ **CPD** program or activity that is substantially identical to a program or activity the licensee has already earned credit for during that renewal period.

(c) ~~Pursuant to~~ **Under** section 16204(2) of the code, MCL 333.16204~~(2)~~, a licensee shall earn at least 1 ~~cpd~~ **CPD** credit in the area of pain and symptom management by completing a ~~continuing education~~ **CPD** program or activity. Credits in pain and symptom management may include, but are not limited to, courses or activities relevant to the practice of speech-language pathology and relating to the public health burden of pain; ethics and health policy relating to pain; pain definitions; basic sciences including pharmacology, psychology, and sociology; clinical sciences relating to pain; clinician-patient communications as relating to pain; management of pain including evaluation and treatment; ensuring quality pain care; and programs and resources relevant to pain.

(2) Credit may be earned for any of the following activities:

	Activity **and Proof of Completion**	Number of Approved CPD Credits
(a)	Completing an approved ~~continuing education~~ **CPD** program or activity related to the practice of speech-language pathology or any non-clinical subject relevant to the practice of speech-language pathology. A ~~continuing education~~ **CPD** program or activity is approved, regardless of the format in which it is offered, if it is approved, sponsored, or accepted for ~~continuing education~~ **CPD** credit by any of the ~~following:~~ **following organizations:** - American ~~speech-language-hearing association~~ **Speech-Language-Hearing Association** ~~(asha)~~ **(ASHA)**. - Michigan board of audiology. - Michigan board of medicine. - Michigan board of osteopathic medicine and surgery. - A speech-language pathology board of any state**.** ~~of the United States.~~	The number of **CPD** credits approved by the sponsor or the approving organization is the number of credits ~~that~~ approved for each ~~continuing education~~ **CPD** program or activity. A minimum of 6 ~~cpd~~ **CPD** credits ~~shall~~ **must** be earned ~~in~~ **for** this ~~activity.~~ **activity in each renewal period.** A maximum of 15 ~~cpd~~ **CPD** credits may be earned for ~~these~~

	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~~ **CPD** credit, and the date or dates on which the program or activity was completed.	~~activities~~ **this activity** in each renewal period.
(b)	Reading an article related to the practice of speech-language pathology in a professional or scientific journal. This activity does not include articles offered as a ~~continuing education~~ **CPD** activity by ~~asha~~ **ASHA**. If audited, the licensee shall submit a signed document that lists the journals read, including title of article, journal name, volume number, and author.	1 ~~cpd~~ **CPD** credit ~~shall be~~ **is** granted for each article read. A maximum of 5 ~~cpd~~ **CPD** credits may be earned for this activity **in** each renewal period.
(c)	Presenting a ~~continuing education~~ **CPD** program related to the practice of speech-language pathology. To receive credit, the presentation ~~shall~~ **must** be approved, sponsored, or accepted for ~~continuing education~~ **CPD** credit by any of the ~~following:~~ **following organizations:** - ~~asha~~ **ASHA.** - Michigan board of audiology**.** - Michigan board of medicine**.** - Michigan board of osteopathic medicine and surgery. - A speech-language pathology board of any state**.** ~~of the United States.~~ If audited, a licensee shall submit a letter from the program sponsor confirming the licensee as the presenter and the presentation date and time, or a copy of the presentation notice or advertisement showing the date of presentation, the licensee's name listed as the presenter, and the name of the organization that approved or offered the presentation for ~~continuing education~~ **CPD** credit.	2 ~~cpd~~ **CPD** credits ~~shall be~~ **are** granted for each 50 to 60 minutes of presentation. A presentation ~~shall~~ **must** not be less than 50 minutes in length. No additional credit ~~shall be~~ **is** granted for preparation. ~~Pursuant to~~ **Under** ~~R 338.629(1)(b),~~ **subrule (1)(b) of this rule,** credit for a presentation ~~shall be~~ **is** granted only once per a renewal period. A maximum of 10 credits may be earned for this type of activity in each renewal period.
(d)	Initial presentation of a scientific exhibit or paper accepted for presentation through a peer review process at a state, regional, national or international speech-language pathology conference, or its components, or a related professional organization. If audited, a licensee shall submit a copy of the document presented with ~~evidence~~ **proof** of presentation or a letter from the program sponsor	2 ~~cpd~~ **CPD** credits ~~shall be~~ **are** granted for each presentation. No additional credit for preparation ~~shall be~~ **is** granted. ~~Pursuant to~~ **Under** ~~R 338.629(1)(b),~~ **subrule (1)(b) of this**

	verifying the exhibit or paper was accepted for presentation through a peer review process and the date of presentation.	**rule,** credit for a presentation ~~shall be~~ **is** granted only once per a renewal period. A maximum of 10 credits may be earned for this type of activity in each renewal period.
(e)	Writing an article related to the practice, education, or research of speech-language pathology that is published in any of the ~~following:~~ **following journals:** • **An** ~~Association~~ **association** journal**.** • A peer-reviewed journal**.** • A health care journal**.** • A professional or scientific journal**.** 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.	3 ~~cpd~~ **CPD** credits ~~shall be~~ **are** granted for each article. ~~Pursuant to~~ **Under** R ~~338.629(1)(b),~~ **subrule (1)(b) of this rule,** credit for an article ~~shall be~~ **is** granted once per renewal period. A maximum ~~number~~ of 9 credits may be earned for this type of activity in each renewal period.
(f)	Writing a chapter related to the practice, education, or research of speech-language pathology that is published in a text book. If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author of the chapter or a publication acceptance letter.	3 ~~cpd~~ **CPD** credits for each chapter ~~shall be~~ **are** granted. ~~Pursuant to~~ **Under** R ~~338.629(1)(b)~~ **subrule (1)(b) of this rule,** credit for a chapter ~~shall be~~ **is** granted only once in a renewal period. A maximum of 9 credits may be earned for this type of activity in each renewal period.
(g)	Serving as an instructor of students, staff, or other licensees at a clinical program related to the practice of speech-language pathology provided through or recognized by an accredited speech language pathology educational program that ~~meets~~ **satisfies** the standards set in R 338.619. If audited, the licensee shall submit a letter from the program director verifying the licensee's role, the	2 ~~cpd~~ **CPD** credits ~~shall be~~ **are** granted for each 50 to 60 minutes instructional session on a specific subject. No additional credit ~~shall be~~ **is** granted for preparation.

	number of instructional sessions on specific subjects provided by the licensee, and the length of the instructional sessions. Also, the letter ~~shall~~ **must** verify that the clinical training program was provided, offered, or accredited by an educational program or organization that ~~meets~~ **satisfies** the requirements of this rule.	A maximum of 10 ~~cpd~~ **CPD** credits may be earned for this type of activity in each renewal period.
(h)	Serving as a clinical supervisor for students completing an internship, residency, or fellowship program that is recognized or approved by R 338.615. If audited, a licensee shall submit a letter from the educational program or clinical agency director verifying the licensee's role, the number of hours of instruction or supervision provided by the licensee, and that the internship, residency, or fellowship program is recognized or approved by an educational program or organization that ~~meets~~ **satisfies** the requirements of this rule.	1 ~~cpd~~ **CPD** credit ~~shall be~~ **is** granted for 1 hour of clinical instruction or supervision. A maximum of 5 ~~cpd~~ **CPD** credits may be earned for this type of activity in each renewal period.
(i)	Providing supervision as part of a disciplinary sanction. If audited, the licensee shall submit an affidavit from the disciplinary limited licensee who received the supervision. The affidavit ~~shall~~ **must** attest to the licensee's role as supervisor and the number of hours the licensee spent providing supervision to the disciplinary limited speech-language pathologist.	1 ~~cpd~~ **CPD** credit ~~shall be~~ **is** granted for 1 hour of supervision provided. A maximum of 5 ~~cpd~~ **CPD** credits may be earned for this type of activity in each renewal period.
(j)	Participating on an international, national, regional, state, state component, or local task force, committee, board, council, or association related to the field of speech-language pathology. A task force, committee board, council, or association is considered acceptable if it enhances the participant's knowledge and understanding of the field of speech-language pathology. 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.	5 ~~cpd~~ **CPD** credits ~~shall be~~ **are** granted for participation on each task force, committee, board, council, or association**.** ~~shall be granted.~~ A maximum of 5 ~~cpd~~ **CPD** credits may be earned for this type of activity in each renewal period.
(k)	Participation in the development of a national examination for speech-language pathologists. If audited, the licensee shall submit documentation from the sponsor of the examination verifying the licensee's role and participation in the development of the examination.	5 ~~cpd~~ **CPD** credits ~~shall be~~ **are** granted for participation. A maximum of 5 ~~cpd~~ **CPD** credits may be earned for this type of

		activity in each renewal period.
(l)	Participating in an in-service program relating to the practice of speech-language pathology provided or sponsored by a Michigan school system. If audited, the licensee shall submit documentation from the in-service provider verifying the date and number of hours for the in-service program, the program's relationship to speech-language pathology, and the licensee's participation.	1 ~~cpd~~ **CPD** credit ~~shall be~~ **is** granted for each hour of in-service completed. A maximum of 5 ~~cpd~~ **CPD** credits ~~shall~~ **may** be ~~granted~~ **earned** for this type of activity in each renewal period.

R 338.641 ~~Continuing education~~ **Continuous Professional Development** providers; standards for approval.

Rule 41. (1) A ~~continuing education~~ **CPD** provider that is not pre-approved under R 338.629 may be approved by the board. To be approved by the board, the provider ~~must~~ shall ~~comply with subrules (2) and (3) of this rule,~~ complete an application provided by the department, ~~and~~ file the application with the department for review no later than ~~60~~ **120** days before the program date~~.~~**, and satisfy subrules (2) and (3) of this rule.** The application and supporting documentation ~~shall~~ **must** include all of the following information:

(a) A program schedule, including date of program, topics, name of speaker, and break times.

(b) An explanation of how the program is being designed to further educate speech-language pathologists, including a short narrative describing the program content and the criteria for the selection of this topic.

(c) Copies of instructional objectives that have been developed.

(d) Copies of all promotional and advertising materials for the program.

(e) The name, title, and address of the program director and a description of his or her qualifications to direct the program.

(f) A description of how the amount of ~~continuing education~~ **CPD** credit to be awarded for this program was determined.

(g) A description of how participants will be notified that ~~continuing education~~ **CPD** credit has been earned.

(h) A copy of the curriculum vitae for each instructional staff member.

(i) A description of the delivery method or methods to be used and the techniques that will be employed to assure active participation.

(j) A copy of the post-test instrument that will be used for participant evaluation.

(k) A description of how post tests will be administered, corrected, and returned to participants.

(l) A description of how post-test performance will influence the awarding of ~~continuing education~~ **CPD** credit.

(m) A description of how attendance is monitored, including sample documents, and the name of the person monitoring attendance.

(2) The ~~continuing education~~ **CPD** program approved under subrule (1) of this rule must **satisfy** ~~be~~ all of the ~~following:~~ **following requirements:**

(a) ~~An~~ **The program must be an** organized program of learning that that will contribute to the advancement and enhancement of professional competency and scientific knowledge in the practice of

speech-language pathology and be designed to reflect the educational needs of speech-language pathologists.

(b) ~~Have~~ **The program must have** a scientific and educational integrity and contain generally accepted speech-language pathology practices.

(c) A course must have an outline that demonstrates consistency with the course description and reflects the course content.

(d) A course must be taught in a manner appropriate to the educational content, objectives, and purpose of the program and must allow suitable time to be effectively presented to the audience.

(e) Instructors must have the necessary qualifications, training, ~~and/or~~ **or** experience**, or all 3,** to teach the course.

(f) The activity ~~shall~~ **must** provide for active participation and involvement from the participants.

(g) The activity ~~shall~~ **must** offer educational materials for each ~~continuing education~~ **CPD** activity that will enhance the participant's understanding of the content and foster applications to speech-language pathology practice.

(h) The activity ~~shall~~ **must** include learning assessments in each activity that allow speech-language pathologists to assess their achievement of the learned content. Completion of a learning assessment is required for ~~continuing education~~ **CPD** content.

(3) The program provider or sponsor approved under subrule (1) of this rule shall issue certificates or letters of attendance that include all of the ~~following:~~ **following information:**

(a) The name of the sponsor.

(b) The name of the program.

(c) The name of the attendee.

(d) The date of the program.

(e) The Michigan approval number.

(f) The signature of the person responsible for attendance monitoring and his or her title.

(g) The number and type of hours attended.

R 338.645 Patient records and collaboration.

Rule 45. A speech-language pathologist shall maintain patient records ~~in accordance with~~ **under** section 16213 of the code, MCL 333.16213. The records ~~shall~~ **must** be made available to other health professionals involved in the care of the patient in accordance with the ~~health insurance portability and accountability act~~ **Health Insurance Portability and Accountability Act** ~~(hipaa)~~ of 1996, Public Law 104-191~~.~~ **(HIPAA).**

R 338.647 Referral required.

Rule 47. A speech-language pathologist shall not assess or treat a patient for either of the following, unless the patient has been referred by ~~a physician~~ **an individual** licensed in the practice of medicine or osteopathic medicine and surgery ~~in the state of Michigan~~ **or by an advanced practice registered nurse as that term is defined in section 17201 of the code, MCL 333.17201**:

(a) Swallowing disorders.

(b) Medically-related communication disorders.

R 338.649 Physically invasive procedures; supervision required.

Rule 49. (1) Physically invasive procedures beyond the oropharynx include the following:

(a) Esophageal manometry.

(b) Fiberoptic endoscopic examination of swallowing (fees).

(c) Fiberoptic laryngovideostroboscopy.

(2) ~~In accordance with~~ **Under** section 17610(3) of the code, MCL 333.17610~~(3)~~, a speech-language pathologist shall only perform the procedures set forth in subrule (1) of this rule under the supervision of a physician licensed to practice medicine or osteopathic medicine and surgery in the state of Michigan. Supervision is defined in section 16109(2) of the code, MCL 333.16109~~(2)~~.

(3) A speech-language pathologist shall only perform the procedures listed in subrule (1) of this rule in a setting where a physician licensed in the practice of medicine or osteopathic medicine is physically available to ensure for patient safety.

(4) A speech-language pathologist performing physically invasive procedures under the supervision of a physician shall be familiar with risks associated with physically invasive procedures, including but not limited to, epistaxis, mucosal injury, gagging, allergic reaction to topical anesthetic, laryngospasm, and vasovagal response, and the need for medical intervention.

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Administrative Rules for Speech-Language Pathology – General Rules
Rule Set 2020-78 LR

NOTICE OF PUBLIC HEARING
Tuesday, January 19, 2021
01:00 PM

The public hearing will be held virtually via Zoom to receive public comments while complying with measures designed to help prevent the spread of Coronavirus Disease 2019 (COVID 19). https://us02web.zoom.us/j/89584407954?pwd=R0ZmOGhNUmw5Z24xZ3g4a2UveGx4dz09 Password for video connection: 759646 Phone number: 877-336-1831 Conference Code for audio connection: 486917

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Speech-Language Pathology – General Rules rule set.

