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R 336.2607
Source: 1980 AACS.

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R 336.2701
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R 336.2801
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DEPARTMENT OF ENVIRONMENTAL QUALITY

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DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

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R 338.497 Rescinded.

History: 1981 AACS; 2013 AACS; 2014 MR 20, Eff. Oct. 24, 2014.

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

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DIRECTOR'S OFFICE

MECHANICAL RULES LICENSE EXAMINATION PROCEDURES

R 338.901 Definitions.

Rule 901. (1) The terms defined in the Forbes mechanical contractors act, 1984 PA 192, MCL 338.971 to 338.988, have the same meaning when used in these rules.

(2) "Act" means 1984 PA 192, MCL 338.971 to 338.988 and known as the Forbes mechanical contractors act when used in these rules.

History: 1986 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

Editor's note: Former R 338.901 to R 338.914, pertaining to the state plumbing code, were rescinded by R 408.30709, effective May 19, 1975.

R 338.902 Applications; form; fee; grounds for denial of application and forfeiture of fee.

Rule 902. (1) An applicant for examination shall submit, to the department, application on the form prepared and furnished by the department.

(2) An application shall be accompanied by the examination fee prescribed in the act.

(3) The department shall return an incomplete application to the applicant for completion and the applicant must resubmit the application to the department within 15 business days after the date of the department's request.

(4) Failure to comply with subrule (3) of this rule is grounds for denial of the application and forfeiture of the examination fee.

History: 1986 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

Editor's note: Former R 338.901 to R 338.914, pertaining to the state plumbing code, were rescinded by R 408.30709, effective May 19, 1975.

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R 338.903 Examination qualifications.

Rule 903. (1) To qualify for examination, the applicant shall furnish on the application a notarized statement or statements from present or former employers to the effect that the applicant has a minimum of 3 years of experience totaling at least 6,000 hours in performance of 1 or more of the work classifications in the act. The notarized statement shall show a detailed and specific description of the type of work performed and the length of time work was performed.

(2) When evidence is produced that an applicant is a graduate of a recognized trade school, credit shall be given the applicant, but such credit shall not exceed 1 year or 2,000 hours of the required 3 years of experience.

(3) If the applicant is unable to comply with any of the requirements in subrules (1) and (2) of this rule, he or she shall, upon written request, appear before a representative of the department and a quorum of the board to present evidence as to his or her eligibility for examination. The board shall then determine if the individual may sit for the examination.

(4) An applicant shall be of good moral character as defined in the occupational license for former offenders act, 1974 PA 381, MCL 338.41 to 338.47.

(5) The department may investigate any applicant as to character and experience.

(6) The department may approve or deny an application for examination based upon the requisites established by the act and these rules.

(7) Upon the acceptance, or rejection, of an application the department shall immediately notify the applicant. If an application is rejected, the examination fee shall not be refunded.

History: 1986 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

Editor's note: Former R 338.901 to R 338.914, pertaining to the state plumbing code, were rescinded by R 408.30709, effective May 19, 1975.

R 338.904 Acceptance of applications.

Rule 904. An application shall not be accepted, and an admission card shall not be issued, for a scheduled examination unless the completed application has been accepted, approved, and placed on file with the department for not less than 20 business days before the date of the next scheduled examination.

History: 1986 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

Editor's note: Former R 338.901 to R 338.914, pertaining to the state plumbing code, were rescinded by R 408.30709, effective May 19, 1975.

R 338.905 Time of examinations.

Rule 905. The department shall conduct an examination at least once each calendar quarter at a time and place designated by the department.

History: 1986 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

Editor's note: Former R 338.901 to R 338.914, pertaining to the state plumbing code, were rescinded by R 408.30709, effective May 19, 1975.

R 338.906 Failure to appear for examination.

Rule 906. The department shall not reissue an admission card unless the applicant provides a written explanation of his or her absence from the scheduled examination to the department within 10 business days following the scheduled examination. Unless the explanation is accepted and approved by the department, the application shall be denied and the examination fee shall be forfeited.

History: 1986 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

Editor's note: Former R 338.901 to R 338.914, pertaining to the state plumbing code, were rescinded by R 408.30709, effective May 19, 1975.

R 338.907 Examinations; notice; identification.

Rule 907. (1) Notice of the time, place, and date of the examination shall be provided by the department to those applicants whose applications have been approved

(2) An applicant appearing for examination shall present the admission card issued by the department and a current government-issued photo identification.

History: 1986 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

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Editor's note: Former R 338.901 to R 338.914, pertaining to the state plumbing code, were rescinded by R 408.30709, effective May 19, 1975.

R 338.908 Review and approval of form and content of examination; scope of examinations; minimum grade for qualification for license for work classification.

Rule 908. (1) The examination shall consist of a written test on the law, which shall cover knowledge of the act and the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531, and for each work classification for which the applicant qualifies based upon experience provided.

(2) An examination shall cover the general theories and practices of the specific work classification, knowledge of the code, and applicable laws.

(3) To qualify for a license for any classification, an applicant must receive a minimum grade of 70% on the examination for the law portion and for the work classification for which licensure is being sought.

History: 1986 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

Editor's note: Former R 338.901 to R 338.914, pertaining to the state plumbing code, were rescinded by R 408.30709, effective May 19, 1975.

R 338.909 Notification of results of examination.

Rule 909. An applicant shall be notified of the results of an examination within 30 business days after completing the examination. A license shall be issued pursuant to R 338.911 within 10 business days after receipt of the license application and fee.

History: 1986 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

Editor's note: Former R 338.901 to R 338.914, pertaining to the state plumbing code, were rescinded by R 408.30709, effective May 19, 1975.

R 338.910 Rescinded.

History: 1986 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

Editor's note: Former R 338.901 to R 338.914, pertaining to the state plumbing code, were rescinded by R 408.30709, effective May 19, 1975.

R 338.911 Licenses; issuance.

Rule 911. The department shall issue a license only after an applicant has successfully completed all requirements of the act and these rules, including the receiving of the minimum passing grade on the law portion and work classifications to be covered by the license portion of the examination, and paid the license fee prescribed in the act.

History: 1986 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

Editor's note: Former R 338.901 to R 338.914, pertaining to the state plumbing code, were rescinded by R 408.30709, effective May 19, 1975.

R 338.912 Rescinded.

History: 1986 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

Editor's note: Former R 338.901 to R 338.914, pertaining to the state plumbing code, were rescinded by R 408.30709, effective May 19, 1975.

R 338.913 Rescinded.

History: 1986 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

Editor's note: Former R 338.901 to R 338.914, pertaining to the state plumbing code, were rescinded by R 408.30709, effective May 19, 1975.

R 338.914 Rescinded.

History: 1986 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

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Editor's note: Former R 338.901 to R 338.914, pertaining to the state plumbing code, were rescinded by R 408.30709, effective May 19, 1975.

PLUMBING—LICENSES

R 338.921 Examination; qualifications.

Rule 1. Any person who is 18 years of age or over and who possesses the necessary qualifications may apply for examination for a journey plumber's license. Any person who is 18 years of age or over, who possesses the necessary qualifications, and who can read and write English may apply for examination for a master plumber's license.

History: 1954 AC; 1979 AC; 1985 AACCS; 2014 MR 3, Eff. Feb. 4, 2014.

R 338.921a Definitions.

Rule 1a. The terms defined in the state plumbing act, 2002 PA 733, MCL 338.3511 to 338.3569, have the same meaning when used in these rules.

History: 2014 MR 3, Eff. Feb. 4, 2014.

R 338.922 Application for journey plumber, master plumber, and plumbing contractor examinations.

Rule 2. Application for examination for a journey plumber's license, a master plumber's license, or a plumbing contractor's license shall be made with a proper application which shall be furnished by the department. The application for examination shall be made to the department and shall be accompanied with the fee prescribed in the state plumbing act.

History: 1954 AC; 1979 AC; 1985 AACCS; 2014 MR 3, Eff. Feb. 4, 2014.

R 338.923 Qualification of applicants for journey plumber's examination.

Rule 3. (1) To qualify for examination for a journey plumber's license, an applicant shall furnish, either on or with his or her application, a notarized statement from his or her present or former employers and master plumber to the effect that he or she has at least 6,000 hours of experience gained over a period of not less than 3 years as a registered apprentice in the practical installation of plumbing under the supervision of a master plumber.

(2) When evidence is produced to the effect that an applicant is a graduate of a recognized trade school, proper credit will be given the applicant, but such credit shall not exceed 2,000 hours of the required 6,000 hours of practical experience as a registered apprentice.

(3) If an applicant is unable to conform to any of the requirements in subrules (1) and (2) of this rule, he or she may, upon written request, appear before a quorum of the state plumbing board to present evidence as to his or her eligibility for examination.

(4) A person who is licensed as a journey plumber in another state or country shall appear before a quorum of the state plumbing board to present evidence as to his or her possession of a journey plumber license and the licensing requirements from the licensing state or country. The state plumbing board shall then determine if the individual will be allowed to take the Michigan journey plumber examination.

History: 1954 AC; 1979 AC; 1985 AACCS; 2014 MR 3, Eff. Feb. 4, 2014.

R 338.924 Qualifications of applicants for master plumber's examination.

Rule 4. (1) To qualify for examination for a master plumber's license, an applicant shall be on record with the department as having gained 4,000 hours of experience as a licensed journey plumber over a period of not less than 2 years immediately preceding the date of his or her application.

(2) If an applicant is unable to conform to the requirements of subrule (1) of this rule, he or she may, upon written request, appear before a quorum of the state plumbing board to present evidence as to his or her eligibility for examination.

(3) A person who is licensed as a master plumber or equivalent in another state or country shall appear before a quorum of the state plumbing board to present evidence as to his or her possession of a master plumber license or equivalent and licensing requirements from the licensing state or country. The state plumbing board shall then determine if the individual will be allowed to take the Michigan master plumber examination.

History: 1954 AC; 1979 AC; 1985 AACCS; 2014 MR 3, Eff. Feb. 4, 2014.

R 338.924a Qualification of applicants for plumbing contractor examination.

Rule 4a. (1) To qualify for examination for a plumbing contractor license, the applicant shall provide his or her residence address, business address, or employment information for the past 5 years, and conviction history information on a form provided by the department with the appropriate nonrefundable examination fee.

History: 2014 MR 3, Eff. Feb. 4, 2014.

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R 338.924b Contractors proof of ownership.

Rule 4b. (1) To qualify for licensure as a plumbing contractor, an applicant shall provide the address of the principal place of business and proof that he or she is an owner or officer of the business.

(2) An applicant shall furnish documentation as determined acceptable by the department to verify the applicant's current business structure. Documentation includes, but are not limited to, the following:

(a) For an application for a sole proprietor using an assumed name, a copy of the current filed certificate of persons conducting business under an assumed name issued by the county clerk or a notarized letter stating the applicant is a sole proprietor with the exact business name.

(b) For an application for a partnership, a copy of the current filed certificate of limited partnership issued by the department or a copy of the current filed certificate of general partnership issued by the county clerk.

(c) For an application for a limited liability company, a copy of the filed articles of organization, certificate of assumed name, if applicable, and current notarized operating agreement signed by each officer.

(d) For an application for a corporation, a copy of the filed articles of incorporation, certificate of assumed name, if applicable, and current certificate of good standing.

(e) For a foreign company, a copy of the registration to transact business in this state.

(3) An applicant shall provide any other documentation requested by the department to determine the applicant's business structure and current authorization to do business in this state.

History: 2014 MR 3, Eff. Feb. 4, 2014.

R 338.925 Investigation of applicants.

Rule 5. (1) The character, experience, and fitness of the applicants shall also be taken into consideration. The board and department may investigate any applicant, or application filed, and approve or disapprove the same.

(2) Upon the acceptance, or rejection, of an application the department shall immediately notify the applicant at the address given in the application. If an application is rejected, the examination fee shall not be refunded.

History: 1954 AC; 1979 AC; 2014 MR 3, Eff. Feb. 4, 2014.

R 338.926 Code update courses; instructors' standards.

Rule 6. (1) The board shall approve the instructor-provided code update course that is in compliance with the requirements of the act and these rules.

(2) The course for master and journey licensees shall be of sufficient contact hours to address the design items established by the board in consideration of the number of code item changes or updates.

(3) A certificate of completion shall be issued by a course provider to a person who has successfully completed the code update class by required attendance. The certificate shall contain all of the following information:

(a) A course approval number granted by the department.

(b) The name and address of the person, school, organization, or company who sponsors or administers the course.

(c) The date the certificate was issued.

(d) The student's name and address.

(e) The instructor's signature certifying that the applicant completed the course as described in subrule (2) of this rule.

History: 1954 AC; 1979 AC; 1985 AACCS; 2014 MR 3, Eff. Feb. 4, 2014.

R 338.927 Submission process and approval of code update course and instructor.

Rule 7. (1) A provider of a code update course shall apply for approval by submitting information on an application provided by the department.

(2) An application shall contain all of the following information:

(a) The name and address of the applicant.

(b) The name of the instructor and his or her license number where applicable.

(c) A copy of the items established by the board from the department's program outline.

(3) Approval of the course shall be provided by the department through its licensing software system.

(4) The department may withdraw the approval of a course if the approval was issued in error, if the approval was issued on the basis of incorrect information, or if the course is found to be in violation of these rules. Notice of withdrawal of approval shall be in writing and shall state the reason for the withdrawal of approval. An appeal of the withdrawal shall be processed pursuant to the provision of the administrative procedures act, 1969 PA 306, MCL 24.201 to 24.328.

History: 1954 AC; 1979 AC; 1985 AACCS; 2014 MR 3, Eff. Feb. 4, 2014.

R 338.928 Notice of examination.

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Rule 8. Notice of the date, time, and place of examination shall be provided by the department. This notice shall instruct the applicant as to the tools and materials which the applicant is required to furnish. It shall also include an admission notice which shall be presented to the examiners, by the applicant, at the time and place of the scheduled examination designated in the admission notice. The applicant shall present current picture identification, such as a driver's license, to the examiners at the time of the examination.