The proposed rules will clarify terms used in the rule set; insert a date of promulgation for the rule on identifying victims of human trafficking; clarify the name of the licensure examination, add a requirement that the applicant have educational program verification sent directly to the department; change the educational limited license to a temporary license and limit the license to a license that the department may only issue for 12 months and is nonrenewable to conform with MCL 333.17609(4); clarify the number of hours of required direct clinical contact, as well as required activities within the scope of practice of a speech-language pathologist; require for graduates of non-accredited institutions to have educational program verification sent directly to the department and have a credential evaluation agency that is a member of the National Association of Credential Evaluation Services (NACES) perform a credential evaluation; update accreditation standards; add criteria related to good moral character and fingerprints as conditions for relicensure; add criteria for relicensure of certified teachers related to good moral character, verification of credentials, and continuing professional development credits; include a requirement that a certified teacher limited license holder send a verification of employment form to the department; change the submission date for board review for board review of proposed continuous professional development providers from 60 days to 120 days prior to the proposed program date; align the requirements for referral of patients with swallowing disorders and communication disorders with MCL 333.17607(3) and allow referrals to those licensed in the practice of medicine or osteopathic medicine or an advanced practice registered nurse.

MCL 333.16145, 333.16148, 333.17601, 333.17607, 333.17609, 333.17610, and 333.17611, as well as Executive Reorganization Nos. 1991-9, 1996-2, 2003-1 and 2011-4, MCL 338.3501,445.2001, 445.2011, and 445.2030. These rules will take effect Immediately after filing with the Secretary of State. The rules are published on the Michigan Government web site at http://www.michigan.gov/moahr and in the Michigan Register in the 1/15/2021 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing

Department of Licensing and Regulatory Affairs Bureau of Professional Licensing Boards and Committees Section P.O. Box 30670 Lansing, MI 48909-8170 Attention: Policy Analyst
Department of Licensing and Regulatory Affairs Bureau of Professional Licensing Boards and Committees Section P.O. Box 30670 Lansing, MI 48909-8170 Attention: Policy Analyst

Email: BPL-BoardSupport@michigan.gov

Comments on the rules may be made in person at the hearing or by mail or electronic mail until 1/19/2021 at 05:00PM.

CORRECTION OF OBVIOUS ERRORS IN PUBLICATION

MCL 24.256(1) states in part:

"Sec. 56. (1) The Office of Regulatory Reform shall perform the editorial work for the Michigan register and the Michigan Administrative Code and its annual supplement. The classification, arrangement, numbering, and indexing of rules shall be under the ownership and control of the Office of Regulatory Reform, shall be uniform, and shall conform as nearly as practicable to the classification, arrangement, numbering, and indexing of the compiled laws. The Office of Regulatory Reform may correct in the publications obvious errors in rules when requested by the promulgating agency to do so…"

CORRECTION OF OBVIOUS ERRORS IN PUBLICATION

December 23, 2020

VIA E-MAIL

Ms. Deidre O'Berry
Michigan Office of Administrative Hearings and Rules
Administrative Rules Division
Department of Licensing and Regulatory Affairs
611 West Ottawa Street, 2nd Floor
Lansing, Michigan 48933

Dear Ms. O'Berry:

SUBJECT: Request for Correction of the Michigan Administrative Code, Air Pollution Control, Part 2. Air Use Approval

The Department of Environment, Great Lakes, and Energy (EGLE), as the promulgating agency, is writing to request that the Michigan Office of Administrative Hearings and Rules, Administrative Rules Division, exercise its discretion to correct obvious errors in the Michigan Administrative Code, pursuant to Section 56(1), MCL 24.256, of the Administrative Procedures Act, 1969 PA 306, as amended.

I respectively request the following changes be made:

The Air Quality Division, Air Pollution Control, Part 2. Air Use Approval Rules, cites an incorrect reference guide. EGLE requests a simple correction to avoid any confusion caused by this mistake.

> R 336.1232 Methodology for determining initial threshold screening level.
> (c) If an ITSL cannot be determined under the provisions of subdivision (a) or (b) of this subrule and an occupational exposure level (OEL) exists for the toxic air contaminant, then the ITSL is determined as follows: ITSL = OEL divided by 100 Where the OEL is the lowest value of either the national institute of occupational safety and health (NIOSH) recommended exposure level listed in the NIOSH pocket guide to chemical hazards or the time-weighted average or ceiling threshold limit value listed in the TLVs and BEIs. **The NIOSH Pocket Guide to Chemical Hazards is adopted by reference in R 336.1902.** TLVs and BEIs. Threshold Limit Values for Chemical Substances and Physical Agents, and Biological Exposure Indices, **is** adopted by reference in R 336.1902.

Sincerely Dale Shaw Regulatory Affairs Officer

OPINIONS OF THE ATTORNEY GENERAL

MCL 14.32 states in part:

"It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer"

MCL 24.208 states in part:

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

* * *

(j) Attorney general opinions. "

OPINIONS OF THE ATTORNEY GENERAL

STATE OF MICHIGAN

DANA NESSEL, ATTORNEY GENERAL

CONSTITUTIONAL LAW:

CONST 1963, ART XI, § 5

INSURANCE CODE:

CIVIL SERVICE

The executive director of the Automotive Theft Protection Authority and the State's classified service.

The position of executive director of the Automotive Theft Protection Authority is included in the State's classified service pursuant to Chapter 61 of the Insurance Code of 1956, 1956 PA 218, MCL 500.6101 *et seq*, and article 11, § 5 of the Constitution.

Opinion No. 7312 Date: December 18, 2020

The Honorable Aaron Miller
State Representative
The Capitol
Lansing, MI 48909

The Honorable Joseph Tate
State Representative
The Capitol
Lansing, MI 48909

You have asked whether the executive director of the Michigan Automobile Theft Prevention Authority is a member of the State's classified service.

Your question regarding the position of executive director of the Automobile Theft Prevention Authority (ATPA), and whether the position is within the State's classified service, requires consideration of both the dictates of the Michigan Constitution establishing the classified service and the statutory framework of the ATPA.

Michigan's Constitution is the starting point for any question of whether an employment position is within the State's classified service. Article 11, Section 5 of the Michigan Constitution provides that "[t]he classified state civil service shall consist of all positions in the state service." There are limited, specific exceptions to this general rule, including the heads of principal departments, members of boards and commissions, and the principal executive officer of boards and commissions heading principal departments. Const 1963, art 11, § 5. Each principal department is also accorded two additional exempt positions, one of which must be policy-making. *Id.* In short, "all positions in the state service shall be in the classified state civil service" unless an explicit exemption applies. OAG, 1965–1966, No. 4484, p 153 (October 13, 1965).

Turning to the statutory authorization granted by the Legislature to the ATPA, the Legislature created the ATPA pursuant to Chapter 61 of the Insurance Code of 1956, 1956 PA 218, as amended by 1992 PA 174, MCL 500.6101 *et seq*. The ATPA was established to perform various tasks regarding automobile theft in the State, including evaluating how automobile thefts impact the citizens of Michigan. MCL 500.6111. The ATPA was created as a "public body corporate and politic" with the purposes, powers, and duties of the authority vested in a board of directors. MCL 500.6103(1), (2). A previous Attorney General Opinion, which evaluated the validity of a reduction in spending authority of the ATPA by Executive Order, affirmed the status of the ATPA as a public body corporate and politic that is neither a private corporation nor a municipal corporation, but is in "a class of artificial entities that have been designated '*quasi* corporations.' " [OAG, 2007-2008, No. 7203, p 41, at 43 (April 25, 2007), citing *Advisory Opinion re Constitutionality of 1966 PA 346*, 380 Mich 554 (1968).[1] Quasi-

[1] In *Advisory Opinion re Constitutionality of 1966 PA 346*, 380 Mich 554 (1968), the Supreme Court considered the constitutionality of the Michigan State Housing Development Authority Act, which the Legislature gave similar authority to that of the ATPA and likewise established as a "public body politic and corporate." MCL 125.1421. The Court concluded that the Act did not violate the Constitution, stating that MSHDA:

corporations such as the ATPA may operate independently to the extent authorized by the Legislature, but Michigan law treats the ATPA as an instrumentality of the State.[1]

As noted, the Constitution provides that heads of principal departments, members of boards and commissions, and the principal executive officers of boards or commissions that head principal departments are excepted from the classified service. Const 1963, art 11, § 5. The position of executive director of the ATPA does not fit within any of these categories. Unlike the Department of State Police, which is a principal department of state government, headed by a department director who is excepted from classified service, MCL 16.104(5), 16.251, the ATPA is not an independent principal department. Instead, the Legislature designated that the ATPA is housed within the Department of State Police, and the department controls several aspects of the ATPA's function, including budgeting, procurement, and administrative responsibilities for ATPA employees. MCL 500.6103(7). The members of the ATPA board are excepted from the classified service by the terms of the Constitution, but any executive director position within the ATPA is not a "principal executive officer" of a board heading a principal department, because the ATPA is not an independent principal department.

Further, the Legislature did not specifically create an executive director position within ATPA; rather, the Legislature created a board of directors to exercise the statutory ATPA powers. MCL 500.6103. Finally, no information provided with your request indicates that the Department of State Police designated the position of ATPA executive director as one of its limited, constitutionally-exempt positions. Const 1963, art 11, § 5.

> … is merely a Quasi corporation, that is the clothing of an agency or instrumentality of state government with corporate powers to perform some public work in the course of the administration of civil government. [380 Mich at 570.]

[1] In a recent unpublished decision, the United States District Court for the Eastern District of Michigan evaluated the status of the ATPA as a government entity entitled to immunity, and concluded that the ATPA is an arm of the State of Michigan and entitled to Eleventh Amendment immunity. *Joumaah v McMahon*, No. 16-11802, 2016 WL 7337248, at *5 (ED Mich, Dec. 19, 2016).

In your request, you noted the Michigan Supreme Court's decision in *City of Dearborn v Michigan Turnpike Authority*, 344 Mich 37 (1955), and asked whether the Court's reasoning applies to the ATPA. It does not. In that case, the Legislature created the Michigan Turnpike Authority, which was to be funded by toll roads, and authorized the authority to employ personnel and to fix their compensation. The Turnpike Authority Act specifically provided that the authority's funding "shall not be subject to supervision or regulation by any other commission, board, bureau or agency of the state." *Id*. at 57. Because the Court concluded that the Turnpike Authority was *completely* independent of any state agency, its employees were exempt from the classified service. *Id.* at 57–58. As noted earlier, the ATPA is not *completely* independent from the Department of State Police, which controls the ATPA's budgeting, procurement, and the administrative responsibilities for its employees. MCL 500.6103(7).

The position of executive director of the ATPA is not excepted from the classified service under the Constitution because the ATPA is not a principal department of government, nor is it independent of state government. Rather, the ATPA is a state instrumentality subject to a degree of supervision and control by the Department of State Police, and, thus, its employees are subject to the Civil Service Rules and Regulations. Further, the position of executive director of the ATPA has not been designated as one of the limited exempt positions within the Department of State Police. It is our understanding that this conclusion is consistent with past practice between the Department of State Police and the Civil Service Commission, in that the executive director position for the ATPA was approved in 2016 as part of the classified service as a "State Police First Lieutenant" position.

It is my opinion, therefore, that the position of executive director of the Automotive Theft Protection Authority is included in the State's classified service pursuant to Chapter 61 of the Insurance Code of 1956, 1956 PA 218, MCL 500.6101 *et seq*, and article 11, § 5 of the Constitution.

DANA NESSELAttorney General

MICHIGAN ADMINISTRATIVE CODE TABLE
(2020 SESSION)

MCL 24.208 states in part:

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

* * *

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

The following table cites administrative rules promulgated during the year 2020, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2020 RULE FILINGS)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
Rule 1	E	3	Rule 1	E	14	38.148	*	3
Rule 2	E	3	Rule 2	E	14	38.149	*	3
Rule 3	E	3	Rule 3	E	14	38.151	*	3
Rule 4	E	3	Rule 4	E	14	38.152	*	3
Rule 5	E	3	Rule 1	E	17	38.153	*	3
Rule 6	E	3	Rule 2	E	17	38.155	*	3
Rule 7	E	3	Rule 1	E	19	38.156	*	3
Rule 8	E	3	Rule 2	E	19	38.157	*	3
Rule 9	E	3	Rule 3	E	19	38.161	*	3
Rule 1	E	5	Rule 4	E	19	38.162	*	3
Rule 2	E	5	Rule 5	E	19	38.163	R	3
Rule 3	E	5	Rule 6	E	19	38.165	R	3
Rule 4	E	5	Rule 7	E	19	38.171	R	3
Rule 5	E	5	Rule 8	E	19	38.172	*	3
Rule 6	E	5	Rule 9	E	19	38.173	*	3
Rule 7	E	5	Rule 10	E	19	38.174	*	3
Rule 8	E	5	Rule 11	E	19	38.175	*	3
Rule 1	E	5	Rule 1	E	19	38.176	*	3
Rule 2	E	5	Rule 2	E	19	38.177	*	3
Rule 1	E	6	Rule 1	E	20	38.179	*	3
Rule 2	E	6	Rule 2	E	20	205.127	*	23
Rule 3	E	6	Rule 1	E	20	205.141	A	3
Rule 1	E	6	Rule 2	E	20	205.150	A	3
Rule 1	E	10	Rule 3	E	20	205.151	A	3
Rule 2	E	10	Rule 1	E	22	281.737.6	R	21
Rule 1	E	10	Rule 1	E	24	285.629.1	A	7
Rule 2	E	10	Rule 2	E	24	285.629.2	A	7
Rule 3	E	10	38.131	*	3	285.629.3	A	7
Rule 4	E	10	38.132	*	3	285.629.4	A	7
Rule 5	E	10	38.133	*	3	285.629.5	A	7
Rule 1	E	10	38.135	*	3	285.629.6	A	7
Rule 2	E	10	38.139	R	3	285.629.7	A	7
Rule 3	E	10	38.141	*	3	285.629.8	A	7
Rule 4	E	10	38.142	*	3	299.8101	*	23
Rule 5	E	10	38.143	*	3	299.8102	*	23
Rule 6	E	10	38.144	R	3	299.8103	*	23
Rule 1	E	10	38.145	*	3	299.8104	*	23
Rule 2	E	10	38.146	*	3	299.8105	*	23
Rule 1	E	12	38.147	*	3	299.8106	*	23

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
299.8107	*	23	299.9413	*	14	325.1057	R	4
299.9101	*	14	299.9503	*	14	325.1058	R	4
299.9102	*	14	299.9511	*	14	325.1059	R	4
299.9103	*	14	299.9513	*	14	325.1071	R	4
299.9104	*	14	299.9519	*	14	325.1081	R	4
299.9105	*	14	299.9601	*	14	325.1100	R	4
299.9106	*	14	299.9608	*	14	325.1213	R	4
299.9107	*	14	299.9610	*	14	325.1214	R	4
299.9108	*	14	299.9612	*	14	325.1215	R	4
299.9109	*	14	299.9627	*	14	325.1216	R	4
299.9202	*	14	299.9801	*	14	325.1217	R	4
299.9204	*	14	299.9803	*	14	325.1281	R	4
299.9205	R	14	299.9804	*	14	325.1282	R	4
299.9206	*	14	299.9808	*	14	325.1301	*	17
299.9213	*	14	299.9809	*	14	325.3801	R	4
299.9214	*	14	299.9902	*	14	325.3802	R	4
299.9226	*	14	299.11001	*	14	325.3803	R	4
299.9228	*	14	299.11003	*	14	325.3811	R	4
299.9232	*	14	299.11004	*	14	325.3812	R	4
299.9301	*	14	299.11005	*	14	325.3813	R	4
299.9302	*	14	325.1001	R	4	325.3815	R	4
299.9303	*	14	325.1002	R	4	325.3816	R	4
299.9304	*	14	325.1003	R	4	325.3820	R	4
299.9305	*	14	325.1004	R	4	325.3822	R	4
299.9306	*	14	325.1005	R	4	325.3825	R	4
299.9307	*	14	325.1021	R	4	325.3826	R	4
299.9308	*	14	325.1022	R	4	325.3827	R	4
299.9309	*	14	325.1023	R	4	325.3828	R	4
299.9310	*	14	325.1024	R	4	325.3831	R	4
299.9311	*	14	325.1025	R	4	325.3832	R	4
299.9312	*	14	325.1026	R	4	325.3833	R	4
299.9313	*	14	325.1027	R	4	325.3834	R	4
299.9314	A	14	325.1028	R	4	325.3835	R	4
299.9315	A	14	325.1051	R	4	325.3836	R	4
299.9316	A	14	325.1052	R	4	325.3837	R	4
299.9401	*	14	325.1053	R	4	325.3838	R	4
299.9404	*	14	325.1054	R	4	325.3839	R	4
299.9405	*	14	325.1055	R	4	325.3840	R	4
299.9409	*	14	325.1056	R	4	325.3841	R	4

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
325.3842	R	4	325.12710	A	14	325.13525	R	4
325.3843	R	4	325.13101	R	4	325.13527	R	4
325.3844	R	4	325.13102	R	4	325.13529	R	4
325.3845	R	4	325.13104	R	4	325.13531	R	4
325.3846	R	4	325.13105	R	4	325.13533	R	4
325.3847	R	4	325.13106	R	4	325.13535	R	4
325.3848	R	4	325.13107	R	4	325.13537	R	4
325.3855	R	4	325.13108	R	4	325.13539	R	4
325.3856	R	4	325.13109	R	4	325.13541	R	4
325.3857	R	4	325.13111	R	4	325.20101	R	4
325.3858	R	4	325.13112	R	4	325.20102	R	4
325.3859	R	4	325.13201	R	4	325.20103	R	4
325.3860	R	4	325.13203	R	4	325.20104	R	4
325.3866	R	4	325.13204	R	4	325.20106	R	4
325.3867	R	4	325.13205	R	4	325.20107	R	4
325.3868	R	4	325.13207	R	4	325.20108	R	4
325.3868a	R	4	325.13208	R	4	325.20109	R	4
325.3869	R	4	325.13211	R	4	325.20110	R	4
325.3871	R	4	325.13213	R	4	325.20111	R	4
325.3872	R	4	325.13301	R	4	325.20112	R	4
325.3873	R	4	325.13302	R	4	325.20113	R	4
325.3874	R	4	325.13304	R	4	325.20114	R	4
325.3877	R	4	325.13305	R	4	325.20115	R	4
325.9081	*	3	325.13306	R	4	325.20116	R	4
325.9082	*	3	325.13307	R	4	325.20117	R	4
325.9083	*	3	325.13308	R	4	325.20201	R	4
325.9084	*	3	325.13309	R	4	325.20202	R	4
325.9085	*	3	325.13501	R	4	325.20203	R	4
325.9086	*	3	325.13503	R	4	325.20204	R	4
325.10107	*	14	325.13505	R	4	325.20205	R	4
325.10116	*	14	325.13507	R	4	325.20206	R	4
325.10308b	*	14	325.13509	R	4	325.20207	R	4
325.10313	*	14	325.13511	R	4	325.20208	R	4
325.104101a	*	14	325.13513	R	4	325.20209	R	4
325.10405	*	14	325.13515	R	4	325.20210	R	4
325.10604g	A	14	325.13517	R	4	325.20211	R	4
325.10717d	A	14	325.13519	R	4	325.20212	R	4
325.12701	*	14	325.13521	R	4	325.20213	R	4
325.12708	A	14	325.13523	R	4	325.20214	R	4

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
325.20215	R	4	325.20713	R	4	325.21315	R	4
325.20301	R	4	325.20714	R	4	325.21316	R	4
325.20302	R	4	325.20801	R	4	325.21317	R	4
325.20303	R	4	325.20802	R	4	325.21318	R	4
325.20304	R	4	325.20803	R	4	325.21319	R	4
325.20401	R	4	325.20804	R	4	325.21320	R	4
325.20402	R	4	325.20805	R	4	325.21321	R	4
325.20403	R	4	325.20806	R	4	325.21322	R	4
325.20404	R	4	325.20901	R	4	325.21323	R	4
325.20405	R	4	325.20902	R	4	325.21324	R	4
325.20406	R	4	325.20903	R	4	325.21325	R	4
325.20407	R	4	325.20904	R	4	325.21326	R	4
325.20501	R	4	325.20905	R	4	325.21327	R	4
325.20502	R	4	325.20906	R	4	325.21328	R	4
325.20503	R	4	325.21001	R	4	325.21401	R	4
325.20504	R	4	325.21002	R	4	325.21402	R	4
325.20505	R	4	325.21003	R	4	325.21403	R	4
325.20506	R	4	325.21101	R	4	325.21404	R	4
325.20507	R	4	325.21102	R	4	325.21405	R	4
325.20508	R	4	325.21103	R	4	325.21406	R	4
325.20509	R	4	325.21104	R	4	325.21407	R	4
325.20601	R	4	325.21105	R	4	325.21408	R	4
325.20602	R	4	325.21201	R	4	325.21409	R	4
325.20603	R	4	325.21203	R	4	325.21410	R	4
325.20604	R	4	325.21204	R	4	325.21411	R	4
325.20605	R	4	325.21301	R	4	325.21501	R	4
325.20606	R	4	325.21302	R	4	325.21502	R	4
325.20701	R	4	325.21303	R	4	325.21503	R	4
325.20702	R	4	325.21304	R	4	325.21504	R	4
325.20703	R	4	325.21305	R	4	325.21505	R	4
325.20704	R	4	325.21306	R	4	325.21506	R	4
325.20705	R	4	325.21307	R	4	325.21507	R	4
325.20706	R	4	325.21308	R	4	325.21508	R	4
325.20707	R	4	325.21309	R	4	325.21509	R	4
325.20708	R	4	325.21310	R	4	325.21510	R	4
325.20709	R	4	325.21311	R	4	325.21511	R	4
325.20710	R	4	325.21312	R	4	325.21512	R	4
325.20711	R	4	325.21313	R	4	325.21514	R	4
325.20712	R	4	325.21314	R	4	325.21515	R	4

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
325.21601	R	4	325.45103	A	4	325.45181	A	4
325.21602	R	4	325.45105	A	4	325.45183	A	4
325.21603	R	4	325.45107	A	4	325.45185	A	4
325.21604	R	4	325.45109	A	4	325.45191	A	4
325.21605	R	4	325.45111	A	4	325.45193	A	4
325.21701	R	4	325.45113	A	4	325.45195	A	4
325.21702	R	4	325.45115	A	4	325.45197	A	4
325.21703	R	4	325.45117	A	4	325.45199	A	4
325.21704	R	4	325.45119	A	4	325.45201	A	4
325.21705	R	4	325.45121	A	4	325.45203	A	4
325.21901	R	4	325.45123	A	4	325.45205	A	4
325.21902	R	4	325.45125	A	4	325.45207	A	4
325.21903	R	4	325.45127	A	4	325.45211	A	4
325.21904	R	4	325.45129	A	4	325.45213	A	4
325.21905	R	4	325.45131	A	4	325.45215	A	4
325.21906	R	4	325.45133	A	4	325.45217	A	4
325.21907	R	4	325.45135	A	4	325.45219	A	4
325.21908	R	4	325.45137	A	4	325.45221	A	4
325.21909	R	4	325.45139	A	4	325.45231	A	4
325.21910	R	4	325.45141	A	4	325.45241	A	4
325.21911	R	4	325.45143	A	4	325.45243	A	4
325.21912	R	4	325.45145	A	4	325.45245	A	4
325.21913	R	4	325.45147	A	4	325.45247	A	4
325.21914	R	4	325.45149	A	4	325.45249	A	4
325.21915	R	4	325.45151	A	4	325.45251	A	4
325.21916	R	4	325.45153	A	4	325.45261	A	4
325.21917	R	4	325.45155	A	4	325.45263	A	4
325.21918	R	4	325.45157	A	4	325.45265	A	4
325.21919	R	4	325.45159	A	4	325.45267	A	4
325.21920	R	4	325.45161	A	4	325.45269	A	4
325.21921	R	4	32545163	A	4	325.45271	A	4
325.21922	R	4	325.45165	A	4	325.45273	A	4
325.22001	R	4	325.45167	A	4	325.45275	A	4
325.22002	R	4	325.45169	A	4	325.45277	A	4
325.22003	R	4	325.45171	A	4	325.45279	A	4
325.22003a	R	4	325.45173	A	4	325.45281	A	4
325.22004	R	4	325.45175	A	4	325.45283	A	4
325.45101	A	4	325.45177	A	4	325.45285	A	4
325.45102	A	4	325.45179	A	4	325.45287	A	4

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
325.45289	A	4	325.45373	A	4	333.247	R	12
325.45291	A	4	325.45375	A	4	333.248	R	12
325.45293	A	4	325.45377	A	4	333.261	R	12
325.45295	A	4	325.45379	A	4	333.262	R	12
325.45297	A	4	325.45381	A	4	333.271	R	12
325.45299	A	4	325.45383	A	4	333.272	R	12
325.45301	A	4	325.45385	A	4	333.273	R	12
325.45303	A	4	325.63201	A	11	333.274	R	12
325.45305	A	4	325.64001	A	11	333.275	R	12
325.45307	A	4	333.201	R	12	333.276	R	12
325.45309	A	4	333.202	R	12	333.281	R	12
325.45311	A	4	333.203	R	12	333.282	R	12
325.45313	A	4	333.205	R	12	333.291	R	12
325.45315	A	4	333.206	R	12	333.292	R	12
325.45317	A	4	333.207	R	12	333.293	R	12
325.45319	A	4	333.208	R	12	333.294	R	12
325.45321	A	4	333.209	R	12	333.295	R	12
325.45323	A	4	333.210	R	12	333.296	R	12
325.45331	A	4	333.211	R	12	333.297	R	12
325.45333	A	4	333.212	R	12	333.298	R	12
325.45335	A	4	333.213	R	12	333.299	R	12
325.45337	A	4	333.214	R	12	333.5396	*	18
325.45339	A	4	333.215	R	12	338.471	R	23
325.45341	A	4	333.216	R	12	338.471a	R	23
325.45343	A	4	333.217	R	12	338.471b	R	23
325.45345	A	4	333.218	R	12	338.472	R	23
325.45347	A	4	333.219	R	12	338.473	R	23
325.45349	A	4	333.220	R	12	338.473a	R	23
325.45351	A	4	333.221	R	12	338.473b	R	23
325.45353	A	4	333.231	R	12	338.473c	R	23
325.45355	A	4	333.232	R	12	338.473d	R	23
325.45357	A	4	333.233	R	12	338.474	R	23
325.45359	A	4	333.234	R	12	338.474a	R	23
325.45361	A	4	333.235	R	12	338.475	R	23
325.45363	A	4	333.236	R	12	338.477	R	23
325.45365	A	4	333.237	R	12	338.477a	R	23
325.45367	A	4	333.238	R	12	338.477b	R	23
325.45369	A	4	333.245	R	12	338.477c	R	23
325.45371	A	4	333.246	R	12	338.477d	R	23

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
338.478	R	23	338.551	A	23	338.3925	A	23
338.479	R	23	338.553	A	23	338.3927	A	23
338.479a	R	23	338.555	A	23	338.3929	A	23
338.479b	R	23	338.557	A	23	338.3931	A	23
338.479c	R	23	338.559	A	23	338.7001	*	23
338.480	R	23	338.561	A	23	338.7001a	*	23
338.480a	R	23	338.563	A	23	338.7002	*	23
338.481	R	23	338.565	A	23	338.7002a	A	23
338.482	R	23	338.567	A	23	338.7002b	A	23
338.486	*	23	338.569	A	23	338.10105	*	7
338.489	R	23	338.571	A	23	338.10202	*	7
338.490	R	23	338.573	A	23	338.10204	*	7
338.493a	R	23	338.575	A	23	338.10206	*	7
338.493b	R	23	338.577	A	23	338.10207	*	7
338.493c	R	23	338.582	A	23	338.10210	*	7
338.493d	R	23	338.583	A	23	338.10211	*	7
338.493f	R	23	338.584	A	23	338.10301	*	7
338.493g	R	23	338.585	A	23	338.10303	*	7
338.500	R	23	338.586	A	23	338.10303a	*	7
338.501	A	23	338.857	A	23	338.10303b	*	7
338.503	A	23	338.588	A	23	338.101303c	*	7
338.505	A	23	338.589	A	23	338.10303d	*	7
338.511	A	23	338.590	A	23	338.10304	*	7
338.513	A	23	338.3041	*	23	338.10305	*	7
338.515	A	23	338.3043	*	23	338.10305a	*	7
338.517	A	23	338.3044	*	23	338.10305b	*	7
338.519	A	23	338.3045	R	23	338.10305c	*	7
338.521	A	23	338.3901	*	23	338.10307	*	7
338.523	A	23	338.3901a	R	23	338.10309	*	7
338.525	A	23	338.3902	R	23	338.1031	*	7
338.531	A	23	338.3903	R	23	338.10310a	*	7
338.532	A	23	338.3905	R	23	338.10312	*	7
338.533	A	23	338.3906	R	23	338.10404c	*	7
338.534	A	23	338.3906a	R	23	338.10601	*	7
338.535	A	23	338.3910	R	23	338.10602	*	7
338.536	A	23	338.3911	A	23	338.10702	*	7
338.537	A	23	338.3913	A	23	338.10703	*	7
338.538	A	23	338.3921	A	23	338.10704	*	7
338.539	A	23	338.3923	A	23	338.10705	*	7