History: 1954 AC; 1979 AC; 1985 AACCS; 2014 MR 3, Eff. Feb. 4, 2014.

R 338.929 Failure to appear for examination.

Rule 9. If an applicant fails to appear for the examination designated in the admission notice and fails to make a satisfactory explanation for his or her absence to the department within 10 calendar days following the scheduled examination, his or her application shall be cancelled and the examination fee forfeited.

History: 1954 AC; 1979 AC; 1985 AACCS; 2014 MR 3, Eff. Feb. 4, 2014.

R 338.930 Scope of examination.

Rule 10. (1) The examinations of all applicants for licenses shall be conducted by the department and state plumbing board.

(2) The examination of an applicant for the plumbing contractor license shall consist of oral and written tests, but not be limited to questions designed to test an individual's knowledge of the state plumbing act, 2002 PA 733, MCL 338.3511 to 338.3569, the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531, and the administration and enforcement requirements of the Michigan plumbing code.

(3) The examination of an applicant for the master plumber's license shall consist of oral, written, and practical tests, as well as the interpretation of charts, material takeoffs, and blueprints. The written test shall cover the general theory and practice of plumbing, knowledge of the Michigan plumbing code, knowledge of the state's laws governing plumbers and plumbing, and other matters pertaining to the best interests of the general public through the practice of plumbing. The practical test shall cover an applicant's ability to perform the mechanical work connected with the plumbing trade as the board considers necessary.

(4) The examination of an applicant for the journey plumber's license shall consist of oral, written, and practical tests. The written test shall cover the general theory and practice of plumbing, knowledge of the Michigan plumbing code, state's laws governing plumbers and plumbing, and other matters pertaining to the best interests of the general public through the practice of plumbing. The practical test shall cover an applicant's ability to perform the mechanical work connected with the plumbing trade as the board considers necessary, such as the interpretation of charts and piping projects.

(5) To qualify for a license, an applicant shall be required to receive a minimum grade of 70% in each part of the examination. Failure to achieve a minimum grade of 70% on each part of the examination shall result in an applicant having to retake the entire examination.

History: 1954 AC; 1979 AC; 1985 AACCS; 2014 MR 3, Eff. Feb. 4, 2014.

R 338.931 Reexamination.

Rule 11. If an applicant for a contractor, master, or journey plumber's license does not receive a passing grade, his or her application shall be cancelled and fees forfeited. An applicant who fails to pass his or her examination for a license as a plumbing contractor, master plumber, or journey plumber may apply for reexamination.

History: 1954 AC; 1979 AC; 1985 AACCS; 2014 MR 3, Eff. Feb. 4, 2014.

R 338.931a License expiration.

Rule 11a. A journey plumber license, apprentice registration, and plumbing affidavit shall expire on April 30 each year. A plumbing contractor license and a master plumber license shall expire on a 3-year-cycle on April 30.

History: 2014 MR 3, Eff. Feb. 4, 2014.

R 338.931b Complaint timeline.

Rule 11b. (1) A complaint filed under the state plumbing act must be received by the department within 18 months of the date the plumbing work was performed or contracted to be performed.

(2) A complaint shall be submitted in writing on a form specified by the department.

(3) The department may dismiss a complaint on its own motion if it determines that the complaint has been resolved, settled, is without merit, or that there is insufficient evidence of a violation of the act.

History: 2014 MR 3, Eff. Feb. 4, 2014.

R 338.932 Rescission.

Rule 12. The rules entitled "Rules Governing Examinations--Competency of

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Plumbers," appearing on pages 498 and 499 of the 1944 Michigan Administrative Code, are rescinded.
History: 1954 AC; 1979 AC.

REFUND OF FEES

R 338.941 Rescinded.

History: 1980 AACS; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.942 Rescinded.

History: 1980 AACS; 1981 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.943 Rescinded.

History: 1980 AACS; 1981 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.944 Rescinded.

History: 1980 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

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

R 338.951

Source: 2007 AACS.

R 338.952

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- R 338.1005c**
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- R 338.1005d**
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- R 338.1006a**
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STATE BOARD OF PHYSICAL THERAPY REGISTRATION
GENERAL RULES

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DIRECTOR'S OFFICE
PHYSICAL THERAPY

PART 3. ADMINISTRATIVE HEARINGS

R 338.1161
Source: 1997 AACS.

R 338.1162
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R 338.1184

Source: 1997 AACS.

R 338.1185

Source: 1997 AACS.

OCCUPATIONAL THERAPISTS

R 338.1191 Rescinded.

History: 1993 AACS; 2014 MR 11, Eff. June 11, 2014.

R 338.1192 Rescinded.

History: 1993 AACS; 2014 MR 11, Eff. June 11, 2014.

R 338.1194 Rescinded.

History: 1993 AACS; 1997 AACS; 2014 MR 11, Eff. June 11, 2014.

R 338.1196 Rescinded.

History: 1993 AACS; 1997 AACS; 2014 MR 11, Eff. June 11, 2014.

R 338.1197 Rescinded.

History: 1997 AACS; 2014 MR 11, Eff. June 11, 2014.

R 338.1197a Rescinded.

History: 1997 AACS; 2014 MR 11, Eff. June 11, 2014.

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R 338.1198 Rescinded.

History: 1993 AACCS; 2014 MR 11, Eff. June 11, 2014.

R 338.1200 Rescinded.

History: 1993 AACCS; 2014 MR 11, Eff. June 11, 2014.

PART 1. DEFINITIONS

R 338.1211 Definitions.

Rule 11. As used in these rules:

- (a) "Board" means the board of occupational therapists.
- (b) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211.
- (c) "Department" means the department of licensing and regulatory affairs.
- (d) "Occupational therapist" means an individual who holds a current license to practice as an occupational therapist, under section 18301(1)(b) of the code.
- (e) "Occupational therapy assistant" means an individual who holds a current license to practice as an occupational therapy assistant and delivers occupational therapy services under the supervision of and in partnership with an occupational therapist, under sections 16215 and 18301(1)(a) of the code.

History: 2014 MR 11, Eff. June 11, 2014.

PART 2. GENERAL PROVISIONS

R 338.1212 Prohibited conduct.

Rule 12. Prohibited conduct includes, but is not limited to, the following acts or omissions by an individual covered by these rules:

- (a) Practicing outside of the boundaries of professional competence, based on education, training, and experience.
- (b) Engaging in harassment or unfair discrimination based on age, gender, gender identity, race, ethnicity, national origin, religion, sexual orientation, disability, or any basis proscribed by law.
- (c) Refusing to provide professional service based on age, gender identity, race, ethnicity, national origin, religion, sexual orientation, disability, or any basis proscribed by law.
- (d) Willful or negligent failure to provide or arrange for provision of continuity of necessary therapeutic service; including but not exclusive to collaboration between the occupational therapist and occupational therapy assistant, patient and caregiver, and community.
- (e) Involvement in a conflict of interest that interferes with the exercise of professional discretion or makes the client's interests secondary.
- (f) Taking on a professional role when a personal, scientific, legal, financial, or other relationship could impair the exercise of professional discretion or make the interests of a patient, client, or student secondary to those of the licensee.
- (g) Being involved in a dual or multiple relationship with a current or former patient or client or a member of the individual's immediate family or a student, when there is a risk of harm to, or exploitation of, the patient, client or student. As used in this rule, "dual or multiple relationship" means a relationship in which a licensee is in a professional role with an individual and 1 or more of the following occurs at the same time:
 - (i) The licensee exploits any current or former professional relationship to further the licensee's personal, religious, political, business or financial interests, including inducing a patient, client, or student to solicit business on behalf of the licensee.
 - (ii) The licensee solicits or engages in a sexual relationship with a current patient, client or student.
 - (iii) The licensee solicits or engages in a sexual relationship with an individual, other than a consenting adult, to whom the licensee is delegating the performance of limited assessments, tasks, or interventions in the treatment of a patient or client.

History: 2014 MR 11, Eff. June 11, 2014.

R 338.1213 English language requirement.

Rule 13. An applicant whose occupational therapist or occupational therapy assistant educational program was taught in a language other than English shall meet the requirements of the code and these rules and shall demonstrate a working knowledge of the English language. To demonstrate a working knowledge of the English language, an applicant shall establish that 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:

- (i) Not less than 21 on the reading section.

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- (ii) Not less than 18 on the listening section.
 - (iii) Not less than 26 on the speaking section.
 - (iv) Not less than 24 on the writing section.
- History: 2014 MR 11, Eff. June 11, 2014.

PART 3. OCCUPATIONAL THERAPISTS

R 338.1221 License required; use of words, titles, or letters.

Rule 21. Under section 18303 of the code, a person shall not use the following titles or similar words which indicate that the person is a licensed occupational therapist unless the person is granted an occupational therapist license under these rules:

- (a) "Occupational therapist."
- (b) "O.T."
- (c) "Occupational therapist licensed."
- (d) "O.T.L."
- (e) "Occupational therapist registered."
- (f) "O.T.R."
- (g) "Occupational therapist registered licensed."
- (h) "O.T.R.L."

History: 2014 MR 11, Eff. June 11, 2014.

R 338.1222 Educational program standards; occupational therapist; adoption by reference.

Rule 22. (1) The board approves and adopts by reference in these rules the standards for accrediting occupational therapist educational programs in the documents entitled "2011 Accreditation Council for Occupational Therapy Education Standards and Interpretive Guide," adopted by the accreditation council for occupational therapy education (acote) in December 2011 and which were effective July 31, 2013. Copies of these standards are available at no cost from the American occupational therapy association (aota), incorporated, website at <http://acoteonline.org>. Copies of the standards are also available for inspection and distribution at cost from the Michigan Board of Occupational Therapists, Department of Licensing and Regulatory Affairs, 611 W. Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(2) Any educational program for occupational therapists that is accredited by the acote qualifies as an occupational therapist educational program approved by the board.

(3) The board approves and adopts by reference in these rules the standards in the document entitled "Recommended Minimum Standards for the Education of Occupational Therapists" published by the council of the world federation of occupational therapists in 2002. Copies of these standards are available for purchase on the world federation of occupational therapists (wfot) website at <http://www.wfot.org> at a cost of \$25.00 as of the adoption of these rules. The standards are also available for inspection at cost from the department at the address listed in subrule (1) of this rule.

(4) Any educational program for occupational therapists that is approved by the wfot qualifies as an occupational therapist educational program approved by the board.

(5) Any bachelor's level educational program for occupational therapists that was operating before December 31, 2006, and accredited by the acote or approved by the wfot qualifies as an occupational therapist educational program approved by the board.

History: 2014 MR 11, Eff. June 11, 2014.

R 338.1223 Application for occupational therapist license; requirements.

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

- (a) Graduate from an acote accredited or wfot approved occupational therapist educational program that meets the standards adopted by the board under R 338.1222 or meet the requirements of R 338.1225.
- (b) Pass the occupational therapist licensure examination adopted in R 338.1224.
- (c) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is administered by the department. This subdivision takes effect one year after the effective date of these rules.
- (d) Meet the requirements of R 338.1213 if the applicant's occupational therapist educational program was taught in a language other than English.

History: 2014 MR 11, Eff. June 11, 2014.

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

Rule 23a. (1) An applicant for an occupational therapist license whose registration as an occupational therapist in this state lapsed on or before January 13, 2009, shall submit the required fee and a completed application on a form provided by the department within 1 year of the effective date of this rule. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:

- (a) Have maintained certification as an occupational therapist by the national board for certification in occupational therapy (nbcot) after the registration lapsed.
 - (b) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is administered by the department. This subdivision takes effect one year after the effective date of these rules.
- (2) An applicant who meets the requirements of subrule (1) of this rule shall also complete a supervised practice experience that meets the requirements of R 338.1228 and the duration of the experience shall be as follows:
- (a) If the applicant's registration has lapsed for at least 5 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.
 - (b) If the applicant's registration has lapsed for more than 7 years but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.
 - (c) If the applicant's registration has lapsed for more than 15 years, the applicant shall complete not less than 1,000 hours of supervised practice experience.
- (3) In addition to meeting the requirements of subrules (1) and (2) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

History: 2014 MR 11, Eff. June 11, 2014.

R 338.1224 Examinations; occupational therapist; adoption and approval; passing scores.

- Rule 24. (1) The board approves and adopts the certification examination for occupational therapists that was developed, administered, and scored by the nbcot as the licensure examination for occupational therapists in this state. The board shall adopt the passing score recommended by the nbcot for the certification examination.
- (2) The board approves the examination on laws and rules related to the practice of occupational therapy in this state which is administered by the department. The passing score on the laws and rules examination is a converted score of not less than 75.
- (3) An applicant who fails to achieve a passing score on the examination required in subrule (2) of this rule may retake the examination without limitation.

History: 2014 MR 11, Eff. June 11, 2014.

R 338.1225 Graduate of non-accredited postsecondary institution; occupational therapist; equivalency of education.

- Rule 25. (1) An applicant who graduated from a non-accredited postsecondary institution shall establish that the applicant completed an occupational therapist educational program that is substantially equivalent to an occupational therapist program that is accredited by the acote or approved by the wfot, as provided in R 338.1222.
- (2) The department shall accept as proof of an applicant's completion of the educational requirements documentation provided directly to the department from the nbcot verifying the applicant passed the nbcot certification examination for occupational therapists.

History: 2014 MR 11, Eff. June 11, 2014.

R 338.1226 Licensure by endorsement; occupational therapist; requirements.