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
339.1001a	A	23	380.107	*	19	390.1312	*	19
339.1002	*	23	380.109	*	19	390.1313	*	19
339.1003	*	23	380.124	*	19	400.1018	*	20
339.1003a	A	23	380.136	*	19	400.2001	*	10
339.16001	*	23	380.206	*	19	400.2002	*	10
339.16021	*	23	380.213	*	19	400.2003	*	10
339.16022	*	23	380.214	*	19	400.2004	*	10
339.16024	R	23	390.1101	*	19	400.2005	R	10
339.16025	*	23	390.1105	*	19	400.2006	*	10
339.16026	*	23	390.1115	*	19	400.2007	*	10
339.16031	*	23	390.1117	*	19	400.2008	*	10
339.16032	*	23	390.1121	R	19	400.2009	*	10
339.16033	R	23	390.1122a	*	19	400.2010	*	10
339.16034	R	23	390.1123	*	19	400.2021	*	10
339.16040	*	23	390.1125	*	19	400.2022	*	10
339.16041	*	23	390.1129	*	19	400.2023	*	10
339.16042	R	23	390.1129b	*	19	400.2024	*	10
339.16043	R	23	390.1130	*	19	400.2028	*	10
339.16044	R	23	390.1133	*	19	400.2031	*	10
339.17101	*	14	390.1135	*	19	400.2041	*	10
339.17201	*	14	390.1137	*	19	400.2044	*	10
339.17202	*	14	390.1138	*	19	400.2045	R	10
339.17203	*	14	390.1141	*	19	400.2048	*	10
339.17301	*	14	390.1142	*	19	400.2049	*	10
339.17303	A	14	390.1143	*	19	400.4101	*	10
339.17505	*	14	390.1145	*	19	400.4159	*	10
339.17506	*	14	390.1151	*	19	400.10101	*	11
339.17507	R	14	390.1161	*	19	400.10177	*	11
339.17508	R	14	390.1163	*	19	408.65	*	23
339.17509	R	14	390.1164a	*	19	408.3901	R	7
340.1701	*	3	390.1165	*	19	408.3902	R	7
340.1701a	*	3	390.1204	*	19	408.3903	R	7
340.1721e	*	3	390.1216	*	19	408.3904	R	7
340.1724f	*	3	390.1301	*	19	408.3905	R	7
340.1724h	*	3	390.1304	*	19	408.3906	R	7
340.1725e	*	3	390.1305	*	19	408.3907	R	7
340.1795	*	10	390.1306	*	19	408.3911	R	7
340.1836	*	3	390.1307	*	19	420.1	A	12
340.1851	*	3	390.1308	*	19	420.2	A	12

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
420.3	A	12	420.113	A	12	420.511	A	12
420.4	A	12	420.201	A	12	420.601	A	12
420.5	A	12	420.202	A	12	420.602	A	12
420.6	A	12	420.203	A	12	420.603	A	12
420.7	A	12	420.204	A	12	420.701	A	12
420.8	A	12	420.205	A	12	420.702	A	12
420.9	A	12	420.206	A	12	420.703	A	12
420.10	A	12	420.207	A	12	420.704	A	12
420.11	A	12	420.208	A	12	420.705	A	12
420.12	A	12	420.209	A	12	420.706	A	12
420.13	A	12	420.210	A	12	420.707	A	12
420.14	A	12	420.211	A	12	420.708	A	12
420.15	A	12	420.212	A	12	420.709	A	12
420.16	A	12	420.213	A	12	420.801	A	12
420.17	A	12	420.214	A	12	420.802	A	12
420.18	A	12	420.215	A	12	420.803	A	12
420.19	A	12	420.301	A	12	420.804	A	12
420.20	A	12	420.302	A	12	420.805	A	12
420.21	A	12	420.303	A	12	420.806	A	12
420.22	A	12	420.304	A	12	420.807	A	12
420.23	A	12	420.305	A	12	420.808	A	12
420.24	A	12	420.306	A	12	420.809	A	12
420.25	A	12	420.307	A	12	420.1001	A	12
420.26	A	12	420.308	A	12	420.1002	A	12
420.27	A	12	420.401	A	12	420.1003	A	12
420.28	A	12	420.402	A	12	420.1004	A	12
420.29	A	12	420.403	A	12	432.611	A	22
420.101	A	12	420.404	A	12	432.612	A	22
420.102	A	12	420.405	A	12	432.613	A	22
420.103	A	12	420.501	A	12	432.613a	A	22
420.104	A	12	420.502	A	12	432.614	A	22
420.105	A	12	420.503	A	12	432.614a	A	22
420.106	A	12	420.504	A	12	432.614b	A	22
420.107	A	12	420.505	A	12	432.614c	A	22
420.108	A	12	420.506	A	12	432.614d	A	22
420.109	A	12	420.507	A	12	432.614e	A	22
420.110	A	12	420.508	A	12	432.615	A	22
420.111	A	12	420.509	A	12	432.615a	A	22
420.112	A	12	420.510	A	12	432.616	A	22

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
432.616a	A	22	432.635	A	22	432.663b	A	22
432.616b	A	22	432.636	A	22	432.663c	A	22
432.617	A	22	432.637	A	22	432.664	A	22
432.618	A	22	432.637a	A	22	432.665	A	22
432.621	A	22	432.638	A	22	432.665a	A	22
432.621a	A	22	432.639	A	22	432.665b	A	22
432.621b	A	22	432.639a	A	22	432.666	A	22
432.621c	A	22	432.639b	A	22	432.667	A	22
432.621d	A	22	432.639c	A	22	432.668	A	22
432.621e	A	22	432.639d	A	22	432.671	A	22
432.621f	A	22	432.641	A	22	432.672	A	22
432.621g	A	22	432.642	A	22	432.673	A	22
432.621h	A	22	432.643	A	22	432.674	A	22
432.621i	A	22	432.644	A	22	432.675	A	22
432.621j	A	22	432.645	A	22	432.676	A	22
432.621k	A	22	432.647	A	22	432.711	A	22
432.622	A	22	432.648	A	22	432.712	A	22
432.623	A	22	432.649	A	22	432.713	A	22
432.624	A	22	432.651	A	22	432.713a	A	22
432.624a	A	22	432.651a	A	22	432.714	A	22
432.625	A	22	432.651b	A	22	432.714a	A	22
432.625a	A	22	432.651c	A	22	432.714b	A	22
432.625b	A	22	432.652	A	22	432.714c	A	22
432.625c	A	22	432.653	A	22	432.714d	A	22
432.626	A	22	432.654	A	22	432.714e	A	22
432.627	A	22	432.655	A	22	432.715	A	22
432.628	A	22	432.655a	A	22	432.715a	A	22
432.628a	A	22	432.655b	A	22	432.716	A	22
432.628b	A	22	432.655c	A	22	432.716a	A	22
432.628c	A	22	432.655d	A	22	432.716b	A	22
432.629	A	22	432.655e	A	22	432.717	A	22
432.631	A	22	432.656	A	22	432.718	A	22
432.632	A	22	432.657	A	22	432.721	A	22
432.632a	A	22	432.658	A	22	432.721a	A	22
432.632b	A	22	432.659	A	22	432.721b	A	22
432.633	A	22	432.661	A	22	432.721c	A	22
432.633a	A	22	432.662	A	22	432.721d	A	22
432.633b	A	22	432.663	A	22	432.721e	A	22
432.634	A	22	432.663a	A	22	432.721f	A	22

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
432.721g	A	22	432.746a	A	22	432.776	A	22
432.721h	A	22	432.747	A	22	451.1221	*	17
432.721i	A	22	432.748	A	22	451.1222	*	17
432.721j	A	22	432.749	A	22	451.1223	*	17
432.721k	A	22	432.751	A	22	451.1225	*	17
432.722	A	22	432.751a	A	22	451.1226	*	17
432.723	A	22	432.751b	A	22	451.1227	*	17
432.724	A	22	432.751c	A	22	451.1228	*	17
432.724a	A	22	432.752	A	22	451.1229	R	17
432.725	A	22	432.753	A	22	451.1231	R	17
432.725a	A	22	432.754	A	22	451.1232	R	17
432.725b	A	22	432.755	A	22	451.1233	*	17
432.725c	A	22	432.755a	A	22	451.1234	*	17
432.726	A	22	432.755b	A	22	451.1235	*	17
432.727	A	22	432.755c	A	22	451.1236	*	17
432.728	A	22	432.755d	A	22	451.1237	*	17
432.728a	A	22	432.755e	A	22	451.1238	*	17
432.728b	A	22	432.756	A	22	451.1239	*	17
432.728c	A	22	432.757	A	22	451.1240	*	17
432.729	A	22	432.758	A	22	451.1241	*	17
432.731	A	22	432.759	A	22	451.1242	*	17
432.732	A	22	432.761	A	22	451.1243	*	17
432.732a	A	22	432.762	A	22	451.1245	*	17
432.732b	A	22	432.763	A	22	451.2101	R	14
432.733	A	22	432.763a	A	22	451.2102	R	14
432.734	A	22	432.763b	A	22	451.2103	R	14
432.735	A	22	432.763c	A	22	451.2201	R	14
432.736	A	22	432.764	A	22	451.2202	R	14
432.737	A	22	432.765	A	22	451.2203	R	14
432.737a	A	22	432.765a	A	22	451.2301	R	14
432.738	A	22	432.765b	A	22	451.2302	R	14
432.739	A	22	432.766	A	22	451.2401	R	14
432.739a	A	22	432.767	A	22	451.2402	R	14
432.741	A	22	432.768	A	22	451.2403	R	14
432.742	A	22	432.771	A	22	451.2404	R	14
432.743	A	22	432.772	A	22	451.2405	R	14
432.744	A	22	432.773	A	22	451.2406	R	14
432.745	A	22	432.774	A	22	451.2407	R	14
432.746	A	22	432.775	A	22	451.2408	R	14

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue	R Number	Action	2020 MR Issue
451.2501	R	14	451.3004	R	14	460.2355	*	17
451.2502	R	14	451.3005	R	14	460.2361	R	17
451.2503	R	14	451.3006	R	14	460.2362	*	17
451.2504	R	14	451.3007	R	14	460.2363	*	17
451.2505	R	14	451.3008	R	14	460.2364	R	17
451.2506	R	14	451.3009	R	14	460.2371	*	17
451.2507	R	14	451.3010	R	14	460.2373	*	17
451.2508	R	14	451.3011	R	14	460.2374	R	17
451.2509	R	14	451.3201	R	14	460.2381	*	17
451.2510	R	14	451.3202	R	14	460.2382	*	17
451.2511	R	14	451.3203	R	14	460.2383	*	17
451.2601	R	14	451.3204	R	14	484.1001	*	23
451.2602	R	14	451.3301	R	14	484.1002	*	23
451.2603	R	14	451.3302	R	14	484.1003	*	23
451.2604	R	14	451.3303	R	14	484.1004	*	23
451.2605	R	14	451.3304	R	14	484.1005	*	23
451.2606	R	14	451.3305	R	14	484.1006	*	23
451.2607	R	14	451.3401	R	14	484.1007	*	23
451.2608	R	14	451.3501	R	14	484.1008	*	23
451.2609	R	14	451.3502	R	14	484.1009	*	23
451.2610	R	14	451.3503	R	14	493.1	*	11
451.2611	R	14	460.2301	*	17	493.5	R	11
451.2612	R	14	460.2302	*	17	493.10	R	11
451.2613	R	14	460.2321	*	17	493.11	*	11
451.2614	R	14	460.2323	*	17	493.12	*	11
451.2615	R	14	460.2324	A	17	493.14	*	11
451.2616	R	14	460.2331	*	17	493.15	*	11
451.2617	R	14	460.2332	*	17	493.16	*	11
451.2618	R	14	460.2333	*	17	493.20	*	11
451.2701	R	14	460.2335	*	17	493.22	A	11
451.2702	R	14	460.2341	*	17	493.24	A	11
451.2901	R	14	460.2342	R	17	493.95	R	11
451.2902	R	14	460.2344	A	17			
451.2903	R	14	460.2345	A	17			
451.2904	R	14	460.2351	*	17			
451.2905	R	14	460.2351a	A	17			
451.3001	R	14	460.2352	R	17			
451.3002	R	14	460.2353	*	17			
451.3003	R	14	460.2354	*	17			

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

CUMULATIVE INDEX

A

E

Hazardous Waste Management (2020-14)
Part 6. Emission Limitations and Prohibitions - Existing Sources of Volatile Organic Compound Emissions (2020-14)

Hazardous Waste Management (2020-14)
Supplying Water to the Public (2020-14)

H

HEALTH AND HUMAN SERVICES, DEPARTMENT OF
Emergency Rule
Creating A Schedule of Fines for Violation of April 1, 2020 Emergency Order Regarding Executive Orders 2020-11, 2020-20, And 2020-21 (2020-6)
Creating A Schedule of Fines for Violation of May 26, 2020 (2020-10)
Covid-19 To Definition Section Of "Infectious Agents"(2020-10)
Creating A Schedule of Fines for Violation of June 15, 2020 EO 2020-123, 2020-136 formerly 2020-108 (2020-12)
ERs - Creating a Schedule of Fines for Violation of EOs Under MCL 333.2253 (2020-212) (2020-20)

Certificate of Need
Nursing Home and Hospital Long-Term-Care Unit (Nh-Hltcu) Beds (2020-17)

Blood Lead Analysis Reporting (2020-3)
Child Care Fund (2020-10)
Child Caring Institutions (2020-10)
Definition of Infectious Agents (2020-15*)
Juvenile Court Operated Facilities (2020-11) (2020-21)
Protection of Youth from Nicotine Product Addiction (2020-18*)

I

INSURANCE AND FINANCIAL SERVICES, DEPARTMENT OF
Debt Management (2020-17)
Essential Insurance (2020-16*)
Good Moral Character (2020-15*)
Hand-Held Portable Dental X-Ray Systems (2020-18)
Regulatory Loan Licensees (2020-11)
Utilization Review (2020-24)

L

LABOR AND ECONOMIC OPPORTUNITY, DEPARTMENT OF
Emergency Rule
MIOSHA Coronavirus Disease 2019 (Covid-19) (2020-19)
Prohibition Of Prone Restraint; Procedures Involving Other Restraints In Child Caring Institutions (2020-14)
Worker's Disability Compensation Agency First Responders (2020-5)
Worker's Disability Compensation Agency First Responders (2020-6)

Workers' Disability Compensation Agency General Rules (2020-19)

Construction Safety Standard Part. 1 General Rules (2020-23*)
Construction Safety Standard Part 14. Tunnels, Shafts, Cofferdams, and Caissons (2020-23*)
Construction Safety Standard Part 22. Signals, Signs, Tags, and Barricades (2020-24*)
Construction Safety and Health Standards Part. 604 Chromium (VI) (2020-24*)
Construction Safety and Health Standard Part 640. Beryllium in Construction (2020-11)
Construction Safety and health Standard Part 632 Hazardous Waste Operations and Emergency Response (2020-11)
General Industry Safety and Health Part 62 Plastic Molding (2020-23*)
Safety and Health Standard Part 609. Cadmium (2020-24*)

LICENSING AND REGULATORY AFFAIRS, DEPARTMENT OF
Correction
Board of Midwifery (2020-3)
Licensing Health Facilities or Agencies (2020-4)
Licensing Rules for Family and Group Child Care Homes (2020-1)
Licensing Rules for Child Care Centers (2020)
Marihuana Licenses (2020-12)
Marihuana Licensees (2020-12)
Marihuana Operations (2020-12)
Marihuana Sale or Transfer (2020-12)
Marihuana Sampling and Testing (2020-12)
Ski Area Safety - General Rules (2020-23)