- Rule 26. (1) An applicant for an occupational therapist license by endorsement shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant meets the requirements of section 16186 of the code if the applicant satisfies the requirements of this rule, as applicable.
- (2) If an applicant was first registered or licensed in another state of the United States for 5 years or more immediately preceding the date of filing an application for a Michigan occupational therapist license, then the applicant shall comply with both of the following:
- (a) Pass the nbcot certification examination for occupational therapists with a score adopted by the board under R 338.1224(1) or the predecessor examination that was administered by the aota.
 - (b) Pass the examination on state laws and rules related to the practice of occupational therapy that is administered by the department with a minimum converted score of 75. This subdivision takes effect one year after the effective date of these rules.

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(3) If an applicant was first registered or licensed in another state of the United States for less than 5 years immediately preceding the date of filing an application for a Michigan occupational therapist license, then the applicant shall comply with all of the following:

(a) Graduate from an acote accredited or wfot approved occupational therapist educational program that meets the standards adopted by the board in R 338.1222 or graduated from an occupational therapist educational program determined to be substantially equivalent to an acote accredited or wfot approved occupational therapist educational program that meets the standards adopted by the board in R 338.1222.

(b) Meet the requirements of subrule (2)(a) and (b) of this rule.

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

(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

History: 2014 MR 11, Eff. June 11, 2014.

R 338.1227 Requirements for relicensure; occupational therapist.

Rule 27. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code if the applicant meets both of the following requirements:

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

(b) Passes the examination on state laws and rules related to the practice of occupational therapy that is administered by the department with a minimum converted score of 75. This subdivision takes effect one year after the effective date of these rules.

(2) An applicant for relicensure whose license has lapsed for 3 years or more preceding the date of application may be relicensed under section 16201(4) of the code if the applicant meets the requirements of subrule (1) of this rule and either of the following requirements:

(a) Takes and passes the nbcot's certification examination for occupational therapists with a score adopted by the board under R 338.1224(1).

(b) Presents evidence to the department that he or she was registered or licensed as an occupational therapist in another state during the 3-year period immediately preceding the application for relicensure.

(3) An applicant who meets the requirements of subrule (2) of this rule shall complete a supervised practice experience that meets the requirements of R 338.1228 and the duration of the experience shall be as follows:-

(a) If the applicant's license has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

(b) If the applicant's license has lapsed for 7 to 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.

(c) If the applicant's license has lapsed for more than 15 years, the applicant shall complete not less than 1000 hours of supervised practice experience.

(4) In addition to meeting the requirements of either subrule (1) or subrules (2) and (3) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(5) For purposes of meeting the requirements of subrule (3) of this rule, the board may grant an applicant a limited license to complete the supervised practice experience.

(6) A limited license granted under subrule (5) of this rule is valid for 1 year and may not be renewed.

History: 2014 MR 11, Eff. June 11, 2014.

R 338.1228 Supervised practice experience; occupational therapist; requirements.

Rule 28. (1) The supervised practice experience required for relicensure under R 338.1227 shall comply with both of the following:

(a) The supervised practice experience shall be obtained under the supervision of an occupational therapist licensed in this state having not less than 3 years clinical experience and no past or pending disciplinary actions.

(b) The supervising occupational therapist shall provide the board with verification of the applicant's completion of the supervised practice experience on a form provided by the department.

(2) The supervised practice experience shall consist of, at a minimum, professional and clinical instruction in all of the following areas:

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- (a) Referral process.
 - (b) Screening process.
 - (c) Evaluations.
 - (d) Intervention plans.
 - (e) Intervention strategies.
 - (f) Discontinuation; referral for other services.
- (3) Only experience obtained in an approved supervised practice situation by an individual who holds a limited license shall count toward the experience requirement.

History: 2014 MR 11, Eff. June 11, 2014.

R 338.1229 Delegation of limited assessments, tasks or interventions to an occupational therapy assistant; supervision of an occupational therapy assistant; requirements.

Rule 29. (1) An occupational therapist who delegates the performance of selected limited assessments, tasks or interventions to an occupational therapy assistant as permitted under section 16215 of the code shall supervise the occupational therapy assistant consistent with section 16109(2) of the code and satisfy the requirements of this rule. As used in this rule, "limited assessment" means those parts of an evaluation that an occupational therapy assistant is qualified by education and training to perform while under the supervision of an occupational therapist.

(2) An occupational therapist who delegates limited assessments, tasks, or interventions to an occupational therapy assistant shall ensure the qualifications of the occupational therapy assistant under the occupational therapist's supervision, including verification of the occupational therapy assistant's training, education, and licensure.

(3) An occupational therapist who delegates limited assessments, tasks, or interventions to an occupational therapy assistant shall determine and provide the appropriate level of supervision required for the occupational therapy assistant's performance of the delegated limited assessment, task, or intervention. The appropriate level of supervision shall be determined based on the occupational therapy assistant's education, training, and experience and means 1 of the following:

(a) "General supervision" means that the occupational therapist is not required to be physically present on site, but shall be continuously available at the time the limited assessment, task, or intervention is performed. Continuously available includes availability by telecommunication or other electronic device.

(b) "Direct supervision" means that the occupational therapist is physically present with the occupational therapy assistant or immediately available for direction and onsite supervision at the time the limited assessment, task, or intervention is performed, and that the occupational therapist has direct contact in the physical presence of the patient or client during each visit.

(4) An occupational therapist who delegates limited assessments, tasks or interventions under subrules (2) and (3) of this rule shall also comply with all of the following:

(a) Examine and evaluate the patient or client before delegating limited assessments, tasks, or interventions to be performed by an occupational therapy assistant.

(b) Supervise an occupational therapy assistant to whom limited assessments, tasks, or interventions have been delegated.

(c) Provide predetermined procedures and protocols for limited assessments, tasks, or interventions that have been delegated.

(d) Monitor an occupational therapy assistant's practice and provision of assigned limited assessments, tasks or interventions.

(e) Under section 16213 of the code, maintain a record of the names of the occupational therapy assistants to whom limited assessments, tasks, or interventions have been delegated.

(f) Meet in person at least once per month with the occupational therapy assistant to whom limited assessments, tasks, or interventions have been delegated to evaluate the assistant's performance, review client or patient records, and educate the occupational therapy assistant on the limited assessments, tasks, or interventions that have been delegated to facilitate professional growth and development. The occupational therapist shall maintain documentation of the meeting that has been signed by both the occupational therapist and the occupational therapy assistant. Compliance with this subdivision shall not be used as a substitute for the ongoing supervision required under subrules (3) and (4) of this rule.

(5) An occupational therapist shall not delegate the performance of either of the following to an occupational therapy assistant:

(a) The sole development of a treatment plan.

(b) The sole evaluation and interpretation of evaluation results.

(6) An occupational therapist shall not supervise more than 4 occupational therapy assistants who are providing services to patients at the same time.

History: 2014 MR 11, Eff. June 11, 2014.

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R 338.1229a Delegation of tasks to an unlicensed individual; direct supervision of an unlicensed individual; requirements.

Rule 29a. (1) An occupational therapist who delegates the performance of selected tasks to an unlicensed individual as permitted under section 16215 of the code shall supervise the unlicensed individual consistent with section 16109(2) of the code and satisfy the requirements of this rule. As used in this rule, "unlicensed individual" means an individual who does not hold an occupational therapist license, an occupational therapy assistant license, or any other health professional license and who may be able to perform the tasks identified in this rule.

(2) An occupational therapist who delegates tasks to an unlicensed individual shall provide direct supervision of the unlicensed individual. As used in this subrule, "direct supervision" means that the occupational therapist is physically present with the unlicensed individual or immediately available for direction and onsite supervision when patients or clients are present at the time the task is performed, and that the occupational therapist has direct contact with the patient or client during each visit.

(3) An occupational therapist who delegates tasks under subrule (2) of this rule shall also comply with all of the following:

- (a) Ensure the qualifications of the unlicensed individual under the occupational therapist's direct supervision, including verification of the unlicensed individual's training and education.
- (b) Examine and evaluate the patient or client before delegating tasks to be performed by an unlicensed individual.
- (c) Supervise an unlicensed individual to whom tasks have been delegated.
- (d) Provide predetermined procedures and protocols for tasks that have been delegated.
- (e) Under section 16213 of the code, maintain a record of the names of the unlicensed individuals to whom tasks have been delegated.

(f) Monitor an unlicensed individual's practice and provision of assigned tasks.

(4) An occupational therapist shall not supervise more than 3 unlicensed individuals who are providing services to patients or clients at the same time.

(5) An occupational therapist shall not delegate the performance of an occupational therapy intervention to an unlicensed individual.

(6) Under section 16171 of the code, the requirements of subrules (2), (3)(b), and (5) of this rule do not apply to a student enrolled in an acute accredited or wfot approved occupational therapist educational program or an acute accredited occupational therapy assistant educational program approved by the board.

History: 2014 MR 11, Eff. June 11, 2014.

PART 4. OCCUPATIONAL THERAPY ASSISTANTS

R 338.1231 License required; occupational therapy assistant; use of words, titles, or letters.

Rule 31. Under section 18303 of the code, a person shall not use the following titles or similar words which indicate that the person is a licensed occupational therapy assistant unless the person is granted an occupational therapy assistant license under these rules:

- (a) "Certified occupational therapy assistant."
- (b) "C.O.T.A."
- (c) "Certified occupational therapy assistant licensed."
- (d) "C.O.T.A.L."
- (e) "Occupational therapy assistant."
- (f) "O.T.A."
- (g) "Occupational therapy assistant licensed."
- (h) "O.T.A.L."

History: 2014 MR 11, Eff. June 11, 2014.

R 338.1232 Educational program standards; occupational therapy assistant; adoption by reference.

Rule 32. (1) The board approves and adopts by reference in these rules the standards for accrediting occupational therapy assistant educational programs in the document entitled "2011 Accreditation Council for Occupational Therapy Education Standards and Interpretive Guide," adopted by the accreditation council for occupational therapy education (acote) in December 2011 which were effective July 31, 2013. Copies of these standards are available at no cost from the American occupational therapy association (aota), incorporated, website at <http://acoteonline.org>. Copies of the standards are also available for inspection and distribution at cost from the Michigan Board of Occupational Therapists, Department of Licensing and Regulatory Affairs, 611 W. Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(2) Any educational program for occupational therapy assistants that is accredited by the acote qualifies as an occupational therapy assistant educational program approved by the board.

History: 2014 MR 11, Eff. June 11, 2014.

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R 338.1233 Application for occupational therapy assistant license; requirements.

Rule 33. An applicant for an occupational therapy assistant license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:

- (a) Graduate from an accredited occupational therapy assistant educational program that meets the standards adopted by the board under R 338.1232.
- (b) Pass an occupational therapy assistant licensure examination that is approved by the board.
- (c) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is administered by the department. This subdivision takes effect one year after the effective date of these rules.
- (d) Meet the requirements of R 338.1213 if the applicant's occupational therapy assistant educational program was taught in a language other than English

History: 2014 MR 11, Eff. June 11, 2014.

R 338.1233a Application for license; occupational therapy assistant with lapsed registration; requirements.

Rule 33a. (1) An applicant for an occupational therapy assistant license whose registration as an occupational therapy assistant in this state lapsed on or before January 13, 2009, shall submit the required fee and a completed application on a form provided by the department within 1 year of the effective date of this rule. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:

- (a) Maintain certification as an occupational therapy assistant by the national board for certification in occupational therapy (nbcot) after the registration lapsed.
- (b) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is administered by the department. This subdivision takes effect one year after the effective date of these rules.

(2) An applicant who meets the requirements of subrule (1) of this rule shall also complete a supervised practice experience that meets the requirements of R 338.1228, and the duration of the experience shall be as follows:

- (a) If the applicant's registration has lapsed for 5 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.
- (b) If the applicant's registration has lapsed for more than 7 years but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.
- (c) If the applicant's registration has lapsed for more than 15 years, the applicant shall complete not less than 1000 hours of supervised practice experience.

(3) In addition to meeting the requirements of subrules (1) and (2) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

History: 2014 MR 11, Eff. June 11, 2014.

R 338.1234 Examinations; occupational therapy assistant; adoption and approval; passing scores.

Rule 34. (1) Under R 338.1233(b), the board approves and adopts the certification examination for occupational therapy assistants that was developed, administered, and scored by the nbcot as the licensure examination for occupational therapy assistants in this state. The board shall adopt the passing score recommended by the nbcot for the certification examination.

(2) The board approves the examination on laws and rules related to the practice of occupational therapy in this state which is administered by the department. The passing score on the laws and rules examination is a converted score of not less than 75.

(3) An applicant who fails to achieve a passing score on the examination required in subrule (2) of this rule may retake the examination without limitation.

History: 2014 MR 11, Eff. June 11, 2014.

R 338.1235 Licensure by endorsement of occupational therapy assistant; requirements.

Rule 36. (1) An applicant for an occupational therapy assistant license by endorsement shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant meets the requirements of section 16186 of the code if the applicant satisfies the requirements of this rule, as applicable.

(2) If an applicant was first registered or licensed in another state of the United States for 5 years or more immediately preceding the date of filing an application for a Michigan occupational therapy assistant license, then the applicant shall comply with both of the following:

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- (a) Have passed the nbcot certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1).
 - (b) Pass the examination on state laws and rules related to the practice of occupational therapy that is administered by the department with a minimum converted score of 75. This subdivision takes effect one year after the effective date of these rules.
 - (3) If an applicant was first registered or licensed in another state of the United States for less than 5 years immediately preceding the date of filing an application for a Michigan occupational therapy assistant license, then the applicant shall comply with all of the following:
 - (a) Have graduated from an acote accredited occupational therapy assistant educational program that meets the standards adopted by the board in R 338.1232.
 - (b) Meet the requirements of subrules (2)(a) and (b) of this rule.
 - (c) Meet the requirements of R 338.1213 if the applicant's occupational therapy assistant educational program was taught in a language other than English.
 - (4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.
- History: 2014 MR 11, Eff. June 11, 2014.

R 338.1236 Requirements for relicensure; occupational therapy assistant.