Emergency Rule
Michigan Office of Administrative Hearings and Rules Emergency Rule Amending Rule 101, R 792.10101 (2020-19)

Other Official Information
Marihuana Licensees (2020-10)
Marihuana Sampling and Testing (2020-10)

Accountancy - General Rules (2020-16*)
Acupuncture -- General Rules (2020-16*)
Athletic Training - General Rules (2020-20*)
Audiology - General Rules
Board of Mechanical Rules (2020-18*)
Board of Nursing – General Rules (2020-7)
Board of Pharmacy – General Rules (2020-24)
Board of Pharmacy - Continuing Education (2020-24)
Building Officials, Plan Reviewers, and Inspector Rules (2020-23*)
Chiropractic – General Rules (2020-24*)
Complaints (2020-4)
Counseling - General Rules (2020-16*)
Dentistry - General Rules (2020-16*)
Electrical Administrative Board General Rules (2020-23*)
Freestanding Surgical Outpatient Facilities (2020-4)

Genetic Counseling - General Rules (2020-16*)
Hospice Licensure Rules (2020-4)
Landscape Architects -- General Rules (2020-22*)
Licensing Health Facilities or Agencies (2020-4)
Marihuana Licenses (2020-12)
Marihuana Licensees (2020-12)
Marihuana Operations (2020-12)
Marihuana Sampling and Testing (2020-12)
Marihuana Infused Products and Edible Marihuana Product (2020-12)
Marihuana Sale or Transfer (2020-12)
Marihuana Employees (2020-12)
Marihuana Hearings (2020-12)
Marihuana Disciplinary Proceedings (2020-12)
Industrial Hemp Rule for Marihuana Businesses (2020-12)
Massage Therapy -- General Rules (2020-16*)
Medicine - General Rules (2020-16*)
Medical Marihuana Facilities (2020-12)
Michigan Boiler Rules (2020-23*)
Minimum Standards for Hospitals (2020-4)
Nursing Home Administrators - General Rules (2020-20*)
Nursing Homes and Nursing Care Facilities (2020-4)
Occupational Code - Disciplinary Rules (2020-16*)
Occupational Code Renewals (2020-24)
Occupational Therapists - General Rules (2020-16*)
Osteopathic Medicine and Surgery – General Rules (2020-16*)
Qualified Interpreter – General Rules (2020-22*)
Part 5 Residential Code (2020-16*)
Part 4 Building Code (2020-16*)
Part 7 Plumbing Code Rules (2020-14*)
Part 9. Mechanical Code Rules (2020-14*)
Pharmacy Technicians (2020-24*)
Procedural Rules (2020-14)
Professional Engineers - General Rules (2020-23)
Professional Surveyors - General Rules (2020-14)
Public Health Code -- Disciplinary Rules (2020-14*)
Public Health Code--General Rules (2020-24)
Public Inspection of License Records (2020-4)
Real Estate Appraisers – General Rules (2020-20*)
Real Estate Brokers and Salespersons – General Rules (2020-16*)
Responsibilities of Providers of Basic Local Exchange (2020-23)
Sanitarians Registration - General Rules (2020-24)
Ski Area Safety - General Rules (2020-23)
Skilled Trades Regulation Rules (2020-23*)
Social Work - General Rules (2020-12*)
Speech-Language Pathology – General Rules (2020-24*)
State Plumbing Board Rules (2020-23*)
Subdivisions of Land (2020-17*)
Substance Use Disorder Programs (2020-17)

Technical Standards for Gas Service (2020-17)
Veterinary Medicine -- General Rules (2020-22*)

N

NATURAL RESOURCES, DEPARTMENT OF
Coldwater lake; hours for high-speed boating and water skiing (2020-21)
Leasing State-Owned Oil and Gas Rights (2020-24)

S

STATE POLICE, DEPARTMENT OF
Criminal Justice Information Systems (2020-20*)

T

TREASURY, DEPARTMENT OF
Notice of Adopted Guidelines
Audit Procedures (2020-22)
Fee Disputes with Designated Assessor (2020-22)

General Sales and Use Tax Rules (2020-3)
Horse Racing General Rules (2020-22*)
Internet Gaming (2020-22)
Internet Sports Betting (2020-22)
Leasing State-Owned Oil and Gas Rights (202024)
Specific Sales and Use Tax Rules (2020-11*)
Taxation of Adult-Use Marihuana Rules (2020-3)

ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2020 SESSION)

Mich. Const. Art. IV, §33 provides: "Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated."

Mich. Const. Art. IV, §27, further provides: "No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house."

MCL 24.208 states in part:

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

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year."