- Rule 37. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code if the applicant meets both of the following requirements:
- (a) Submits the required fee and a completed application on a form provided by the department.
 - (b) Passes the examination on state laws and rules related to the practice of occupational therapy that is administered by the department with a minimum converted score of 75. This subdivision takes effect one year after the effective date of these rules.
- (2) An applicant for relicensure whose license has lapsed for 3 years or more preceding the date of application may be relicensed under section 16201(4) of the code if the applicant meets the requirements of subrule (1) of this rule and either of the following requirements:
- (a) Takes and passes the nbcot's certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1).
 - (b) Presents evidence to the department that he or she was registered or licensed as an occupational therapy assistant in another state during the 3-year period immediately preceding the application for relicensure.
- (3) An applicant who meets the requirements of subrule (2) of this rule shall complete a supervised practice experience that meets the requirements of R 338.1237 and the duration of the experience shall be as follows:
- (a) If the applicant's license has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.
 - (b) If the applicant's license has lapsed for 7 to 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.
 - (c) If the applicant's license has lapsed for more than 15 years, the applicant shall complete not less than 1000 hours of supervised practice experience.
- (4) In addition to meeting the requirements of either subrule (1) or subrules (2) and (3) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.
- (5) For purposes of meeting the requirements of subrule (3) of this rule, the board may grant an applicant a limited license to complete the supervised practice experience.
- (6) A limited license granted under subrule (5) of this rule is valid for 1 year and may not be renewed.
- History: 2014 MR 11, Eff. June 11, 2014.

R 338.1237 Supervised practice experience; occupational therapy assistant; requirements.

- Rule 38. (1) The supervised practice experience required for relicensure under R 338.1236 shall comply with all of the following:
- (a) The supervised practice experience shall be obtained under the supervision of an occupational therapist licensed in this state having not less than 3 years clinical experience and no past or pending disciplinary actions.

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(b) The supervising occupational therapist shall provide the board with verification of the applicant's completion of the supervised practice experience on a form provided by the department.

(2) The supervised practice experience shall consist of, at a minimum, professional and clinical instruction in all of the following areas:

- (a) Referral process.
- (b) Screening process.
- (c) Evaluations.
- (d) Intervention plans.
- (e) Intervention strategies.
- (f) Discontinuation; referral for other services.

(3) Only experience obtained in an approved supervised practice situation by an individual who holds a limited license shall count toward the experience requirement.

History: 2014 MR 11, Eff. June 11, 2014.

R 338.1238 Delegation of tasks to an unlicensed individual; direct supervision of an unlicensed individual; requirements.

Rule 39. (1) An occupational therapy assistant who delegates the performance of selected tasks to an unlicensed individual as permitted under section 16215 of the code shall supervise the unlicensed individual consistent with section 16109(2) of the code and satisfy the requirements of this rule. As used in this rule, "unlicensed individual" means an individual who does not hold an occupational therapist license, an occupational therapy assistant license, or any other health professional license and who may be able to perform the tasks identified in this rule.

(2) An occupational therapy assistant who delegates tasks to an unlicensed individual shall provide direct supervision of the unlicensed individual. As used in this subrule, "direct supervision" means that the occupational therapy assistant is physically present with the unlicensed individual or immediately available for direction and onsite supervision when patients or clients are present at the time the task is performed, and that the occupational therapy assistant has direct contact with the patient or client during each visit.

(3) An occupational therapy assistant who delegates tasks under subrule (2) of this rule shall also comply with all of the following:

- (a) Ensure the qualifications of the unlicensed individual under the occupational therapy assistant's direct supervision, including verification of the unlicensed individual's training and education.
- (b) Examine the patient or client before delegating tasks to be performed by an unlicensed individual.
- (c) Supervise an unlicensed individual to whom tasks have been delegated.
- (d) Follow predetermined procedures and protocols for tasks that have been delegated.
- (e) Under section 16213 of the code, maintain a record of the names of the unlicensed individuals to whom tasks have been delegated.
- (f) Monitor an unlicensed individual's practice and provision of assigned tasks.
- (g) Delegate only those tasks to an unlicensed individual that are within the occupational therapy assistant's responsibilities as delegated by the supervising occupational therapist.

(4) An occupational therapy assistant shall not supervise more than 3 unlicensed individuals at the same time.

(5) An occupational therapy assistant shall not delegate the performance of an occupational therapy intervention to an unlicensed individual.

(6) Under section 16171 of the code, the requirements of subrules (2), (3)(b), and (5) of this rule do not apply to a student enrolled in an acute accredited or wdot approved occupational therapist educational program or an acute accredited occupational therapy assistant educational program approved by the board.

History: 2014 MR 11, Eff. June 11, 2014.

PART 4. ADMINISTRATIVE HEARINGS

R 338.1241

Source: 1997 AACCS.

R 338.1242

Source: 1997 AACCS.

R 338.1243

Source: 1997 AACCS.

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- R 338.1244**
Source: 1997 AACS.
- R 338.1245**
Source: 1997 AACS.
- R 338.1246**
Source: 1997 AACS.
- R 338.1247**
Source: 1997 AACS.
- R 338.1248**
Source: 1997 AACS.
- R 338.1249**
Source: 1997 AACS.
- R 338.1250**
Source: 1997 AACS.
- R 338.1251**
Source: 1997 AACS.
- R 338.1252**
Source: 1997 AACS.
- R 338.1253**
Source: 1997 AACS.
- R 338.1254**
Source: 1997 AACS.
- R 338.1255**
Source: 1997 AACS.
- R 338.1256**
Source: 1997 AACS.
- R 338.1257**
Source: 1997 AACS.
- R 338.1258**
Source: 1997 AACS.
- R 338.1259**
Source: 1997 AACS.
- R 338.1260**
Source: 1997 AACS.
- R 338.1261**
Source: 1997 AACS.
- R 338.1262**
Source: 1997 AACS.
- R 338.1263**
Source: 1997 AACS.

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R 338.1264

Source: 1997 AACCS.

R 338.1265

Source: 1997 AACCS.

DEPARTMENT OF COMMUNITY HEALTH

DIRECTOR'S OFFICE

ATHLETIC TRAINING - GENERAL RULES

R 338.1301 Definitions.

Rule 1. As used in these rules:

- (a) "Board" means the board of athletic trainers.
- (b) "Clinical evaluation and assessment" means the process of determining the severity of an injury or illness, including any of the following:
 - (i) The pre-participation examination performed prior to physical activity to determine a possible medical condition or conditions that might limit or endanger the participating individual.
 - (ii) The on-site evaluation that emphasizes the immediate course of acute care and determination of emergency situations.
 - (iii) The off-site evaluation involving a more detailed evaluation of the injury and/or illness.
 - (iv) A progressive evaluation performed to determine either the status of the rehabilitative, restorative and/or healing process or the ability to return to the activity.
- (c) "Code" means 1978 PA 368, MCL 333.1101.
- (d) "Department" means the department of community health.
- (e) "Direct supervision" means that the licensee is physically present and immediately available for face-to-face direction and supervision at the time the procedure is performed and that the licensee has direct contact with the individual upon whom the procedure is being performed.
- (f) "Emergency cardiac care" means adult and pediatric cardiopulmonary resuscitation, airway obstruction, second rescuer cardiopulmonary resuscitation, the use of automated external defibrillators, and barrier devices, such as a pocket mask or bag valve mask.
- (g) "Endorsement" means the acknowledgement that the licensing criteria in 1 jurisdiction are substantially equivalent to the criteria established and described in section 16186 of the code.
- (h) "Immediate care and treatment" means the ability to provide direct athletic training services rendered by members of health care professions for the benefit of the individual.
- (i) "Injury or illness" means any damage to the body, as deemed appropriate by the directing or supervising physician.
- (j) "Rehabilitation and reconditioning" means the use of therapeutic procedures by a licensed athletic trainer in a manner to effect change through the application of clinical skills and/or services that attempt to improve function or the return of an individual to a desired level of function through the use of any physical agent applied to produce therapeutic changes to biologic tissue including, but not limited to, thermal, acoustic, light, mechanical, or electric energy.
- (k) "Risk management and injury prevention" means the ability to discern, evaluate, and communicate risk associated with participation in physical activities.

History: 2010 AACCS.

R 338.1305 Implementation of licensing program.

Rule 5. Effective January 1, 2011, any individual who intends to practice as an athletic trainer in Michigan shall possess a Michigan license to practice in this state.

History: 2010 AACCS.

R 338.1309 Application for athletic trainer license; requirements.

Rule 9. An applicant for an athletic trainer license, in addition to meeting the code and the administrative rules promulgated under the code, shall comply with all of the following provisions:

- (a) Submit a completed application on a form provided by the department, together with the requisite fee.
- (b) Have graduated from an athletic trainer educational program that is acceptable to the board under R 338.1337.

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(c) Possess a current entry-level credential for athletic trainers that was conferred by the board of certification, inc. (boc) or by its predecessor organization. An applicant shall request the boc to send to the department an official verification of his or her current certification status.

(d) Submit documentation of current certification in emergency cardiac care from a board-approved organization, as described in R 338.1341.

(e) Submit documentation of a minimum of 1 hour of first aid training received within 3 years of the date of the application.

History: 2010 AACCS.

R 338.1313 Application for temporary athletic trainer license; requirements.

Rule 13. (1) An individual who does not meet the requirements of R 338.1309 may apply for a temporary athletic trainer license. In addition to meeting the code and administrative rules promulgated under the code, an applicant shall comply with all of the following provisions:

(a) Before January 1, 2011, submit a completed application on a form provided by the department, together with the requisite fee.

(b) Possess a bachelor's degree that includes credits in board-approved course work in all of the following content areas:

(i) Health.

(ii) Human anatomy.

(iii) Kinesiology/body mechanics.

(iv) Human physiology.

(v) Physiology of exercise.

(vi) Basic athletic training.

(vii) Advanced athletic training.

(viii) Cardiopulmonary resuscitation and first aid certification.

(c) Have passed the Michigan temporary athletic trainer examination, as specified in R 338.1329.

(d) Provide verification that athletic training activities will be supervised by a licensed physician or licensed athletic trainer. The verification shall include the name, address, telephone number, and license number of the supervisor.

(e) Provide proof of an applicant's full-time employment as an athletic trainer for the 5 years immediately preceding the date of application. "Full-time employment" as used in this subdivision is defined as continuous employment for 5 years with a minimum of 6,250 hours of experience accumulated in the 5 years immediately preceding the date of application.

(2) A temporary athletic trainer license shall not be renewed more than twice.

History: 2010 AACCS.

R 338.1317 Licensure by endorsement; athletic trainer.

Rule 17. (1) An applicant for an athletic trainer license by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the code and the administrative rules promulgated under the code, an applicant shall satisfy the requirements of this rule.

(2) An applicant who is registered or licensed as an athletic trainer in another state of the United States immediately preceding the date of filing an application for a Michigan license is presumed to have met the requirements of the code and administrative rules promulgated under the code, if the applicant meets both of the following requirements:

(a) Is verified, on a form provided by the department, by the licensing or registration agency of any state of the United States in which the applicant holds a current license or registration or ever held a license or registration as an athletic trainer, which includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(b) Is currently certified by the boc. An applicant shall request the boc to send to the department an official verification of his or her current certification status.

(3) If an applicant does not meet the requirements of subrule (2) of this rule, then the applicant shall meet the requirements specified in R 338.1309.

(4) If an applicant is registered as an athletic trainer in another country and is currently certified as an athletic trainer by the boc, then it is presumed that the applicant meets the requirements of the code and these administrative rules. An applicant shall request the boc to send to the department an official verification of his or her current certification status.

History: 2010 AACCS.

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R 338.1321 Licensure of foreign-trained applicants.

Rule 21. If an applicant was foreign-trained and does not meet the requirements of R 338.1309, then the applicant shall comply with all of the following provisions:

- (a) Have his or her education evaluated to determine if it is equivalent to the standards in R 338.1337.
 - (b) Pass the United States boc examination. An applicant shall request the boc to send to the department an official verification of his or her current certification status.
 - (c) Be verified, on a form provided by the department, by the licensing or registration agency of any state of the United States in which the applicant holds a current license or registration or ever held a license or registration as an athletic trainer. This includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.
 - (d) Submit documentation of certification in emergency cardiac care by an organization approved by the board, as provided in R 338.1341.
 - (e) Submit documentation of a minimum of 1 hour of first aid training received within 3 years of the date of the application.
- History: 2010 AACCS.

R 338.1325 Licensed athletic trainer examination; adoption; passing scores.

Rule 25. The board approves and adopts the boc athletic trainer credentialing examination that is scored by the castle TM worldwide inc., or its successor organization. Applicants for an athletic trainer license under R 338.1309 shall take the certification examination and achieve a passing score on the examination as determined by the boc or on any successor examination.

History: 2010 AACCS.

R 338.1329 Temporary licensed athletic trainer examination; content; time; place; passing score.

Rule 29. (1) The board shall conduct a comprehensive examination for individuals who are seeking licensure as an athletic trainer, as provided under R 338.1313 of these rules.

- (2) Examination for licensure as an athletic trainer shall include, but not be limited to, all of the following:
 - (a) Prevention.
 - (b) Clinical evaluation and assessment.
 - (c) Immediate care and treatment.
 - (d) Treatment, rehabilitation, and reconditioning.
 - (e) Organization and administration.
 - (f) Professional responsibility.
 - (3) The examination shall be given at least once a year. A passing score on the examination shall be the score recommended by the boc or its successor organization.
- History: 2010 AACCS.

R 338.1333 Educational limited license; requirements.

Rule 33. (1) An applicant for an educational limited license shall submit a completed application on a form provided by the department together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated under the code, an applicant shall meet the following requirements:

- (a) Be actively enrolled in the last semester of an athletic trainer educational program acceptable to the board.
 - (b) Submit endorsement of application by program director in an athletic trainer program that is acceptable to the board.
 - (c) Submit proof of current certification in emergency cardiac care from a program that is acceptable to the board.
- (2) In lieu of meeting the requirements specified in subrule (1) (a), (b) and (c), an applicant may submit documentation of eligibility for the certification examination from the boc.

History: 2010 AACCS.

R 338.1337 Educational program standards; adoption by reference.

Rule 37. (1) The board approves and adopts by the reference the standards for accrediting athletic trainer educational programs adopted by the commission on accreditation for athletic training education (caate) in the document entitled "Standards for the Accreditation of Entry-Level Athletic Training Education Programs", December 7, 2007, which is available at no cost from the caate website, at <http://www.caate.net>. A copy of the standards also is available for inspection and distribution at cost from the Board of Athletic Trainers, Bureau of Health Professions, Michigan

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Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. An athletic trainer educational program that is accredited by the commission on accreditation for athletic training education is acceptable to the board.

(2) The board adopts by reference the recognition standards and criteria of the council for higher education accreditation (chea), effective January 23, 2006, and the procedures and criteria for recognizing postsecondary accrediting agencies of the U.S. department of education, effective July 1, 2000, as contained in title 34, part 602 of the code of federal regulations. Copies of the standards and criteria of chea and the U.S. department of education are available for inspection and distribution at cost from the Board of Athletic Trainers, Bureau of Health Professions, Michigan Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. The chea recognition standards may also be obtained at no cost from the council's website at <http://www.chea.org>. The federal recognition criteria may also be obtained at no cost from the website for the U.S. Department of Education Office of Postsecondary Education at <http://www.ed.gov/about/offices/list/OPE/index.html>.

(3) The board adopts by reference the standards of the following postsecondary accrediting organizations, which may be obtained from the individual accrediting organization at the identified cost. Copies of these standards are also available for inspection and distribution at cost from the Board of Athletic Trainers, Bureau of Health Professions, Michigan Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909:

(a) The standards of the Middle States Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104, in the document entitled "Characteristics of Excellence in Higher Education: Eligibility Requirements and Standards for Accreditation," 2006 edition, which is available free of charge on the association's website at <http://www.msche.org> or for purchase at a cost of \$7.40 as of the adoption of these rules.

(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," 2005 edition, which is available at no cost on the association's website at <http://www.neasc.org>. Printed copies may be ordered from the commission at no cost for a single copy and \$5.00 per copy for multiple copies.

(c) The standards of the North Central Association of Colleges and Schools, The Higher Learning Commission, 30 North LaSalle Street, Suite 2400, Chicago, IL 60602, in the document entitled "Handbook of Accreditation," third edition, which is available at no cost from the association's website at <http://www.ncahigherlearningcommission.org> or for purchase from the association's website at a cost of \$25.00 as of the adoption of these rules.

(d) The standards of the Northwest Association of Schools, Colleges, and Universities, the Commission on Colleges and Universities, 8060 165th Avenue NE, Suite 100, Redmond, WA 98052, in the document entitled "Accreditation Handbook," 2003 edition, updated June 23, 2008, which is available at no cost from the association'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, in the document entitled "Principles of Accreditation: Foundation for Quality Enhancement", 2008 edition, which is available at no cost on the association's website at <http://www.sacscoc.org> or for purchase at a cost of \$6.00 for members and \$12.00 for nonmembers as of the adoption of these rules.

(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, in the document entitled "2001 Handbook of Accreditation," updated February 2008, which is available at no cost on the commission's website at <http://www.wascweb.org>.

(g) The standards of the Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges, 10 Commercial Blvd., Suite 204, Novato, CA 94949, in the document entitled "Accreditation Reference Book," August 2007, which is available at no cost on the commission's website at <http://www.wascweb.org>.

History: 2010 AACCS.

Editor's Note: An obvious error in R 338.13371 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in *Annual Administrative Code Supplement*, 2010. The memorandum requesting the correction was published in *Michigan Register*, 2014 MR 8.

R 338.1341 Emergency cardiac care; approved programs.

Rule 41. (1) The board adopts by reference the standards for certification in basic and advanced cardiac life support set forth by the American heart association in the standards and guidelines for cardiopulmonary resuscitation and emergency cardiac care for professional providers and published in "2005 American Heart Association

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Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care ("Circulation", Volume 112, Issue 24 Supplement, December 13, 2005). A

copy of the guidelines for cardiopulmonary resuscitation and emergency cardiac care may be obtained from the American Heart Association, 7272 Greenville Avenue, Dallas, TX 75231 at a cost of \$19.00 as of the adoption of these rules or from the association's website at <http://www.ahajournals.org> at no cost. A copy of this document is available for inspection and distribution at cost from the Michigan Department of Community Health, Bureau of Health Professions, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(2) The board adopts by reference the guidelines for courses in cardiopulmonary resuscitation and automated external defibrillator for the professional rescuer published in "The American Red Cross 2005 Guidelines for Emergency Care and Education". A copy of the guidelines may be obtained at no cost from the American Red Cross, 2025 E Street, NW, Washington, D.C.20006 or at the organization's website at http://www.redcross.org/static/file_cont5294_lang0_1934.pdf. A copy of this document is available for inspection and distribution at cost from the Michigan Department of Community Health, Bureau of Health Professions, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(3) An organization that provides training that uses the standards specified in subrule (1) or (2) of this rule shall be considered an approved emergency cardiac care provider.

History: 2010 AACCS.

R 338.1345 Relicensure.

Rule 45. An applicant for relicensure whose license has lapsed under section 16201 (3) of the code may be relicensed upon meeting all of the following requirements:

- (a) Submit to the department documentation of current boc certification, as described in R 338.1309.
- (b) Being verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a license as an athletic trainer, which includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.
- (c) Completed not less than 1 hour of continuing education in pain and symptom management, as required under section 16204 (2) of the code.
- (d) Submit documentation of current certification in emergency cardiac care from a board-approved organization.
- (e) Submit documentation of a minimum of 1 hour of first aid training received within 3 years of the date of the application.

History: 2010 AACCS.

R 338.1349 License renewal requirements.

Rule 49. (1) An applicant for license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall meet the following requirements:

(a) Submit to the department documentation that the applicant has completed at least 80 hours of board-approved continuing education or maintained boc certification and completed not less than 1 hour of continuing education in pain and symptom management, as required under section 16204 (2) of the code.

(b) Submit documentation of current certification in emergency cardiac care from a board-approved organization.

(c) Submit documentation of a minimum of 1 hour of first aid training.

(2) The requirements in subrule (1) (a), (b) and (c) of this rule shall be completed during the 3 years preceding an application for renewal.

(3) Submission of an application for renewal of a license or renewal of a temporary license shall constitute the applicant's certification of compliance with this rule. An applicant for renewal shall retain documentation of meeting the requirements of this rule for a period of 3 years from the date of applying for license renewal. Failure to comply with this rule shall be a violation of section 16221 (h) of the code. Acceptable documentation includes verification of continued certification by the boc or documentation of acceptable continuing education by the boc, as specified in R 338.1357.

History: 2010 AACCS.

R 338.1353 Temporary license renewal; requirements.

Rule 53. (1) A temporary athletic trainer license shall be renewed yearly and in consecutive years, but shall not be renewed more than twice.

(2) An applicant for renewal of a temporary license shall meet either of the following requirements:

(a) Submit documentation of attendance and completion of either boc-approved courses or 25 hours of board-approved continuing education courses or programs.

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(b) Submit verification of enrollment in a caate-accredited program and completion of program courses during the year preceding application for renewal.

(3) An applicant for renewal of a temporary license shall provide verification of current employment as an athletic trainer.

(4) Submission of an application for renewal of a temporary license shall constitute the applicant's certification of compliance with this rule. An applicant for renewal shall retain documentation of meeting the requirements of this rule for a period of 3 years from the date of applying for license renewal. Failure to comply with this rule shall be a violation of section 16221 (h) of the code.

History: 2010 AACCS.

R 338.1357 Acceptable continuing education.

Rule 57. (1) The board approves and adopts by reference the requirements of the board of certification, inc. for the recertification of athletic trainers as described in the "Recertification Requirements (2006-2011)", which is available at no cost from the Board of Certification, Inc., 1415 Harney St., Suite 200, Omaha, NE 68102 or from the board's website at <http://www.bocatc.org>. A copy of the requirements is also available for inspection and distribution at cost from the Board of Athletic Trainers, Michigan Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(2) The board shall consider as acceptable any continuing education approved by the board of certification, inc., for recertification, as described in subrule (1) of this rule. Acceptable documentation includes verification of continued education by the boc or continued certification by the boc.

History: 2010 AACCS.

R 338.1361 Rescinded.

History: 2010 AACCS; 2014 MR 17, Eff. Sept. 19, 2014.

R 338.1365 Athletic training services; plan of care.

Rule 65. (1) A licensee shall establish a plan of care for the provision of the following athletic training services, as described under section 17901 (b) of the code and defined in R 338.1301 of these rules: Clinical evaluation and assessment. Immediate care and treatment. Injury or illness. Rehabilitation and reconditioning. Risk management and injury prevention.

(2) The athletic training services specified in subrule (1) of this rule shall be performed under the direction and supervision of either an allopathic physician or an osteopathic physician and surgeon who shall be licensed under Part 170 or Part 175 of the code.

(3) As used in subrule (2) of this rule and section 17901 (1) (b) of the code, "direction" means either a written, electronic, or verbal order issued by a physician or authorized representative of a physician. The order shall comply with the requirements of the federal health insurance portability and accountability act of 1996.

History: 2010 AACCS.

R 338.1369 Delegation and supervision; requirements.

Rule 69. (1) A licensee may delegate the performance of an act, task, or function related to the practice of athletic training, as specified in R 338.1365, to an individual who meets 1 of the following requirements:

(a) Possesses a license to practice athletic training, as required under section 17902 of the code.

(b) Possesses a license to practice another health-related field.

(c) Is enrolled in a graduate-level educational program that falls within the domain of athletic training and is acceptable to the board under R 338.1341, and possesses an educational limited license.

(d) Is unlicensed and has either no training or only informal training in activities associated with the practice of athletic training, and is not a secondary school student, as prohibited in R 338.1373.

(e) Possesses boc certification or is licensed or credentialed in another jurisdiction as an athletic trainer and is accompanying an out-of-state team that is participating in an athletic event held in this state.

(2) A licensee shall be responsible for the performance of a delegated act, task, or function by an individual under his or her direction. A licensee who delegates the performance of an act, task, or function related to the practice of athletic training shall comply with all of the following:

(a) Determine that the act, task, or function is within the scope of practice of a licensed athletic trainer and does not require a skill level that is higher than the skill level of the licensee.

(b) Determine that the individual to whom an act, task, or function has been delegated possesses the necessary knowledge and skills for the delegated assignment to be completed safely and competently.

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(c) Provide for the supervision of an individual to whom an act, task, or function has been delegated, as provided in section 333.16109 (2) (a) of the code.

(d) Provide predetermined procedures and protocols for the act, task, or function that has been delegated.

(e) Conduct regular reviews of the performance of the individual to whom an act, task, or function has been delegated.

(f) Provide or recommend remediation of the performance by the individual to whom an act, task, or function has been delegated, when indicated.

(g) Maintain a permanent record of the name of the individual to whom an act, task, or function has been delegated.

(3) A licensee who delegates an act, task, or function to an individual who qualifies under subdivision (1) (a), (b), (c), or (e) of this rule shall provide general supervision of the individual. As used in this subrule, "general supervision" means that a licensee is not required to be physically present on site, but shall be continuously available at the time a procedure, including a basic first aid activity, is performed. Continuously available includes availability by telecommunication and/or other electronic communication.

(4) A licensee who delegates an act, task, or function to an individual who is unlicensed and who qualifies under subrule (1) (d) of this rule shall provide direct supervision of the individual.

(5) At any given time, the number of unlicensed individuals to whom a licensee may provide direct supervision shall not exceed 8 individuals.

History: 2010 AACCS.

R 338.1373 Secondary school student; prohibit practicing athletic training.

Rule 73. (1) A secondary school student shall not engage in the practice of athletic training, as defined in section 17901 of the code, except as otherwise provided in this rule.

(2) A secondary school student may participate in athletic training activities only when the activities are performed under the direct supervision of a licensed athletic trainer, as defined in R 338.1301.

(3) A licensed athletic trainer shall ensure that a secondary school student who is under his or her supervision does not perform those functions that require professional judgment or discretion in the practice of athletic training.

(4) This rule shall take effect January 1, 2011.

History: 2010 AACCS.

R 338.1377 Prohibited conduct.

Rule 77. (1) In addition to section 16221 of the code, prohibited conduct includes, but is not limited to, the following acts or omissions by any individual covered by these rules:

(a) Practicing outside of the boundaries of professional competence, based on education, training, and experience.

(b) Failing to provide or arrange for the provision or continuity of necessary athletic training services.

(c) Engaging in harassment or unfair discrimination based on age, gender, gender identity, race, ethnicity, national origin, religion, sexual orientation, disability, or any basis proscribed by law.

(d) Being involved in either a dual or multiple relationship with a current or former patient or client or a member of his or her immediate family, when there is a risk of harm to, or exploitation of, the patient or client. As used in this subrule, "multiple relationship" means a relationship in which a licensee is in a professional role with an individual and 1 of the following occurs at the same time:

(i) The licensee takes on a professional role even though a personal, scientific, legal, financial, or other relationship could impair the exercise of professional discretion or make the interests of a patient or client secondary to those of the licensee.

(ii) The licensee takes advantage of any professional relationship or exploits others to further his or her personal, religious, political, business, or financial interests, including inducing a patient or client to solicit a business on behalf of the licensee.

(iii) The licensee solicits or engages in a sexual relationship with a current patient or client.

(iv) The licensee solicits or engages in a sexual relationship with an individual, other than a consenting adult, to whom the licensee is delegating the performance of an act, task, or function related to the practice of athletic training, as permitted under R 338.1369.