2020 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

November 18, 2020
Compiled through PA 249 of 2020

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0001		0322	Yes	1/24/2020	1/27/2020	1/27/2020 #	***Counties**; boards and commissions*; transfer of functions of a county road commission to the county board of commissioners; remove sunset. ***(Sen. Roger Victory)***
0002		0323	Yes	1/24/2020	1/27/2020	1/27/2020 #	***Counties**; boards and commissions*; powers and duties of county road commissioners to be exercised by the county board of commissioners; remove sunset, and require a vote of the electors before transferring powers and duties of an elected county road commission to an appointed county road commission. ***(Sen. Roger Victory)***
0003		0319	Yes	1/24/2020	1/27/2020	1/27/2020	***Economic development**; neighborhood enterprise zones*; definition of rehabilitated facility; modify. ***(Sen. Jeremy Moss)***
0004		0340	Yes	1/24/2020	1/27/2020	4/26/2020	***Health**; pharmaceuticals*; remote pharmacies; allow under certain circumstances. ***(Sen. Curtis S. VanderWall)***
0005		0309	Yes	1/24/2020	1/27/2020	1/27/2020	***Transportation**; other*; trucks used for towing and recovery operations; assess fees under the motor carrier act. ***(Sen. Dale W. Zorn)***
0006		0466	Yes	1/24/2020	1/27/2020	1/27/2020 #	***Children**; services*; family first prevention services act; implement a qualified residential treatment program. ***(Sen. John Bizon, M.D.)***
0007		0467	Yes	1/24/2020	1/27/2020	1/27/2020 #	***Children**; foster care*; regulation of foster family homes or foster family group homes; modify. ***(Sen. Marshall Bullock)***
0008		0468	Yes	1/24/2020	1/27/2020	1/27/2020 #	***Children**; services*; placement in a qualified residential treatment program; provide regulations for. ***(Sen. John Bizon, M.D.)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0009		0469	Yes	1/24/2020	1/27/2020	1/27/2020 #	***Children**; services*; court's approval or disapproval of a qualified residential treatment placement at certain hearings; require. ***(Sen. Marshall Bullock)***
0010		0539	Yes	1/24/2020	1/27/2020	1/27/2020 #	***Human services**; children's services*; criminal history check for child caring institution staff and retention of certain data; update as required by the federal families first prevention services act. ***(Sen. John Bizon, M.D.)***
0011		0527	Yes	1/24/2020	1/27/2020	1/27/2020	***Highways**; memorial*; Beacon Boulevard in Grand Haven; designate as the "Officer Scott Flahive Memorial Highway". ***(Sen. Roger Victory)***
0012	4051		Yes	1/27/2020	1/27/2020	4/26/2020	***Mental health**; other*; Michigan CARES hotline; create. ***(Rep. Mary Whiteford)***
0013	4411		Yes	1/27/2020	1/27/2020	4/26/2020	***Consumer credit**; other*; credit services protection act; modify exceptions to prohibited conduct provision. ***(Rep. Jim Lilly)***
0014	4309		Yes	1/27/2020	1/27/2020	1/27/2020	***Criminal procedure**; sentencing guidelines*; guidelines for violation of the fantasy contests consumer protection act; enact. ***(Rep. Michael Webber)***
0015	5241		Yes	1/27/2020	1/27/2020	1/27/2020	***Insurance**; insurers*; exemption relating to requirements for a valuation manual; eliminate. ***(Rep. Daire Rendon)***
0016	5242		Yes	1/27/2020	1/27/2020	1/27/2020	***Insurance**; other*; authority of the director of department of insurance and financial services to regulate holding companies; expand. ***(Rep. Robert Wittenberg)***
0017	5243		Yes	1/27/2020	1/27/2020	1/27/2020	***Insurance**; other*; annual audited financial requirements; modify. ***(Rep. Brad Paquette)***
0018	4156		Yes	1/27/2020	1/27/2020	1/27/2020	***Retirement**; state employees*; retired psychiatric health care workers to provide services at facilities operated by the department of health and human services; allow under certain circumstances without forfeiting retirement benefits. ***(Rep. Hank Vaupel)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0019		0184	Yes	1/27/2020	1/27/2020	1/27/2020	***Health occupations**; health professionals*; continuing education hours and licensing requirements for athletic trainers and requirements to act as a behavior technician; modify. ***(Sen. Curtis S. VanderWall)***
0020		0434	Yes	1/27/2020	1/27/2020	4/26/2020	***Occupations**; cosmetologists*; licensure of mobile cosmetology units; provide for, and make general revisions. ***(Sen. Aric Nesbitt)***
0021	4245		Yes	1/27/2020	1/27/2020	1/27/2020	***Appropriations**; zero budget*; supplemental appropriations; provide for fiscal year 2018-2019. ***(Rep. Shane Hernandez)***
0022		0650	Yes	1/31/2020	1/31/2020	1/31/2020	***School aid**; membership*; utilization by certain districts of a teacher of record for dropout recovery program who is employed or contracted through education management organization; allow without certain limitation. ***(Sen. Lana Theis)***
0023		0651	Yes	1/31/2020	1/31/2020	1/31/2020	***Education**; other*; certain requirements and exemptions related to dropout recovery programs; provide for. ***(Sen. Jeremy Moss)***
0024	4620		Yes	2/4/2020	2/4/2020	2/4/2020 #	***Liquor**; licenses*; issuance of special license to conduct spirits tasting; provide for. ***(Rep. Brandt Iden)***
0025	4621		Yes	2/4/2020	2/4/2020	2/4/2020	***Liquor**; licenses*; vendor of spirits providing a special licensee with certain brand logoed items; allow. ***(Rep. Jack O'Malley)***
0026		0588	Yes	2/4/2020	2/4/2020	2/4/2020	***Liquor**; spirits*; refunds for spirits sold by a specially designated distributor; allow. ***(Sen. Jeremy Moss)***
0027	4335		Yes	2/4/2020	2/4/2020	5/4/2020	***Occupations**; barbers*; education and training requirements for cosmetology and barber licensing; revise. ***(Rep. Jeff Yaroch)***
0028		0455	Yes	2/13/2020	2/13/2020	2/13/2020	***Property tax**; exemptions*; certain property located in a renaissance zone; modify exemption for. ***(Sen. Jim Stamas)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0029	5187		Yes	2/13/2020	2/13/2020	2/13/2020	***Sales tax**; exemptions*; reimbursement of revenue lost to school aid fund as result of certain exemptions; provide for. ***(Rep. Rebekah Warren)***
0030	5188		Yes	2/13/2020	2/13/2020	2/13/2020	***Use tax**; exemptions*; reimbursement of revenue lost to school aid fund as result of certain exemptions; provide for. ***(Rep. Mark Huizenga)***
0031	4126		Yes	2/19/2020	2/20/2020	2/20/2020	***Marihuana**; other*; requirement for health warning labels on marihuana products sold in Michigan; provide for. ***(Rep. Thomas Albert)***
0032	4127		Yes	2/19/2020	2/20/2020	2/20/2020	***Medical marihuana**; other*; requirement for health warning labels on medical marihuana products sold in Michigan; provide for. ***(Rep. Daire Rendon)***
0033	5124		Yes	3/2/2020	3/2/2020	3/2/2020	***Property tax**; delinquent taxes*; provisions for reducing redemption amounts; modify. ***(Rep. Wendell Byrd)***
0034	5263		Yes	3/3/2020	3/3/2020	3/3/2020	***Communications**; telecommunications*; lifeline program; modify. ***(Rep. Aaron Miller)***
0035	4830		Yes	3/3/2020	3/3/2020	3/3/2020	***Health facilities**; quality assurance assessments*; quality assurance assessment on ambulance providers; require department of health and human services to provide notice of the assessment. ***(Rep. Andrea Schroeder)***
0036	4468		Yes	3/3/2020	3/3/2020	3/3/2020	***Civil rights**; public records*; method of correspondence used for freedom of information requests; modify. ***(Rep. Steven Johnson)***
0037	4444		Yes	3/3/2020	3/3/2020	3/3/2020	***Civil rights**; public records*; publication by electronic means; allow. ***(Rep. Steven Johnson)***
0038	4445		Yes	3/3/2020	3/3/2020	3/3/2020	***Civil rights**; public records*; fee for public record provided on nonpaper physical media; clarify scope of nonpaper physical media. ***(Rep. Brandt Iden)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0039	4912		Yes	3/3/2020	3/3/2020	3/3/2020	***Liquor**; licenses*; sale of alcoholic beverages at university conference centers; expand. ***(Rep. Roger Hauck)***
0040	4128		Yes	3/3/2020	3/3/2020	6/1/2020	***Courts**; probate court*; parental consent required for name change; modify under certain circumstances. ***(Rep. Aaron Miller)***
0041	4832		Yes	3/3/2020	3/3/2020	3/3/2020	***Highways**; memorial*; portion of I-94; designate as the "Deputy Gate Keeper George W. Haight Memorial Highway". ***(Rep. Sarah Lightner)***
0042	5117		Yes	3/3/2020	3/3/2020	3/3/2020 #	***Civil procedure**; other*; court of claims notification requirements; exempt claims under the wrongful imprisonment compensation act. ***(Rep. Kyra Bolden)***
0043	5118		Yes	3/3/2020	3/3/2020	3/3/2020 #	***Civil procedure**; other*; wrongful imprisonment compensation act; extend the time for claims by individuals who were released before the effective date of the act. ***(Rep. Julie Calley)***
0044		0068	Yes	3/3/2020	3/3/2020	3/3/2020 #	***Civil procedure**; other*; court of claims statute of limitations; exempt claims under the wrongful imprisonment compensation act. ***(Sen. Paul Wojno)***
0045	4689		Yes	3/3/2020	3/3/2020	6/1/2020	***Construction**; other*; temporary door barricade devices in school buildings; allow, and provide standards. ***(Rep. Scott VanSingel)***
0046	4203		Yes	3/3/2020	3/3/2020	3/3/2020	***Sales tax**; exemptions*; exemption for prosthetic devices; modify definition. ***(Rep. Lynn Afendoulis)***
0047	4204		Yes	3/3/2020	3/3/2020	3/3/2020	***Use tax**; exemptions*; exemption for prosthetic devices; modify definition. ***(Rep. Bronna Kahle)***
0048	4862		Yes	3/3/2020	3/3/2020	6/1/2020	***Health**; emergency services*; critical incident stress management services for emergency service providers; revise to include certain health professionals and individuals employed by or under contract with a health facility or agency. ***(Rep. Douglas Wozniak)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0049		0029	Yes	3/3/2020	3/3/2020	6/1/2020	***Crimes**; penalties*; penalties for third degree and fourth degree child abuse; modify. ***(Sen. Peter J. Lucido)***
0050		0030	Yes	3/3/2020	3/3/2020	6/1/2020 #	***Criminal procedure**; sentencing guidelines*; sentencing guidelines for crimes of third degree and fourth degree child abuse; modify. ***(Sen. Peter J. Lucido)***
0051		0118	Yes	3/3/2020	3/3/2020	3/3/2020	***Vehicles**; registration plates*; blue star family registration plates; create. ***(Sen. Kevin Daley)***
0052		0693	Yes	3/3/2020	3/3/2020	3/3/2020	***Agriculture**; other*; agricultural disaster loan organization program act; update and modify. ***(Sen. Dan Lauwers)***
0053	4152		Yes	3/3/2020	3/3/2020	6/1/2020 #	***Records**; birth*; fees and procedure to obtain birth certificate; modify for certain individuals. ***(Rep. Steven Johnson)***
0054	4153		Yes	3/3/2020	3/3/2020	6/1/2020 #	***Records**; birth*; definition of certain individuals eligible for different fees and procedure to obtain birth certificate; provide for. ***(Rep. Vanessa Guerra)***
0055	5043		Yes	3/3/2020	3/3/2020	3/3/2020	***Mental health**; other*; use of mediation as a first step in dispute resolution; allow. ***(Rep. Hank Vaupel)***
0056	5044		Yes	3/3/2020	3/3/2020	3/3/2020 #	***Children**; foster care*; citation to mental health code definition; revise. ***(Rep. LaTanya Garrett)***
0057	4712		Yes	3/10/2020	3/10/2020	6/8/2020	***Crimes**; other*; possession of a trailer designed for defense or attack; repeal. ***(Rep. Steven Johnson)***
0058	4713		Yes	3/10/2020	3/10/2020	6/8/2020 #	***Criminal procedure**; sentencing guidelines*; sentencing guidelines for crimes of possession of a trailer designed for defense or attack; remove to reflect repeal. ***(Rep. Aaron Miller)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0059	5103		Yes	3/10/2020	3/10/2020	3/10/2020	***Probate**; other*; priority of appointment of a special personal representative; clarify. ***(Rep. Rodney Wakeman)***
0060	4266		Yes	3/10/2020	3/10/2020	3/10/2020 #	***Civil procedure**; defenses*; presumption in action involving certain utility easements; enact, and limit damages recoverable. ***(Rep. Triston Cole)***
0061	5266		Yes	3/10/2020	3/10/2020	3/10/2020 #	***Communications**; telecommunications*; electric cooperative member-regulated pole attachment and calculated rate agreement; provide for. ***(Rep. Triston Cole)***
0062	5174		Yes	3/17/2020	3/17/2020	3/17/2020	***Insurance**; producers*; fees allowed in the placement of a surplus line policy; modify. ***(Rep. Daire Rendon)***
0063		0253	Yes	3/17/2020	3/17/2020	3/17/2020	***Law**; contracts*; agreements, contracts, or promises required to be in writing and signed; prohibit lawsuit to enforce real estate commission agreement that is not in writing. ***(Sen. Peter J. Lucido)***
0064		0762	Yes	3/17/2020	3/17/2020	3/17/2020	***Cities**; public services*; population threshold for qualified city in the police and fire protection act; modify. ***(Sen. Ken Horn)***
0065	4171		Yes	3/27/2020	3/27/2020	3/27/2020	***Individual income tax**; retirement or pension benefits*; limitations and restrictions on retirement income deduction for a surviving spouse; clarify. ***(Rep. Julie Alexander)***
0066		0151	Yes	3/30/2020	3/30/2020	3/30/2020 +	***Appropriations**; zero budget*; supplemental appropriations; provide for fiscal year 2019-2020. ***(Sen. Jim Stamas)***
0067	4729		Yes	3/30/2020	3/30/2020	3/30/2020	***Appropriations**; zero budget*; omnibus budget appropriations; provide for fiscal year 2019-2020. ***(Rep. Shane Hernandez)***
0068	5576		Yes	4/2/2020	4/2/2020	4/2/2020 #	***Higher education**; financial aid*; Michigan reconnect grant act; create. ***(Rep. Ben Frederick)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date		SUBJECT
	HB	SB						
0069	5580		Yes	4/2/2020	4/2/2020	4/2/2020	#	***Higher education**; financial aid*; tuition incentive program; allow for certain other state aid to be last dollar. ***(Rep. Sarah Anthony)***
0070	5401		Yes	4/2/2020	4/2/2020	4/2/2020	#	***Watercraft**; traffic control*; temporary speed restrictions during high water conditions; provide for. ***(Rep. Gary Eisen)***
0071	5402		Yes	4/2/2020	4/2/2020	4/2/2020	#	***Civil procedure**; civil actions*; violations of temporary watercraft speed restrictions; classify as municipal civil infractions. ***(Rep. Gary Eisen)***
0072	5463		No	4/2/2020	4/2/2020	4/2/2020	#	***Watercraft**; traffic control*; procedure to allow local political subdivisions to apply for temporary ordinances in water control zones; provide for. ***(Rep. Jim Lilly)***
0073	4908		Yes	4/2/2020	4/2/2020	4/2/2020		***State financing and management**; bonds*; limitation on the aggregate cap on outstanding bonds; increase. ***(Rep. Karen Whitsett)***
0074	4740		Yes	4/2/2020	4/2/2020	4/2/2020		***Recreation**; local parks*; Dr. T. K. Lawless Park in Cass County; designate as dark sky preserve. ***(Rep. Aaron Miller)***
0075	4125		Yes	4/2/2020	4/2/2020	4/2/2020		***Individual income tax**; collections*; earmark for school aid fund; modify. ***(Rep. Scott VanSingel)***
0076		0415	Yes	4/2/2020	4/2/2020	4/2/2020		***Financial institutions**; credit cards*; credit card arrangements act; modify definitions and update title. ***(Sen. Aric Nesbitt)***
0077		0269	Yes	4/2/2020	4/2/2020	4/2/2020		***Individual income tax**; returns*; taxpayer protection act; provide for. ***(Sen. Erika Geiss)***
0078		0543	Yes	4/2/2020	4/2/2020	4/2/2020		***Liquor**; other*; use of secure identity verification devices to determine age of purchaser; allow. ***(Sen. Curtis S. VanderWall)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0079		0125	Yes	4/2/2020	4/2/2020	4/2/2020	***Property**; abandoned*; unclaimed property of active duty military; modify requirements for extended dormancy periods. ***(Sen. Tom Barrett)***
0080		0711	Yes	4/2/2020	4/2/2020	4/2/2020	***Liquor**; licenses*; limited production brewer license; provide for. ***(Sen. Jon C. Bumstead)***
0081		0712	Yes	4/2/2020	4/2/2020	4/2/2020	***Villages**; employees and officers*; filling of council vacancies; modify, and modify procedure for compelling attendance of absent council members. ***(Sen. Jon C. Bumstead)***
0082		0754	Yes	4/2/2020	4/2/2020	4/2/2020	***Courts**; reorganization*; reorganization of the seventy-ninth district court and number of judgeships; modify. ***(Sen. Curtis S. VanderWall)***
0083		0812	Yes	4/2/2020	4/2/2020	4/2/2020	***Employment security**; benefits*; work search requirements; modify. ***(Sen. Ken Horn)***
0084		0268	Yes	4/2/2020	4/2/2020	4/2/2020 #	***Higher education**; financial aid*; Michigan reconnect grant act; create. ***(Sen. Ken Horn)***
0085	5496		Yes	5/15/2020	5/15/2020	5/15/2020	***Environmental protection**; solid waste*; lateral expansion coal ash landfill; modify definition. ***(Rep. Gary Howell)***
0086		0350	Yes	6/11/2020	6/11/2020	6/11/2020	***Property tax**; delinquent taxes*; delinquent tax collections by villages; modify procedures. ***(Sen. Kimberly A. LaSata)***
0087		0718	Yes	6/11/2020	6/11/2020	6/11/2020	***Traffic control**; traffic regulation*; roadside drug testing for controlled substances; allow. ***(Sen. Peter MacGregor)***
0088	5766		Yes	6/11/2020	6/11/2020	6/11/2020	***Property tax**; appeals*; tax tribunal appeal deadlines; modify. ***(Rep. Roger Hauck)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0089	5164		Yes	6/16/2020	6/16/2020	9/14/2020	***Occupations**; individual licensing and registration*; boiler inspection requirements; modify. ***(Rep. Jim Lilly)***
0090		0172	Yes	6/16/2020	6/16/2020	9/14/2020	***Insurance**; insurers*; requirements for providing privacy policies to customers; modify. ***(Sen. Jim Stamas)***
0091		0306	Yes	6/16/2020	6/16/2020	6/16/2020	***Economic development**; other*; definition of assessable property in the principal shopping district act; revise. ***(Sen. Peter MacGregor)***