(e) Violating the confidentiality of a patient's or client's privileged information by releasing such information to a third party not involved in the patient's or client's care without a release from the patient or client, unless required by law.

(f) Violating applicable local, state, and federal laws as well as institutional or educational guidelines.

(g) Using information obtained in the course of the practice of athletic training to try to influence directly or indirectly the score or outcome of an athletic event, or attempt to induce financial gain through gambling.

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(2) As used in subrule (1) of this rule, "patient or client" means an individual who receives any of the following, pursuant to MCL 333.17901 of the public health code: treatment for risk management and injury prevention, clinical evaluation and assessment for an injury or illness, or both; immediate care and treatment of an individual for an injury or illness, or both; or rehabilitation and reconditioning of an injury or illness.

History: 2010 AACCS.

DIRECTOR'S OFFICE
HOROLOGY

R 338.1401

Source: 1997 AACCS.

R 338.1402

Source: 1997 AACCS.

R 338.1403

Source: 1997 AACCS.

R 338.1404

Source: 1997 AACCS.

R 338.1405

Source: 1997 AACCS.

R 338.1406

Source: 1997 AACCS.

R 338.1407

Source: 1997 AACCS.

R 338.1408

Source: 1997 AACCS.

R 338.1409

Source: 1997 AACCS.

R 338.1410

Source: 1997 AACCS.

R 338.1411

Source: 1997 AACCS.

R 338.1412

Source: 1997 AACCS.

R 338.1413

Source: 1997 AACCS.

R 338.1414

Source: 1997 AACCS.

R 338.1415

Source: 1997 AACCS.

R 338.1416

Source: 1997 AACCS.

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R 338.1417
Source: 1997 AACS.

R 338.1418
Source: 1997 AACS.

R 338.1419
Source: 1997 AACS.

R 338.1420
Source: 1997 AACS.

R 338.1421
Source: 1997 AACS.

R 338.1422
Source: 1997 AACS.

R 338.1423
Source: 1997 AACS.

R 338.1424
Source: 1997 AACS.

RESIDENTIAL BUILDERS' AND MAINTENANCE AND ALTERATION CONTRACTORS' BOARD

GENERAL RULES

PART 1. GENERAL

R 338.1511
Source: 2006 AACS.

R 338.1512
Source: 1998-2000 AACS.

R 338.1519
Source: 1990 AACS.

R 338.1511 Rescinded.
History: 1979 AC; 2006 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.1521 Applications for licenses

Rule 21. (1) If an applicant fails to complete all application requirements, including information requested by the department, and any required examination, within 1 year from date of first making application to the department, then the application shall be void and the application processing fee shall be forfeited.

(2) A passing score on an examination, or on a portion of an examination if the examination is given in separate parts, shall be valid for 1 year from the date the examination or portion of the examination was passed.

History: 1954 ACS 49, Eff. Feb. 14, 1967; 1979 AC; 2006 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.1521a Rescinded.
History: 2008 AACS; ; 2014 MR 19, Eff. Oct. 16, 2014.

PART 2. LICENSES AND BONDS

R 338.1522
Source: 1997 AACS.

R 338.1523

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Source: 1997 AACS.

R 338.1523a

Source: 1998-2000 AACS.

R 338.1524 Rescinded.

History: 1979 AC; 2006 AACS; ; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.1525

Source: 2006 AACS.

R 338.1526

Source: 2006 AACS.

R 338.1531 Rescinded.

History: 1979 AC; 2006 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.1532 Advertising.

Rule 32. (1) A licensee shall include the name, license number, and actual business address, as shown on the license, in all advertising. The use of a telephone or post office box number alone is prohibited. When sales of new homes are being made by a licensed builder, through a licensed real estate broker, advertisements may indicate the broker's name or both the names of the builder and broker.

(2) A licensee shall not solicit any contract for home improvements by a promise to the purchaser or the prospective purchaser of a bonus, whether of merchandise or cash, which is contingent upon the purchaser's or prospective purchaser's using or displaying a dwelling to a third person or upon the licensee's obtaining an order or orders for merchandise or service from a third person.

History: 1979 AC; 2006 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.1533

Source: 2006 AACS.

R 338.1534 Books and records.

Rule 34. A builder or contractor shall keep and maintain a complete, accurate set of books and records.

History: 1979 AC; 2006 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.1535

Source: 2006 AACS.

R 338.1536

Source: 2006 AACS.

PART 5. COMPLAINTS AND HEARINGS

R 338.1551

Source: 2006 AACS.

R 338.1554

Source: 1997 AACS.

R 338.1555

Source: 2002 AACS.

PART 6. EDUCATION

R 338.1560

Source: 2011 AACS.

R 338.1562

Source: 2011 AACS.

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R 338.1564
Source: 2011 AACS.

R 338.1566
Source: 2011 AACS.

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HEALTH CODE BOARDS DISCIPLINARY PROCEEDINGS

R 338.1601
Source: 1996 AACS.

R 338.1602
Source: 1996 AACS.

R 338.1603
Source: 1996 AACS.

R 338.1604
Source: 1996 AACS.

R 338.1605
Source: 1996 AACS.

R 338.1606
Source: 1996 AACS.

R 338.1607
Source: 1996 AACS.

R 338.1608
Source: 1996 AACS.

R 338.1609
Source: 1996 AACS.

R 338.1610
Source: 1996 AACS.

R 338.1611
Source: 1996 AACS.

R 338.1612
Source: 1996 AACS.

R 338.1614
Source: 1996 AACS.

R 338.1615
Source: 1996 AACS.

R 338.1616
Source: 1996 AACS.

R 338.1617
Source: 1996 AACS.

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R 338.1618
Source: 1996 AACS.

R 338.1619
Source: 1996 AACS.

R 338.1620
Source: 1996 AACS.

R 338.1621
Source: 1996 AACS.

R 338.1622
Source: 1996 AACS.

R 338.1623
Source: 1996 AACS.

R 338.1624
Source: 1996 AACS.

R 338.1625
Source: 1996 AACS.

R 338.1626
Source: 1996 AACS.

R 338.1627
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R 338.1628
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R 338.1629
Source: 1996 AACS.

R 338.1630
Source: 1996 AACS.

R 338.1631
Source: 1996 AACS.

R 338.1632
Source: 1996 AACS.

R 338.1633
Source: 1996 AACS.

R 338.1634
Source: 1996 AACS.

R 338.1635
Source: 1996 AACS.

R 338.1636
Source: 1996 AACS.

R 338.1637
Source: 1996 AACS.

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COUNSELING

PART 1. GENERAL PROVISIONS

R 338.1751
Source: 2012 AACS.

R 338.1752
Source: 2012 AACS.

R 338.1752a
Source: 2012 AACS.

R 338.1753
Source: 2012 AACS.

R 338.1753a
Source: 2012 AACS.

R 338.1753b
Source: 2012 AACS.

R 338.1753c
Source: 2012 AACS.

R 338.1754
Source: 2012 AACS.

R 338.1755
Source: 2012 AACS.

R 338.1756
Source: 2012 AACS.

R 338.1757
Source: 2012 AACS.

MARRIAGE COUNSELORS

R 390.1801
Source: 2003 AACS.

PART 1. ORGANIZATION OF BOARD

R 338.1811
Source: 1997 AACS.

R 338.1812
Source: 1997 AACS.

R 338.1813
Source: 1997 AACS.

R 338.1814
Source: 1997 AACS.

R 338.1815

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Source: 1997 AACS.

PART 2. CERTIFICATION

R 338.1821

Source: 1997 AACS.

R 338.1822

Source: 1997 AACS.

R 338.1823

Source: 1997 AACS.

R 338.1824

Source: 1997 AACS.

R 338.1825

Source: 1997 AACS.

PART 3. HEARINGS

R 338.1831

Source: 1997 AACS.

R 338.1832

Source: 1997 AACS.

R 338.1833

Source: 1997 AACS.

R 338.1834

Source: 1997 AACS.

R 338.1835

Source: 1997 AACS.

R 338.1836

Source: 1997 AACS.

R 338.1837

Source: 1997 AACS.

R 338.1841

Source: 1998-2000 AACS.

R 338.1842

Source: 1998-2000 AACS.

R 338.1843

Source: 1998-2000 AACS.

R 338.1844

Source: 1998-2000 AACS.

R 338.1861

Source: 1998-2000 AACS.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

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DIRECTORS OFFICE

HEARING AID DEALERS

PART 1. LICENSING

R 338.1901 Rescinded.

History: 1979 AC; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.1905 Rescinded.

History: 1979 AC; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.1906

Source: 1998-2000 AACS.

R 338.1907

Source: 1998-2000 AACS.

R 338.1908 Rescinded.

History: 1979 AC; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.1909 Rescinded.

History: 1979 AC; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.1910 Rescinded.

History: 1979 AC; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.1911 Rescinded.

History: 1979 AC; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.1912 Rescinded.

History: 1979 AC; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.1913 Rescinded.

History: 1979 AC; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.1914

Source: 1998-2000 AACS.

PART 2. CONDUCT OF BUSINESS

R 338.1921 Rescinded.

History: 1979 AC; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.1922 Rescinded.

History: 1979 AC; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

HEARING AID DEALERS

PART 3. COMPLAINTS AND HEARINGS

R 338.1941

Source: 1997 AACS.

R 338.1942

Annual Administrative Code Supplement
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Source: 1997 AACS.

R 338.1943

Source: 1997 AACS.

BARBER EXAMINERS

R 338.2001

Source: 1997 AACS.

R 338.2002

Source: 1997 AACS.

R 338.2003

Source: 1997 AACS.

R 338.2004

Source: 1997 AACS.

R 338.2005

Source: 1997 AACS.

R 338.2006

Source: 1997 AACS.

R 338.2007

Source: 1997 AACS.

R 338.2008

Source: 1997 AACS.

R 338.2009

Source: 1997 AACS.

R 338.2010

Source: 1997 AACS.

R 338.2011

Source: 1997 AACS.

R 338.2012

Source: 1997 AACS.

R 338.2013

Source: 1997 AACS.

R 338.2014

Source: 1997 AACS.

R 338.2015

Source: 1997 AACS.

R 338.2016

Source: 1997 AACS.

R 338.2017

Source: 1997 AACS.

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R 338.2018
Source: 1997 AACS.

R 338.2019
Source: 1997 AACS.

R 338.2020
Source: 1997 AACS.

R 338.2021
Source: 1997 AACS.

R 338.2022
Source: 1997 AACS.

R 338.2023
Source: 1997 AACS.

R 338.2024
Source: 1997 AACS.

R 338.2025
Source: 1997 AACS.

R 338.2026
Source: 1997 AACS.

R 338.2027
Source: 1997 AACS.

R 338.2028
Source: 1997 AACS.

R 338.2029
Source: 1997 AACS.

R 338.2030
Source: 1997 AACS.

R 338.2031
Source: 1997 AACS.

R 338.2032
Source: 1997 AACS.

R 338.2033
Source: 1997 AACS.

R 338.2034
Source: 1997 AACS.

R 338.2035
Source: 1997 AACS.

R 338.2036
Source: 1997 AACS.

R 338.2037

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Source: 1997 AACS.

R 338.2038

Source: 1997 AACS.

R 338.2039

Source: 1997 AACS.

R 338.2040

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R 338.2041

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R 338.2042

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R 338.2043

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R 338.2044

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R 338.2045

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R 338.2046

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R 338.2047

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R 338.2048

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R 338.2049

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R 338.2050

Source: 1997 AACS.

R 338.2051

Source: 1997 AACS.

R 338.2052

Source: 1997 AACS.

R 338.2053

Source: 1997 AACS.

R 338.2054

Source: 1997 AACS.

COSMETOLOGY

PART 1. GENERAL PROVISIONS

R 338.2101 Definitions.

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Rule 1. As used in these rules:

- (a) "Act" means 1980 PA 299 MCL 339.101.
- (b) "Apprenticeship practitioner" means a licensee who is approved by the department and who is engaged in training an apprentice within an establishment.
- (c) "Dry sanitizer" means a closed cabinet or container that holds a fumigant chemical sanitizing agent.
- (d) "Minimum practical application" means a service performed on a mannequin, student, or patron.
- (e) "Reactive chemicals" means, but is not limited to, any of the following:
 - (i) Permanent wave solutions.
 - (ii) Relaxers.
 - (iii) Temporary, semipermanent, or permanent hair colorings.
 - (iv) Hair lighteners.
 - (v) Acids.
 - (vi) Bases.
 - (vii) Creams.
 - (viii) Fluids.
 - (ix) Any other preparation designed to modify or rearrange the structure of the hair, skin, or nails.
- (f) "Wet sanitizer" means a container that holds a liquid chemical sanitizing agent.
History: 1979 AC; 1981 AACS; 1998-2000 AACS; 2004 AACS; 2006 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.2102 Rescinded.

History: 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.2103

Source: 1998-2000 AACS.

R 338.2106

Source: 1998-2000 AACS.

R 338.2107

Source: 1998-2000 AACS.

R 338.2109

Source: 1979 AC.

PART 2. LICENSES AND PERMITS

R 338.2121

Source: 1998-2000 AACS.

R 338.2122 Rescinded.

History: 1979 AC; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.2123 Rescinded.

History: 1979 AC; 1981 AACS; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.2124

Source: 1998-2000 AACS.

R 338.2125

Source: 1998-2000 AACS.

R 338.2126

Source: 1998-2000 AACS.

R 338.2127

Source: 2006 AACS.

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R 338.2128
Source: 1979 AC.

PART 3. FACILITIES AND EQUIPMENT

R 338.2131
Source: 1998-2000 AACS.

R 338.2132
Source: 1998-2000 AACS.

R 338.2132a
Source: 1998-2000 AACS.

R 338.2133
Source: 1998-2000 AACS.

R 338.2134
Source: 2006 AACS.

R 338.2135 Rescinded.
History: 1999 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.2136
Source: 1998-2000 AACS.

R 338.2137
Source: 1998-2000 AACS.

R 338.2138
Source: 1998-2000 AACS.

R 338.2139
Source: 2004 AACS.

R 338.2139a Rescinded.
History: 1999 AACS; 2006 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

PART 4. SCHOOL TRAINING PROGRAMS

R 338.2141 Rescinded.
History: 1979 AC; 1981 AACS; 1998-2000 AACS; 2004 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.2142 Rescinded.
History: 1979 AC; 1981 AACS; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.2143 Rescinded.
History: 1979 AC; 1981 AACS; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.2144 Rescinded.
History: 1999 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.2145 Rescinded.
History: 1979 AC; 1981 AACS; 1998-2000 AACS; 2006 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.2146
Source: 1998-2000 AACS.

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R 338.2147
Source: 1997 AACS.

R 338.2148
Source: 1998-2000 AACS.

R 338.2149
Source: 1998-2000 AACS.

PART 5. CURRICULUM

R 338.2151
Source: 2004 AACS.

R 338.2151a
Source: 1998-2000 AACS.

R 338.2152
Source: 1998-2000 AACS.

R 338.2153
Source: 1998-2000 AACS.

R 338.2155
Source: 1997 AACS.

R 338.2156
Source: 1998-2000 AACS.

PART 6. HEALTH AND SAFETY

R 338.2161
Source: 1998-2000 AACS.

R 338.2161a
Source: 2004 AACS.

R 338.2161b
Source: 2004 AACS.

R 338.2162
Source: 1998-2000 AACS.

R 338.2162a
Source: 2004 AACS.

R 338.2163
Source: 1998-2000 AACS.

R 338.2163a
Source: 2004 AACS.

R 338.2163b
Source: 1998-2000 AACS.

R 338.2163c
Source: 2004 AACS.

R 338.2166

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Source: 1998-2000 AACS.

R 338.2167

Source: 1998-2000 AACS.

R 338.2168

Source: 1998-2000 AACS.

R 338.2169

Source: 1998-2000 AACS.

PART 7. INSTRUCTORS AND DEMONSTRATORS

R 338.2171

Source: 1998-2000 AACS.

R 338.2172

Source: 1998-2000 AACS.

R 338.2173

Source: 1998-2000 AACS.

R 338.2174

Source: 1998-2000 AACS.

R 338.2175

Source: 1998-2000 AACS.

R 338.2176

Source: 1998-2000 AACS.

R 338.2178

Source: 1998-2000 AACS.

R 338.2179

Source: 1998-2000 AACS.

R 338.2179a

Source: 1998-2000 AACS.

R 338.2179b

Source: 1998-2000 AACS.

R 338.2179c

Source: 1998-2000 AACS.

R 338.2179d

Source: 1998-2000 AACS.

R 338.2179e

Source: 2004 AACS.

R 338.2179f

Source: 1998-2000 AACS.

R 338.2179g

Source: 2004 AACS.

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R 338.2179h
Source: 1998-2000 AACS.

PART 8. STUDENTS

R 338.2181
Source: 1998-2000 AACS.

R 338.2182
Source: 1998-2000 AACS.

R 338.2183
Source: 1998-2000 AACS.

R 338.2184
Source: 1998-2000 AACS.

R 338.2185
Source: 1998-2000 AACS.

R 338.2186
Source: 1998-2000 AACS.

PART 9. HEARINGS

R 338.2191
Source: 1997 AACS.

R 338.2192
Source: 1997 AACS.

R 338.2193
Source: 1997 AACS.

R 338.2194
Source: 1997 AACS.

R 338.2195
Source: 1997 AACS.

RESPIRATORY

R 338.2201
Source: 2006 AACS.

R 338.2202
Source: 2006 AACS.

R 338.2203
Source: 2006 AACS.

R 338.2204
Source: 2006 AACS.

R 338.2205
Source: 2006 AACS.

R 338.2206

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Source: 2006 AACS.

R 338.2207

Source: 2006 AACS.

CHIROPRACTIC

R 338.2208

Source: 1997 AACS.

R 338.2209

Source: 1997 AACS.

R 338.2210

Source: 1997 AACS.

R 338.2211

Source: 1997 AACS.

R 338.2212

Source: 1997 AACS.

R 338.2213

Source: 1997 AACS.

R 338.2214

Source: 1997 AACS.

R 338.2215

Source: 1997 AACS.

R 338.2216

Source: 1997 AACS.

R 338.2217

Source: 1997 AACS.

R 338.2218

Source: 1997 AACS.

R 338.2219

Source: 1997 AACS.

R 338.2220

Source: 1997 AACS.

R 338.2221

Source: 1997 AACS.

R 338.2222

Source: 1997 AACS.

R 338.2223

Source: 1997 AACS.

R 338.2224

Source: 1997 AACS.

R 338.2225

Source: 1997 AACS.

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R 338.2226
Source: 1997 AACS.

R 338.2227
Source: 1997 AACS.

R 338.2228
Source: 1997 AACS.

R 338.2229
Source: 1997 AACS.

R 338.2230
Source: 1997 AACS.

R 338.2231
Source: 1997 AACS.

R 338.2232
Source: 1997 AACS.

R 338.2233
Source: 1997 AACS.

R 338.2234
Source: 1997 AACS.

R 338.2235
Source: 1997 AACS.

R 338.2236
Source: 1997 AACS.

R 338.2237
Source: 1997 AACS.

R 338.2238
Source: 1997 AACS.

R 338.2239
Source: 1997 AACS.

R 338.2240
Source: 1997 AACS.

R 338.2241
Source: 1997 AACS.

R 338.2242
Source: 1997 AACS.

R 338.2243
Source: 1997 AACS.

R 338.2244
Source: 1997 AACS.

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R 338.2245
Source: 1997 AACS.

MEDICINE

PART 1. GENERAL PROVISIONS

R 338.2301
Source: 2012 AACS.

R 338.2302
Source: 1979 AC.

R 338.2303
Source: 2013 AACS.

R 338.2304
Source: 2012 AACS.

R 338.2305
Source: 1998-2000 AACS.

R 338.2308
Source: 1990 AACS.

R 338.2309
Source: 1979 AC.

PART 2. LICENSES

R 338.2311
Source: 1997 AACS.

R 338.2312
Source: 1997 AACS.

R 338.2313
Source: 1987 AACS.

R 338.2314
Source: 1994 AACS.

R 338.2315
Source: 1997 AACS.

R 338.2316
Source: 1994 AACS.

R 338.2317
Source: 1994 AACS.

R 338.2318
Source: 1994 AACS.

R 338.2319
Source: 1994 AACS.

R 338.2320
Source: 1997 AACS.

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R 338.2322
Source: 1997 AACS.

R 338.2323
Source: 1997 AACS.

R 338.2325
Source: 1997 AACS.

R 338.2326
Source: 1987 AACS.

R 338.2327
Source: 1997 AACS.

R 338.2327a
Source: 1991 AACS.

R 338.2328
Source: 1997 AACS.

R 338.2329
Source: 1997 AACS.

R 338.2329a
Source: 1989 AACS.

PART 3. ADMINISTRATIVE HEARINGS

R 338.2330
Source: 1997 AACS.

R 338.2331
Source: 1997 AACS.

R 338.2332
Source: 1997 AACS.

R 338.2333
Source: 1997 AACS.

R 338.2334
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R 338.2335
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R 338.2336
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R 338.2337
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R 338.2338
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R 338.2339
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R 338.2340
Source: 1997 AACS.

R 338.2341
Source: 1997 AACS.

R 338.2342
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R 338.2343
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R 338.2344
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R 338.2345
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R 338.2346
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R 338.2347
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R 338.2348
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R 338.2349
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R 338.2350
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R 338.2351
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R 338.2352
Source: 1997 AACS.

R 338.2353
Source: 1997 AACS.

R 338.2354
Source: 1997 AACS.

R 338.2355
Source: 1997 AACS.

PART 5. CONTINUING MEDICAL EDUCATION

R 338.2371
Source: 1991 AACS.

R 338.2372
Source: 1979 AC.

R 338.2373
Source: 1979 AC.

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R 338.2374
Source: 1991 AACS.

R 338.2375
Source: 1979 AC.

R 338.2376
Source: 1991 AACS.

R 338.2377
Source: 1979 AC.

R 338.2378
Source: 1979 AC.

R 338.2379
Source: 1991 AACS.

R 338.2380
Source: 1991 AACS.

R 338.2381
Source: 1991 AACS.

R 338.2382
Source: 1991 AACS.

LAND SURVEYORS

R 338.2401
Source: 1997 AACS.

R 338.2402
Source: 1997 AACS.

R 338.2403
Source: 1997 AACS.

R 338.2404
Source: 1997 AACS.

R 338.2405
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R 338.2406
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R 338.2407
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R 338.2408
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R 338.2409
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R 338.2410
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R 338.2411

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Source: 1997 AACS.

R 338.2412

Source: 1997 AACS.

R 338.2413

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R 338.2414

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R 338.2415

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R 338.2416

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R 338.2418

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R 338.2419

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R 338.2431
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R 338.2444
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R 338.2445
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R 338.2446
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R 338.2447
Source: 1997 AACS.

R 338.2448
Source: 1997 AACS.

R 338.2449
Source: 1997 AACS.

R 338.2450

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Source: 1997 AACCS.

R 338.2451

Source: 1997 AACCS.

R 338.2452

Source: 1997 AACCS.

R 338.2453

Source: 1997 AACCS.

R 338.2454

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R 338.2455

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R 338.2456

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R 338.2457

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R 338.2458

Source: 1997 AACCS.

R 338.2459

Source: 1997 AACCS.

R 338.2460

Source: 1997 AACCS.

R 338.2461

Source: 1997 AACCS.

PSYCHOLOGY

R 338.2501

Source: 2005 AACCS.

R 338.2502

Source: 1979 AC.

R 338.2503

Source: 2007 AACCS.

R 338.2504

Source: 2003 AACCS.

R 338.2505

Source: 2007 AACCS.

R 338.2505a

Source: 2007 AACCS.

R 338.2506

Source: 2013 AACCS.

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R 338.2507
Source: 2007 AACS.

R 338.2507a
Source: 2005 AACS.

R 338.2508
Source: 2003 AACS.

R 338.2509
Source: 2003 AACS.

R 338.2510
Source: 2005 AACS.

R 338.2510a
Source: 2007 AACS.

R 338.2511
Source: 2009 AACS.

R 338.2512
Source: 1997 AACS.

R 338.2513
Source: 1982 AACS.

R 338.2514
Source: 2007 AACS.

R 338.2515
Source: 2007 AACS.

R 338.2516
Source: 2007 AACS.

REAL ESTATE SCHOOLS

R 338.2601
Source: 1997 AACS.

R 338.2602
Source: 1997 AACS.

R 338.2603
Source: 1997 AACS.

R 338.2604
Source: 1997 AACS.

R 338.2605
Source: 1997 AACS.

R 338.2606
Source: 1997 AACS.

R 338.2607
Source: 1997 AACS.

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- R 338.2608**
Source: 1997 AACS.
- R 338.2609**
Source: 1997 AACS.
- R 338.2610**
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- R 338.2611**
Source: 1997 AACS.
- R 338.2612**
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- R 338.2613**
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- R 338.2614**
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- R 338.2615**
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- R 338.2616**
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- R 338.2617**
Source: 1997 AACS.
- R 338.2618**
Source: 1997 AACS.
- R 338.2619**
Source: 1997 AACS.

REAL ESTATE BROKERS AND SALESMEN

- R 338.2701**
Source: 1997 AACS.
- R 338.2703**
Source: 1997 AACS.
- R 338.2721**
Source: 1997 AACS.
- R 338.2722**
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- R 338.2723**
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- R 338.2724**
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- R 338.2725**
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R 338.2726
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R 338.2780
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DEPARTMENT OF COMMUNITY HEALTH

DIRECTOR'S OFFICE

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- R 338.3117**
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PHARMACY – PROGRAM FOR UTILIZATION OF UNUSED PRESCRIPTION DRUGS

EMERGENCY RULES

Rule 1. Definitions.

As used in this part:

- (a) "Charitable clinic" means a charitable nonprofit corporation or facility that meets all of the following requirements:
 - (i) Is organized as a not-for-profit corporation pursuant to the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192.
 - (ii) Holds a valid exemption from federal income taxation issued pursuant to section 501(a) of the internal revenue code, 26 USC 501.
 - (iii) Is listed as an exempt organization under section 501(c) of the internal revenue code, 26 USC 501.
 - (iv) Is organized under or operated as a part of a health facility or agency licensed under article 17 of the code.
 - (v) Provides on an outpatient basis for a period of less than 24 consecutive hours to persons not residing or confined at the facility advice, counseling, diagnosis, treatment, surgery, care, or services relating to the preservation or maintenance of health.
 - (vi) Has a licensed pharmacy.
- (b) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211.
- (c) "Eligible facility" means a medical institution as that term is defined in R 338.486.
- (d) "Department" means the department of department of licensing and regulatory affairs, bureau of health care services.
- (e) "Eligible participant" means an individual who meets all of the following requirements:
 - (i) Is a resident of this state.
 - (ii) Is eligible to receive medicaid or medicare or has no health insurance and otherwise lacks reasonable means to purchase prescription drugs, as prescribed in these rules.
- (f) "Health professional" means any of the following individuals licensed and authorized to prescribe and dispense drugs or to provide medical, dental, or other health-related diagnoses, care, or treatment within the scope of his or her professional license:
 - (i) A physician licensed to practice medicine or osteopathic medicine and surgery under part 170 or 175 of the code.
 - (ii) A physician's assistant licensed under part 170, 175, or 180 of the code.
 - (iii) A dentist licensed under part 166 of the code.
 - (iv) An optometrist licensed under part 174 of the code.
 - (v) A pharmacist licensed under part 177 of the code.
 - (vi) A podiatrist licensed under part 180 of the code.
- (g) "Non-retrievable" means to permanently alter a drug's physical state, chemical state, or both, through irreversible means in order to render that drug unavailable and unusable for all practical purposes.
- (h) "Program" means the statewide unused prescription drug repository and distribution program known as the program for utilization of unused prescription drugs that is established in section 17775 of the code.
- (i) "Reverse distributor" means an entity that collects controlled or noncontrolled substances from a health facility or pharmacy and either returns them to the manufacturer or arranges for their disposal.
- (j) "Unit dose package" means a package that contains a single dose drug with the name, strength, control number, and expiration date of that drug on the label.
- (k) "Unit of issue package" means a package that provides multiple doses of the same drug, but each drug is individually separated and includes the name, lot number, and expiration date.