0092	5541		Yes	6/23/2020	6/23/2020	7/1/2021	***State**; identification cards*; designation as an individual with a communication impediment; allow in official state personal identification card and provide for law enforcement access, and make other general revisions. ***(Rep. Frank Liberati)***
0093		0278	Yes	6/23/2020	6/23/2020	7/1/2021	***Traffic control**; driver license*; designation as an individual with a communication impediment; allow in vehicle registration, and operator's and chauffeur's license, and provide for law enforcement access. ***(Sen. Tom Barrett)***
0094		0279	Yes	6/23/2020	6/23/2020	6/23/2020 #	***Traffic control**; driver license*; designation as an individual with a communication impediment; allow in enhanced driver license and official state personal identification card, and provide for law enforcement access. ***(Sen. Curtis Hertel, Jr.)***
0095	5141		Yes	6/23/2020	6/23/2020	6/23/2020	***Elections**; absent voters*; local agreements dealing with absent voter counting boards and combined absent voter counting boards; allow. ***(Rep. Julie Calley)***
0096		0940	Yes	6/24/2020	6/24/2020	6/24/2020	***Property tax**; principal residence exemption*; principal residence exemption application deadline; delay under certain circumstances related to the declared state of emergency due to the COVID-19 pandemic. ***(Sen. Roger Victory)***
0097	5412		Yes	6/24/2020	6/24/2020	6/24/2020	***Insurance**; other*; definition of telemedicine; modify in the insurance code of 1956. ***(Rep. Hank Vaupel)***
0098	5413		Yes	6/24/2020	6/24/2020	6/24/2020	***Insurance**; other*; definition of telemedicine; modify in the nonprofit health care corporation reform act. ***(Rep. Douglas Wozniak)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date		SUBJECT
	HB	SB						
0099	5414		Yes	6/24/2020	6/24/2020	6/24/2020		***Mental health**; code*; definition of telemedicine services; add in the mental health code. ***(Rep. Phil Green)***
0100	5415		Yes	6/24/2020	6/24/2020	6/24/2020		***Human services**; medical services*; Medicaid reimbursement of remote patient monitoring via telemedicine; require. ***(Rep. Frank Liberati)***
0101	5416		Yes	6/24/2020	6/24/2020	6/24/2020		***Human services**; medical services*; medical reimbursement for in-home or in-school telemedicine services; provide for. ***(Rep. Mary Whiteford)***
0102	5195		Yes	7/1/2020	7/1/2020	9/29/2020	#	***Vehicles**; registration plates*; fees for the transfer of registration plates from 1 vehicle to another; modify. ***(Rep. Jason Sheppard)***
0103	5313		Yes	7/1/2020	7/1/2020	9/29/2020	#	***Vehicles**; registration*; electric vehicle registration fees; revise. ***(Rep. Jason Sheppard)***
0104	4449		Yes	7/1/2020	7/1/2020	7/1/2020		***Insurance**; no-fault*; allowable expenses; eliminate requirement to reimburse for chiropractic services. ***(Rep. Beth Griffin)***
0105	5341		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; licenses*; provision related to brewpub license conditions; update cross-reference. ***(Rep. Pauline Wendzel)***
0106	5342		Yes	7/1/2020	7/1/2020	7/1/2020		***Liquor**; manufacturer*; allowing certain micro brewers to deliver beer to retailers; eliminate, and clarify electronic advertising procedures. ***(Rep. Pauline Wendzel)***
0107	5343		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; manufacturer*; self-distribution limit of micro brewers; increase. ***(Rep. Pauline Wendzel)***
0108	5344		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; distribution*; reference related to section about shipping and delivering alcoholic liquor; update. ***(Rep. Pauline Wendzel)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date		SUBJECT
	HB	SB						
0109	5345		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; beer*; required intervals to pay beer tax; modify, and increase production threshold for a brewer to claim a credit or refund. ***(Rep. Jason Wentworth)***
0110	5346		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; wine*; required intervals to pay wine tax; modify. ***(Rep. Jason Wentworth)***
0111	5347		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; licenses*; beer festivals special license requirements; modify. ***(Rep. Alex Garza)***
0112	5348		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; liquor control commission*; certain provisions of salesperson license accreditation program; modify. ***(Rep. Alex Garza)***
0113	5349		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; beer*; successor manufacturer or successor outstate seller of beer not assigned a brand extension; provide certain exception. ***(Rep. Matt Hall)***
0114	5350		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; wine*; successor manufacturer or successor outstate seller of wine not assigned a brand extension; provide certain exception. ***(Rep. Matt Hall)***
0115	5351		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; other*; definition of a successor to a supplier that continues in business; provide for. ***(Rep. Graham Filler)***
0116	5352		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; manufacturer*; procedure for manufacturer canceling agreement with a wholesaler; revise. ***(Rep. Graham Filler)***
0117	5353		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; beer*; requirement that beer sold in a growler have a registration number; eliminate. ***(Rep. Sara Cambensy)***
0118	5354		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; licenses*; certain labeling requirements for a brewpub; eliminate. ***(Rep. Sara Cambensy)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date		SUBJECT
	HB	SB						
0119	5355		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; manufacturer*; requirement for manufacturer or wholesaler to provide proof of valid label from United States Alcohol and Tobacco Tax and Trade Bureau; eliminate under certain circumstances. ***(Rep. Sara Cambensy)***
0120	5400		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; licenses*; cross reference to section about micro brewers selling beer to retailers; update. ***(Rep. Alex Garza)***
0121	5315		Yes	7/1/2020	7/1/2020	7/1/2020		***Liquor**; licenses*; license to serve alcohol on certain premises of Northern Michigan University; allow. ***(Rep. Sara Cambensy)***
0122		0963	Yes	7/1/2020	7/1/2020	7/1/2020		***Appropriations**; other*; presentation of general appropriations bills to the governor; revise. ***(Sen. Curtis Hertel, Jr.)***
0123		0690	Yes	7/1/2020	7/1/2020	7/1/2020		***Appropriations**; zero budget*; supplemental appropriations; provide for fiscal year 2019-2020. ***(Sen. Jim Stamas)***
0124	5781		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; permits*; on-premises licensee serving alcoholic liquor in a commons area designated by a local unit of government; allow. ***(Rep. Michael Webber)***
0125	5811		Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; licenses*; carryout sales and delivery of alcoholic liquor by an on-premises licensee; allow. ***(Rep. Sarah Anthony)***
0126		0942	Yes	7/1/2020	7/1/2020	7/1/2020	#	***Liquor**; licenses*; certain regulations relating to the sale, delivery, and purchase of alcoholic liquor by an on-premises licensee; modify. ***(Sen. Aric Nesbitt)***
0127		0876	Yes	7/1/2020	7/1/2020	7/1/2020		***Traffic control**; driver license*; extension of renewal date for certain driver licenses during a declared emergency; provide for. ***(Sen. Wayne A. Schmidt)***
0128		0877	Yes	7/1/2020	7/1/2020	7/1/2020		***State**; identification cards*; extension of renewal date for state identification cards during a declared emergency; provide for. ***(Sen. Wayne A. Schmidt)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0129		0878	Yes	7/1/2020	7/1/2020	7/1/2020	***Traffic control**; driver license*; extension of renewal date for enhanced driver licenses and enhanced state identification cards during a declared emergency; provide for. ***(Sen. Wayne A. Schmidt)***
0130	4546		Yes	7/8/2020	7/8/2020	7/8/2020	***Education**; dual enrollment*; certain dual enrollment eligibility requirements in career and technical preparation act; modify. ***(Rep. Bronna Kahle)***
0131	4547		Yes	7/8/2020	7/8/2020	7/8/2020	***Education**; dual enrollment*; certain dual enrollment eligibility requirements in postsecondary enrollment options act; modify. ***(Rep. Ben Frederick)***
0132	4389		Yes	7/8/2020	7/8/2020	7/8/2020	***Environmental protection**; hazardous products*; firefighting foam containing PFAS; require reports on use of and require department of environmental quality to accept for disposal. ***(Rep. Sue Allor)***
0133	4390		Yes	7/8/2020	7/8/2020	10/6/2020	***Law enforcement**; fire personnel*; use of firefighting foam containing certain substances; prohibit in firefighter training, and require certain training on use. ***(Rep. Jeff Yaroch)***
0134	4217		Yes	7/8/2020	7/8/2020	7/8/2020 #	***Health**; pharmaceuticals*; physician or other licensee who writes prescriptions; require to electronically transmit to pharmacy under certain circumstances. ***(Rep. Joseph Bellino)***
0135		0254	Yes	7/8/2020	7/8/2020	7/8/2020 #	***Health**; controlled substances*; requirement for opioid and benzodiazepine prescriptions to be electronically transmitted to pharmacies; provide for under certain circumstances. ***(Sen. Dale W. Zorn)***
0136		0248	Yes	7/8/2020	7/8/2020	7/8/2020 #	***Health**; pharmaceuticals*; physician or other licensee who writes prescriptions; require to electronically transmit to pharmacy under certain circumstances. ***(Sen. Ruth A. Johnson)***
0137		0850	Yes	7/8/2020	7/8/2020	7/8/2020	***Agriculture**; industrial hemp*; regulations for growing industrial hemp; create. ***(Sen. Dan Lauwers)***
0138		0696	Yes	7/8/2020	7/8/2020	10/6/2020	***Occupations**; mortuary science*; waiver to manage more than 1 funeral establishment; allow under certain circumstances. ***(Sen. Rick Outman)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0139		0585	Yes	7/8/2020	7/8/2020	7/8/2020	***Highways**; memorial*; portion of US-31; designate as the "PFC Brett Witteveen Memorial Highway". ***(Sen. Jon C. Bumstead)***
0140		0517	Yes	7/8/2020	7/8/2020	7/8/2020	***Highways**; bridges*; feasibility study on tolling of certain highways; provide for. ***(Sen. John Bizon, M.D.)***
0141		0173	Yes	7/8/2020	7/8/2020	10/6/2020	***Vehicles**; wreckers*; incentives for or from local governments for wrecker, recovery, or towing services; prohibit. ***(Sen. Jim Stamas)***
0142		0630	Yes	7/13/2020	7/14/2020	7/14/2020	***Health**; pharmaceuticals*; wholesale distributor-broker license; create. ***(Sen. John Bizon, M.D.)***
0143	4391		Yes	7/31/2020	7/31/2020	7/31/2020	***Labor**; health and safety*; firefighting foam concentrate containing PFAS; require promulgation of rules regarding firefighters' use of. ***(Rep. Jeff Yaroch)***
0144	5265		Yes	7/31/2020	7/31/2020	7/31/2020	***Appropriations**; zero budget*; supplemental appropriations; provide for fiscal year 2019-2020. ***(Rep. Shane Hernandez)***
0145		0145	Yes	7/31/2020	7/31/2020	7/31/2020	***Appropriations**; natural resources*; trust fund projects; provide for fiscal year 2020-2021. ***(Sen. Jon C. Bumstead)***
0146		0373	Yes	7/31/2020	7/31/2020	7/31/2020	***Appropriations**; school aid*; fiscal year 2019-2020 omnibus appropriations for school aid, higher education, and community colleges; provide for. ***(Sen. Jim Stamas)***
0147	5911		Yes	8/20/2020	8/20/2020	8/20/2020 #	***Education**; other*; certain requirements concerning virtual courses; modify. ***(Rep. Gregory Markkanen)***
0148	5912		Yes	8/20/2020	8/20/2020	8/20/2020 #	***Education**; other*; certain requirements concerning required hours and days of pupil instruction; modify. ***(Rep. Andrea Schroeder)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0149	5913		Yes	8/20/2020	8/20/2020	8/20/2020 #	***Education**; attendance*; certain provisions concerning pupil membership and attendance; modify and add certain requirements concerning benchmark assessments. ***(Rep. Annette Glenn)***
0150		0745	Yes	9/8/2020	9/8/2020	9/8/2020	***Appropriations**; zero budget*; supplemental appropriations; provide for fiscal year 2019-2020. ***(Sen. Jim Stamas)***
0151	5488		Yes	9/17/2020	9/17/2020	9/17/2020	***Criminal procedure**; sentencing*; certain permissible costs; extend sunset. ***(Rep. Sarah Lightner)***
0152	4965		Yes	9/17/2020	9/17/2020	9/17/2020	***Transportation**; funds*; allocations for certain county road commission expenditures; modify. ***(Rep. Rodney Wakeman)***
0153	4966		Yes	9/17/2020	9/17/2020	9/17/2020	***Transportation**; funds*; return of distribution to city and village managers; modify. ***(Rep. Andrea Schroeder)***
0154	5502		Yes	9/17/2020	9/17/2020	9/17/2020 #	***Fire**; other*; use of lock block devices on classroom doors and certain types of door locks; allow. ***(Rep. Scott VanSingel)***
0155	5503		Yes	9/17/2020	9/17/2020	9/17/2020 #	***Construction**; fire safety*; use of lock block devices on classroom doors and certain types of door locks; allow. ***(Rep. Scott VanSingel)***
0156		0473	Yes	9/17/2020	9/17/2020	9/17/2020	***Education**; financing*; calculation of number of mills to be levied for school operating purposes; update to reflect change in terminology to target foundation allowance. ***(Sen. Wayne A. Schmidt)***
0157		0475	Yes	9/17/2020	9/17/2020	9/17/2020	***School aid**; foundation allowance*; reference to basic foundation allowance in revenue estimating conference; change to target foundation allowance. ***(Sen. Wayne A. Schmidt)***
0158		0171	Yes	9/17/2020	9/17/2020	9/17/2020	***Education**; graduation requirements*; certain requirements for high school diploma; modify. ***(Sen. Jim Stamas)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0159		0595	Yes	9/17/2020	9/17/2020	9/17/2020	***Property**; conveyances*; restrictions on use of previously conveyed state-owned property in Grand Traverse County; revise. ***(Sen. Wayne A. Schmidt)***
0160		0799	Yes	9/17/2020	9/17/2020	9/17/2020	***Property**; conveyances*; property in Gogebic County previously conveyed to the county road commission; provide for reconveyance to Watersmeet Township. ***(Sen. Ed McBroom)***
0161	4228		Yes	9/17/2020	9/17/2020	9/17/2020	***Highways**; memorial*; portion of US-41; designate as the "Samuel R. Costello Memorial Highway". ***(Rep. Beau LaFave)***
0162	4577		Yes	9/17/2020	9/17/2020	9/17/2020	***Highways**; memorial*; portion of M-52; designate as the "Michigan Desert Storm Veterans Memorial Highway". ***(Rep. Ben Frederick)***
0163	5134		Yes	9/17/2020	9/17/2020	9/17/2020	***Trade**; business regulation*; age limit for amusement park ride operators; provide. ***(Rep. Greg VanWoerkom)***
0164	4971		Yes	9/17/2020	9/17/2020	9/17/2020	***Transportation**; funds*; engineering study for certain local road agencies to increase capacity; provide for. ***(Rep. Julie Alexander)***
0165		0927	Yes	9/30/2020	9/30/2020	9/30/2020	***Appropriations**; school aid*; fiscal year 2020-2021 omnibus appropriations for school aid, higher education, and community colleges; provide for. ***(Sen. Jim Stamas)***
0166	5396		Yes	9/30/2020	9/30/2020	9/30/2020	***Appropriations**; omnibus*; appropriations for fiscal year 2020-2021; provide for. ***(Rep. Shane Hernandez)***
0167	6118		Yes	9/30/2020	9/30/2020	9/30/2020	***Elections**; presidential primary*; deadline to submit verified account of actual costs of conducting a presidential primary election; extend for March 2020 presidential primary election. ***(Rep. Roger Hauck)***
0168	6116		Yes	10/1/2020	10/1/2020	10/1/2020	***Property tax**; other*; fund shift for the land reutilization fund; provide for. ***(Rep. Sarah Lightner)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0169	6117		Yes	10/1/2020	10/1/2020	10/1/2020	***Health facilities**; certificate of need*; fund shift for the certificate of need fees, and the health professions regulatory fund; provide for. ***(Rep. Mary Whiteford)***
0170	6120		Yes	10/1/2020	10/1/2020	10/1/2020	***Marihuana**; administration*; marihuana regulatory fund revenue; transfer to the general fund for the 2019-2020 fiscal year. ***(Rep. Cynthia Johnson)***
0171	6121		Yes	10/1/2020	10/1/2020	10/1/2020	***State financing and management**; funds*; fund shift for the 21st century jobs fund; provide for. ***(Rep. Abdullah Hammoud)***
0172	6122		Yes	10/1/2020	10/1/2020	10/1/2020	***Courts**; funding*; fund shift for the juror compensation reimbursement fund; provide for. ***(Rep. Lori Stone)***
0173	4831		Yes	10/1/2020	10/1/2020	10/1/2020	***State financing and management**; purchasing*; bids on certain options on certain procurement contracts; allow. ***(Rep. Sarah Lightner)***
0174	5053		Yes	10/1/2020	10/1/2020	12/30/2020	***State financing and management**; purchasing*; clawback provisions in certain state contracts; require. ***(Rep. Mark Huizenga)***
0175		0384	Yes	10/1/2020	10/1/2020	12/30/2020 #	***Crimes**; other*; certain definitions regarding the requirements for the resale of event tickets at higher or lower prices; provide for. ***(Sen. Erika Geiss)***
0176		0385	Yes	10/1/2020	10/1/2020	12/30/2020 #	***Crimes**; other*; certain requirements regarding the resale of event tickets at higher or lower prices; provide for. ***(Sen. Tom Barrett)***
0177		0757	Yes	10/6/2020	10/6/2020	10/6/2020	***Elections**; election officials*; certain city and township clerks opening absent voter ballot return envelopes on the day before election day; authorize, allow precinct election inspectors to work in shifts, require notice to electors for mismatched or missing signatures on an absent voter ballot application or return envelope, and provide requirements for absent voter ballot drop boxes. ***(Sen. Ruth A. Johnson)***
0178	5444		No	10/8/2020	10/8/2020	Pending #	***Children**; services*; kinship caregiver navigator program; create. ***(Rep. Frank Liberati)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0179	5492		Yes	10/8/2020	10/8/2020	10/8/2020	***State financing and management***; *other*; information technology services of the department of health and human services; require to be provided by the department of technology, management, and budget. ***(Rep. Abdullah Hammoud)***
0180	5493		Yes	10/8/2020	10/8/2020	10/8/2020	***State financing and management***; *audits*; quarterly report on executive branch and enterprisewide information technology projects; require the department of technology, management, and budget to provide. ***(Rep. Mary Whiteford)***
0181	5494		Yes	10/8/2020	10/8/2020	10/8/2020	***State financing and management***; *purchasing*; requirements for certain procurement contracts; modify. ***(Rep. Annette Glenn)***
0182	5495		Yes	10/8/2020	10/8/2020	10/8/2020 #	***Legislature***; *auditor general*; certain audits by the auditor general of information technology contracts and projects; provide directives. ***(Rep. Terry Sabo)***
0183	5148		Yes	10/8/2020	10/8/2020	10/8/2020	***Children***; *adoption*; persons authorized to advertise for, solicit, or recruit adoptive parents or guardians; modify. ***(Rep. Brenda Carter)***
0184	5149		Yes	10/8/2020	10/8/2020	1/6/2021	***Crimes***; *penalties*; exceptions to the prohibition of the transfer or acquisition of legal or physical custody of an individual; modify. ***(Rep. Douglas Wozniak)***
0185	5248		Yes	10/8/2020	10/8/2020	10/8/2020	***Children***; *other*; public release of redacted children's ombudsman's findings and recommendations; allow. ***(Rep. Matt Hall)***
0186	5249		Yes	10/8/2020	10/8/2020	10/8/2020	***Children***; *services*; powers and duties of the children's ombudsman; modify. ***(Rep. Andrea Schroeder)***
0187	4981		Yes	10/12/2020	10/13/2020	4/11/2021 #	***Criminal procedure***; *expunction*; Expungement of certain offenses; prohibit. ***(Rep. Pauline Wendzel)***
0188	4985		Yes	10/12/2020	10/13/2020	4/11/2021 #	***Criminal procedure***; *records*; expungement of multiple criminal offenses arising out of the same criminal transaction; allow under certain circumstances. ***(Rep. Sherry Gay-Dagnogo)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0189	5120		Yes	10/12/2020	10/13/2020	4/11/2021 #	***Criminal procedure**; expunction*; procedure for record expungement of certain marihuana offenses; provide for. ***(Rep. Isaac Robinson)***
0190	4983		Yes	10/12/2020	10/13/2020	4/11/2021 #	***Criminal procedure**; expunction*; time period after certain events applicant must wait to petition to set aside a conviction; amend. ***(Rep. Yousef Rabhi)***
0191	4984		Yes	10/12/2020	10/13/2020	4/11/2021	***Criminal procedure**; expunction*; number of felony and misdemeanor offenses that may be set aside; expand. ***(Rep. David LaGrand)***
0192	4982		Yes	10/12/2020	10/13/2020	4/11/2021 #	***Criminal procedure**; expunction*; set aside process for certain marihuana related offenses; modify. ***(Rep. Luke Meerman)***
0193	4980		Yes	10/13/2020	10/13/2020	4/11/2021 #	***Criminal procedure**; expunction*; certain convictions to be automatically set aside after 10 years under certain circumstances; provide for. ***(Rep. Eric Leutheuser)***
0194	4926		Yes	10/15/2020	10/15/2020	10/15/2020	***Property tax**; local community stabilization share*; calculation for eligible millage cap levied; modify. ***(Rep. Lynn Afendoulis)***
0195	4927		Yes	10/15/2020	10/15/2020	10/15/2020	***Property tax**; local community stabilization share*; distribution of local community stabilization share revenue; modify. ***(Rep. Hank Vaupel)***
0196	4928		Yes	10/15/2020	10/15/2020	10/15/2020	***Property tax**; local community stabilization share*; distribution of local community stabilization share revenue; modify. ***(Rep. Michael Webber)***
0197	4929		Yes	10/15/2020	10/15/2020	10/15/2020	***Property tax**; local community stabilization share*; certain calculations relating to tax increment financing plans; modify. ***(Rep. Tenisha Yancey)***
0198	4930		Yes	10/15/2020	10/15/2020	10/15/2020	***Property tax**; local community stabilization share*; certain distribution calculations; modify reporting deadlines and procedures. ***(Rep. Karen Whitsett)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0199		1066	Yes	10/15/2020	10/15/2020	10/15/2020	***State financing and management**; funds*; fund shift for the Michigan film promotion fund; provide for. ***(Sen. Jon C. Bumstead)***
0200		1067	Yes	10/15/2020	10/15/2020	10/15/2020	***Liquor**; other*; fund shift for the Michigan craft beverage council fund; provide for. ***(Sen. Curtis Hertel, Jr.)***
0201		1068	Yes	10/15/2020	10/15/2020	10/15/2020	***Environmental protection**; solid waste*; solid waste management fund and scrap tire regulatory fund revenue; transfer to the general fund for 2019-2020 fiscal year. ***(Sen. Curtis Hertel, Jr.)***
0202		1069	Yes	10/15/2020	10/15/2020	10/15/2020	***Criminal procedure**; sex offender registration*; fund shift for the sex offenders registration fund; provide for. ***(Sen. Adam J. Hollier)***
0203		1070	Yes	10/15/2020	10/15/2020	10/15/2020	***Vehicles**; other*; fund shift for the transportation economic development fund; provide for. ***(Sen. Adam J. Hollier)***
0204		1071	Yes	10/15/2020	10/15/2020	10/15/2020	***Transportation**; funds*; fund shift for the transportation economic development fund; provide for. ***(Sen. Adam J. Hollier)***
0205	6119		Yes	10/15/2020	10/15/2020	10/15/2020	***Economic development**; other*; fund shift for the convention facility development fund; provide for. ***(Rep. Cynthia Neeley)***
0206	4851		Yes	10/15/2020	10/15/2020	10/15/2020	***Property tax**; board of review*; review of denials of disabled veterans exemptions in certain circumstances; provide for. ***(Rep. Michele Hoitenga)***
0207	5490		Yes	10/15/2020	10/15/2020	10/15/2020	***Medical marihuana**; administration*; court-appointed individual to operate medical marihuana facility; allow, and require promulgation of rules to establish procedures and standards. ***(Rep. Brandt Iden)***
0208	5491		Yes	10/15/2020	10/15/2020	10/15/2020	***Marihuana**; administration*; court-appointed individual to operate marihuana establishment; allow, and require promulgation of rules to establish procedures. ***(Rep. Brandt Iden)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0209	5289		Yes	10/15/2020	10/15/2020	10/15/2020	***Records**; death*; fee for certificate of stillbirth; prohibit under certain circumstances. ***(Rep. Julie Alexander)***
0210	5336		Yes	10/15/2020	10/15/2020	10/15/2020	***Civil procedure**; remedies*; uniform commercial real estate receivership act; modify. ***(Rep. Brandt Iden)***
0211	5482		Yes	10/15/2020	10/15/2020	10/15/2020	***Health**; suicide*; suicide prevention hotline telephone number on student identification cards; require. ***(Rep. Andrea Schroeder)***
0212	5334		Yes	10/15/2020	10/15/2020	10/15/2020	***Highways**; memorial*; portion of US-10; designate as the "Cpl. Casey P. Zylman Memorial Highway". ***(Rep. Roger Hauck)***
0213		0132	Yes	10/15/2020	10/15/2020	10/15/2020	***Highways**; memorial*; portion of US-12; designate as the "Trooper Rodger M. Adams Memorial Highway". ***(Sen. Dale W. Zorn)***
0214		0435	Yes	10/15/2020	10/15/2020	10/15/2020	***Highways**; memorial*; portion of M-81; designate as the "Staff Sergeant Eugene H. E. Alex Memorial Highway". ***(Sen. Ken Horn)***
0215		0321	Yes	10/15/2020	10/15/2020	10/15/2020	***History and arts**; historic sites*; criteria for inclusion on Michigan Law Enforcement Officers Memorial; expand. ***(Sen. Kimberly A. LaSata)***
0216		0432	Yes	10/15/2020	10/15/2020	10/15/2020	***Economic development**; Michigan strategic fund*; tax exemption for entities receiving aid from the Michigan strategic fund; clarify. ***(Sen. Ken Horn)***
0217		0493	Yes	10/15/2020	10/15/2020	10/15/2020	***Economic development**; other*; commercial rehabilitation certificates; extend sunset. ***(Sen. Jim Stamas)***
0218		0494	Yes	10/15/2020	10/15/2020	10/15/2020	***Economic development**; commercial redevelopment*; commercial redevelopment exemptions; extend sunset. ***(Sen. Jim Stamas)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0219		0665	Yes	10/16/2020	10/16/2020	10/16/2020	***Liquor****; beer*; eligibility of a brewer that is not a microbrewer to operate a tasting room; limit. ***(Sen. Roger Victory)***
0220		0852	Yes	10/16/2020	10/16/2020	10/16/2020	***Agriculture****; industrial hemp*; regulations for growing industrial hemp; create. ***(Sen. Dan Lauwers)***
0221		1080	Yes	10/16/2020	10/16/2020	10/16/2020	***Natural resources****; inland lakes*; length of time that bonds may be issued against the proceeds of special assessments for a lake level project; modify. ***(Sen. Rick Outman)***
0222		1103	Yes	10/16/2020	10/16/2020	10/16/2020	***Transportation****; funds*; depositing funds from marihuana tax into Michigan transportation fund; allow. ***(Sen. Curtis Hertel, Jr.)***
0223	5602		Yes	10/16/2020	10/16/2020	10/16/2020	***Construction****; permits*; low-voltage electric fence requirements; modify. ***(Rep. Rodney Wakeman)***
0224	4288		Yes	10/16/2020	10/16/2020	10/16/2020	***Communications****; technology*; broadband funding; provide for. ***(Rep. Michele Hoitenga)***
0225	4686		Yes	10/16/2020	10/16/2020	10/16/2020	***Gaming****; casinos*; removal of name from disassociated persons list; allow. ***(Rep. Ryan Berman)***
0226	5267		Yes	10/16/2020	10/16/2020	10/16/2020	***Highways****; memorial*; portion of US-127 in Isabella County; designate as the "Lance Corporal Justin Ellsworth Memorial Highway". ***(Rep. Ryan Berman)***
0227	5194		Yes	10/16/2020	10/16/2020	10/16/2020	***Occupations****; vehicles, dealers and repair facilities*; definition of heavy-duty truck in the vehicle repair act; modify. ***(Rep. Gregory Markkanen)***
0228		1108	Yes	10/16/2020	10/16/2020	10/16/2020	***Civil rights****; open meetings*; procedures for electronic meetings of public bodies; provide for. ***(Sen. Lana Theis)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0229		0886	Yes	10/20/2020	10/20/2020	10/20/2020 #	***Employment security**; benefits*; unemployment benefits for certain employees during a declared emergency; expand. ***(Sen. Ken Horn)***
0230		0911	Yes	10/20/2020	10/20/2020	10/20/2020 #	***Retirement**; state employees*; retirants hired by the Michigan unemployment insurance agency or the Michigan occupational safety and health administration; allow under certain circumstances without forfeiting retirement benefits. ***(Sen. Ken Horn)***
0231		1094	Yes	10/22/2020	10/22/2020	10/22/2020	***Health facilities**; nursing homes*; admittance of COVID-19-positive patients to nursing homes from another facility; prohibit, and develop centralized intake facilities. ***(Sen. Peter J. Lucido)***
0232	4990		Yes	10/22/2020	10/22/2020	10/22/2020 #	***Health occupations**; health professionals*; licensing sanctions for health professionals who are nonparticipating providers and fail to provide certain disclosures or accept certain payment; establish. ***(Rep. Roger Hauck)***
0233	4991		Yes	10/22/2020	10/22/2020	10/22/2020 #	***Health occupations**; health professionals*; licensing sanctions for health professionals who are nonparticipating providers and fail to provide certain disclosures or accept certain payment; establish. ***(Rep. Frank Liberati)***
0234	4459		Yes	10/22/2020	10/22/2020	10/22/2020 #	***Health**; other*; charges by nonparticipating providers; regulate. ***(Rep. Roger Hauck)***
0235	4460		Yes	10/22/2020	10/22/2020	10/22/2020 #	***Health**; other*; charges by nonparticipating providers; regulate. ***(Rep. Frank Liberati)***
0236	6030		Yes	10/22/2020	10/22/2020	10/22/2020 #	***Torts**; defenses*; COVID-19 emergency; provide protection from liability to certain persons. ***(Rep. Thomas Albert)***
0237	6031		Yes	10/22/2020	10/22/2020	10/22/2020 #	***Labor**; health and safety*; protection from liability related to an employee's exposure to COVID-19; provide to employers who comply with certain requirements. ***(Rep. Tommy Brann)***
0238	6032		Yes	10/22/2020	10/22/2020	10/22/2020 #	***Labor**; fair employment practices*; employer taking adverse employment action against an employee who is absent from work because of COVID-19; prohibit. ***(Rep. Graham Filler)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0239	6101		Yes	10/22/2020	10/22/2020	10/22/2020 #	***Labor**; health and safety*; protection from liability related to an employee's exposure to COVID-19; provide for a definition of COVID-19. ***(Rep. Wendell Byrd)***
0240	6159		Yes	10/22/2020	10/22/2020	10/22/2020	***Torts**; liability*; pandemic health care immunity act; create. ***(Rep. Roger Hauck)***
0241	6192		Yes	10/22/2020	10/22/2020	10/28/2020 #	***Traffic control**; driver license*; Traffic control; driver license; extension of renewal date for certain driver licenses and vehicle registrations; provide for. ***(Rep. Jack O'Malley)***
0242	5756		Yes	10/28/2020	10/28/2020	10/28/2020 #	***State**; identification cards*; extension of renewal date for state identification cards during a declared emergency; provide for. ***(Rep. Mike Mueller)***
0243	5757		Yes	10/28/2020	10/28/2020	10/28/2020 #	***Traffic control**; driver license*; extension of renewal date for enhanced driver licenses and enhanced state identification cards during a declared emergency; provide for. ***(Rep. Mike Mueller)***
0244	6137		Yes	11/5/2020	11/5/2020	11/5/2020 #	***Health facilities**; nursing homes*; additional requirements for certain homes for the aged and nursing homes dedicated as CARE facilities and residents who test positive for coronavirus; provide for. ***(Rep. Leslie Love)***
0245	6293		Yes	11/5/2020	11/5/2020	11/5/2020	***Health occupations**; health professionals*; COVID-19 testing services; allow certain licensees to administer under certain circumstances. ***(Rep. Graham Filler)***
0246	6294		Yes	11/5/2020	11/5/2020	11/5/2020	***Probate**; other*; electronically signing and witnessing certain documents; allow under certain conditions, and allow required visitations to take place electronically. ***(Rep. Sarah Lightner)***
0247	6295		Yes	11/5/2020	11/5/2020	11/5/2020	***Records**; other*; use of electronic records and signatures; modify. ***(Rep. Sarah Lightner)***
0248	6296		Yes	11/5/2020	11/5/2020	11/5/2020 #	***Property**; recording*; procedures under the uniform real property electronic recording act; revise to deal with the COVID-19 emergency. ***(Rep. Sarah Lightner)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0249	6297		Yes	11/5/2020	11/5/2020	11/5/2020	***Occupations**; notaries public*; a notary to utilize 2-way real-time audiovisual technology for notarial acts in certain circumstances; allow. ***(Rep. Sarah Lightner)***
Veto		0294	No	No		2/4/2020	***Construction**; other*; heating requirements for a building used as a viewing area for outdoor sporting activities; exempt. ***(Sen. Dale W. Zorn)***
Veto		0858	No	No		5/4/2020	***State financing and management**; other*; duration of executive orders, proclamations, and directives; modify. ***(Sen. Tom Barrett)***
Veto		0686	No	No		7/8/2020	***Public employees and officers**; other*; state agency or department disciplining an employee for communicating with a legislator; prohibit unless the communication is prohibited. ***(Sen. Tom Barrett)***
Veto		0935	No	No		7/8/2020	***Use tax**; collections*; collection of use tax for certain businesses affected by a declared emergency; delay. ***(Sen. Kevin Daley)***
Veto		0936	No	No		7/8/2020	***Sales tax**; collections*; collection of sales tax for certain businesses affected by a declared emergency; delay. ***(Sen. Jim Runestad)***
Veto		0937	No	No		7/8/2020	***Individual income tax**; withholding requirements*; remittance of withholding tax payments during state of emergency; ***(Sen. Curtis S. VanderWall)***
Veto	5761		No	No		7/8/2020	***Property tax**; payment and collection*; property tax deadlines that fall during a declared state of emergency; extend. ***(Rep. James Lower)***
Veto	5810		No	No		7/8/2020	***Property tax**; payment and collection*; summer 2020 property taxes; extend payment deadline and provide for early ***(Rep. James Lower)***
Veto		0956	No	No		7/31/2020	***Health facilities**; nursing homes*; admittance of COVID-19 positive patients to nursing homes from another facility; prohibit, and develop centralized intake facilities. ***(Sen. Peter J. Lucidol)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
Veto		0899	No	No		8/10/2020	***Health occupations:;*** *health professionals*; immunity from civil or criminal liability during a declared emergency; provide for certain health care workers. ***(Sen. Michael D. MacDonald)***
Veto	5443		No	No		10/8/2020	***Children;*** *services*; kinship caregiver advisory council; create. ***(Rep. Kathy Crawford)***
Veto	4332		No	No		10/15/2020	***Natural resources;*** *funds*; use of pneumatic airbows in certain hunting seasons; allow. ***(Rep. Beau LaFave)***
Veto	5339		No	No		10/15/2020	***State financing and management;*** *escheats*; access to certain unclaimed property account information and distribution of certain unclaimed property to locators; modify. ***(Rep. Michael Webber)***
Veto	5340		No	No		10/15/2020	***State financing and management;*** *escheats*; contracts with certain locators; modify. ***(Rep. Wendell Byrd)***
Veto	4476		No	No		10/28/2020	***Transportation;*** *funds*; funding formula; modify. ***(Rep. Gary Eisen)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.