History: 2014 MR 7, Eff. April 7, 2014

Rule 2. Eligibility criteria; pharmacy; charitable clinics; requirements; withdrawal.

- (1) To be eligible for participation in the program, a pharmacy or charitable clinic shall comply with all applicable federal and state laws, including laws applicable to the storage and distribution of drugs and the appropriate licensure standards, and shall hold an active, nonrestricted, Michigan license in good standing.
- (2) Participation in the program is voluntary.

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- (3) A pharmacy or charitable clinic may elect to participate in the program by providing, on a form provided by the department, written notification to the department of all of the following:
- (a) The name, street address, and telephone number of the pharmacy or charitable clinic, and any Michigan license or registration number issued to the pharmacy or charitable clinic.
 - (b) For a charitable clinic, evidence that the charitable clinic meets the requirements defined in subdivision (a) of rule 1.
 - (c) The name and license number of the responsible pharmacist employed by or under contract with the pharmacy or charitable clinic.
 - (d) A statement signed and dated by the responsible pharmacist indicating that the pharmacy or charitable clinic meets the eligibility requirements under this rule and shall comply with the requirements of the program.
- (4) A pharmacy or charitable clinic may withdraw from participation in the program at any time by providing written notice to the department on a form provided by the department. All of the following information shall be included on the notice of withdrawal form:
- (a) Name, address, telephone number, and Michigan license or registration number of pharmacy or charitable clinic.
 - (b) Name and dated signature of the responsible pharmacist, attesting that the pharmacy or charitable clinic will no longer participate in the program.
 - (c) Date of withdrawal.

Rule 3. Eligible prescription drugs.

- (1) All non-controlled prescription drugs, except those specified in rule 4, that have been approved for medical use in the United States, are listed in the United States pharmacopeia and the national formulary (usp-nf), and meet the criteria for donation established by these rules may be accepted for donation under the program.
- (2) A new prescription may be transferred to another participating pharmacy or charitable clinic for dispensing.

Rule 4. Ineligible drugs; controlled substances prohibited.

- (1) The following shall not be accepted for dispensing under the program:
- (a) Controlled substances, as defined in article 7 of the code or by federal law.
 - (b) Expired prescription drugs.
 - (c) Drugs that may be dispensed only to a patient registered with the drug's manufacturer under federal food and drug administration requirements.
 - (d) Drugs that have been held outside of a health professional's control where sanitation and security cannot be assured.
 - (e) Compounded drugs.
 - (f) Drugs that require storage temperatures other than normal room temperature as specified by the manufacturer or the usp-nf shall not be donated or accepted as part of the program. Excluded from this restriction are drugs donated directly from a drug manufacturer.
- (2) Controlled substances submitted for donation shall be documented and returned immediately to the eligible facility that donated the drugs. Both of the following apply:
- (a) If controlled substances enter the participating pharmacy or charitable clinic and it is not possible or practicable to return the controlled substances to the donating facility, abandoned controlled substances shall be documented and destroyed pursuant to the protocols currently used by the pharmacy.
 - (b) A destruction record shall be created and maintained for a period of 5 years after destruction for any controlled substances destroyed.

History: 2014 MR 7, Eff. April 7, 2014

Rule 5. Donated prescription drugs; participating pharmacy or charitable clinic requirements.

- (1) A participating pharmacy or charitable clinic may accept a prescription drug only if all of the following requirements are met:
- (a) The drug is in its original sealed and tamper-evident packaging. However, a drug in a single-unit dose, unit of issue package, or blister pack with the outside packaging opened may be accepted if the single-unit-dose packaging or unit of issue packaging is unopened.
 - (b) The drug has been stored according to manufacturer or usp-nf storage requirements.
 - (c) The packaging contains the lot number and expiration date of the drug. If the lot number is not retrievable, all specified medications shall be destroyed in the event of a recall.
 - (d) The drug has an expiration date that is more than 6 months after the date that the drug was donated.
 - (e) The drug does not have any physical signs of tampering or adulteration, and there is no reason to believe that the drug is adulterated.
 - (f) The packaging does not have any physical signs of tampering, deterioration, compromised integrity, or adulteration.

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(2) A participating pharmacy or charitable clinic may accept donated prescription drugs from more than 1 eligible facility, provided that the donating is done pursuant to the terms of the program.

History: 2014 MR 7, Eff. April 7, 2014

Rule 6. Donated prescription drugs; eligible facility requirements.

(1) An eligible facility or manufacturer may donate unused or donated prescription drugs, other than controlled substances, to a participating pharmacy or charitable clinic, if the drug meets the requirements of these rules.

(2) A manufacturer or its representative may donate prescription drugs in professional samples, other than controlled substances, to a charitable clinic under the program, if the drug meets the requirements of these rules.

History: 2014 MR 7, Eff. April 7, 2014

Rule 7. Resident of an eligible facility; donations permitted.

(1) A resident of an eligible facility or the representative or guardian of a resident of an eligible facility may donate unused prescription drugs to be dispensed under the terms of the program.

(2) A resident of an eligible facility or the resident's representative or guardian shall complete a resident donation form prior to the eligible facility taking possession of the drugs to be donated. A copy of the resident donation form shall be sent to the participating pharmacy or charitable clinic with the donated drugs.

(3) The prescription drugs donated under the method described in this rule shall have originated from the eligible facility, prescription drugs obtained prior to the resident being admitted to the facility shall not be accepted.

(4) The prescription drugs donated under the method described in this rule are subject to all the requirements of these rules.

History: 2014 MR 7, Eff. April 7, 2014

Rule 8. Transfer and shipment of donated drugs; requirements.

(1) Prior to the initial transfer of donated drugs from an eligible facility or manufacturer to a participating pharmacy or charitable clinic, the eligible facility or manufacturer shall complete the eligible facility donation form. The eligible facility or manufacturer shall transmit the completed eligible facility donation form to the participating pharmacy or charitable clinic and retain a copy for its records.

(2) A completed transfer form shall be included in each shipment of donated drugs from an eligible facility or manufacturer to a participating pharmacy or charitable clinic.

(3) Donated drugs under the program shall be shipped from the eligible facility or manufacturer to the participating pharmacy or charitable clinic via common or contract carrier.

History: 2014 MR 7, Eff. April 7, 2014

Rule 9. Inspection and storage of donated prescription drugs; destruction; recall.

(1) A licensed pharmacist employed by or under contract with the participating pharmacy or charitable clinic shall inspect donated prescription drugs to determine, in the professional judgment of the pharmacist, that the drugs are not adulterated, are safe and suitable for dispensing, and are eligible drugs. The pharmacist who inspects the drugs shall sign the transfer form included with the shipment of donated drugs attesting to the above.

(2) The participating pharmacy or charitable clinic shall store donated drugs pursuant to the manufacturer's guidelines or uspnf guidelines. Donated drugs shall not be stored with non-donated inventory at any time.

(3) When donated drugs are not inspected immediately upon receipt, a participating pharmacy or charitable clinic shall quarantine the donated drugs separately from all dispensing stock until the donated drugs have been inspected and approved for dispensing under the program.

(4) A participating pharmacy or charitable clinic shall destroy donated prescription drugs that are not suitable for dispensing pursuant to protocols currently established by the pharmacy or charitable clinic for the destruction of prescription drugs.

(5) A destruction and disposal record shall be created and maintained for donated drugs that are destroyed and disposed of as a result of being expired, adulterated, recalled, or otherwise not eligible for dispensing. A participating pharmacy or charitable clinic shall maintain a destruction record for 5 years after destruction of the donated drugs.

(6) If a participating pharmacy or charitable clinic receives a recall notification, the participating pharmacy or charitable clinic shall perform a uniform destruction of all of the recalled prescription drugs in the participating pharmacy or charitable clinic and complete the destruction record for all donated drugs destroyed. The destruction shall be done pursuant to protocols currently established by the pharmacy or charitable clinic for the destruction and disposal of prescription drugs.

(7) If a recalled drug has been dispensed, the participating pharmacy or charitable clinic shall immediately notify the eligible participant of the recalled drug pursuant to established drug recall procedures.

History: 2014 MR 7, Eff. April 7, 2014

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Rule 10. Record keeping; inventory; requirements.

- (1) A participating pharmacy or charitable clinic shall keep records in conformance with these rules and all applicable federal and state laws, rules, and regulations.
- (2) A participating pharmacy or charitable clinic shall maintain documented policies and procedures that will address all the requirements of these rules.
- (3) All of the following information shall be documented for each drug accepted for the program:
 - (a) Brand name or generic name of the drug.
 - (b) Name of the manufacturer or national drug code number (ndc#).
 - (c) Quantity and strength of the drug.
 - (d) Lot number of medication, if available.
 - (e) Expiration date of medication.
 - (f) Date the drug was donated and the date the drug was subsequently dispensed.
 - (g) Name of the eligible facility that donated the drug and the eligible participant subsequently dispensed the drug.
 - (h) The prescription from a health care professional.
- (3) All records required for participation in the program shall be maintained separate from other records for 5 years and shall be readily retrievable for inspection at the request of the department or its agent.

History: 2014 MR 7, Eff. April 7, 2014

Rule 11. Forms; eligible facility donation form, resident donation form, eligible participant form, transfer form, destruction form; requirements.

- (1) An eligible facility donation form shall include all of the following information:
 - (a) An eligible facility's or manufacturer's name, address, and telephone number; the name, dated signature, and license number of pharmacist or health care provider authorized to donate the drugs; and, license number of the facility or manufacturer.
 - (b) A statement of the facility's intent to participate in the program and donate eligible prescription drugs to the participating pharmacy or charitable clinic identified on the form.
 - (c) The receiving participating pharmacy's or charitable clinic's name, address, and telephone number.
 - (d) The name, Michigan license number, and dated signature of the responsible pharmacist authorized to receive the donation.
 - (e) The date the donation was received.
- (2) A resident donation form shall include all of the following information:
 - (a) The eligible facility's name, address, Michigan license or registration number, and telephone number; and the name, dated signature, and license number of pharmacist or health care provider authorized to donate the drugs.
 - (b) The resident's name and dated signature, or the name and dated signature of the resident's representative or guardian.
 - (c) Attestation to the following statement, "As the legal owner of the listed prescription drug(s), I agree to voluntarily donate the listed eligible unused drugs to the program for utilization of unused prescription drugs."
 - (d) The drug brand name or generic name, the name of manufacturer or national drug code number (ndc#), the quantity and strength of the drug, and the drug's expiration date.
 - (e) The date of the donation.
 - (f) The name, address, telephone number and Michigan license or registration number of the pharmacy or charitable clinic receiving donated unused prescription drug.
 - (g) The date the donated drugs are received by the pharmacy or charitable clinic.
 - (h) The name, Michigan license or registration number, and dated signature of the authorized pharmacist or health care provider receiving the donated prescription drug.
- (3) The eligible participant form shall include all of the following information:
 - (a) The participating pharmacy's or charitable clinic's name, address, telephone number, Michigan license or registration number, and the name, Michigan license or registration number, and dated signature of dispensing pharmacist.
 - (b) The drug's brand name or generic name, the name of manufacturer or national drug code number (ndc#), the quantity and strength of the drug, the date the drug was dispensed, and the drug's expiration date.
 - (c) The eligible participant's name, date of birth, address and dated signature.
 - (d) Attestation of all of the following:
 - (i) The eligible participant is a resident of the state of Michigan.
 - (ii) The eligible participant is eligible to receive medicare or medicaid or is uninsured and does not have prescription drug coverage.
 - (e) The eligible participant acknowledges that the drugs have been donated.

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- (f) The eligible participant consents to a waiver of the requirement for child resistant packaging, as required by the poison prevention packaging act, being 15 U.S.C. §1471–1477.
- (4) The transfer form shall include all of the following information:
- (a) The eligible facility or manufacturer’s name, Michigan license or registration number, address, telephone number, and the name, dated signature, and Michigan license number of responsible pharmacist.
 - (b) The date of donation.
 - (c) The drug’s brand name or generic name, the name of manufacturer or national drug code number (ndc#), quantity and strength of the drug, and the drug’s expiration date.
 - (d) The pharmacist of the eligible facility or manufacturer shall attest to the following statement, “I certify that the prescription drugs listed on this form for donation are eligible for donation and meet the requirements for prescription drugs under the program, including any storage requirements.”
 - (e) The receiving participating pharmacy’s or charitable clinic’s name, address, and telephone number, and name and Michigan license number of responsible pharmacist authorized to receive the donation.
 - (f) The responsible pharmacist shall sign and date the transfer form attesting to the following statement, “Upon receipt and inspection of the above listed donated prescription drugs, it is in my professional judgment that these drugs are not adulterated, are safe and suitable for dispensing, and are eligible drugs.”
- (5) The destruction form shall include all of the following:
- (a) The participating pharmacy’s or charitable clinic’s name, Michigan license number, address, and telephone number, and the name, dated signature, and license number of the responsible pharmacist.
 - (b) The drug’s brand name or generic name, the name of the manufacturer or national drug code number (ndc#), the quantity and strength of the drug, and the drug’s expiration date.
 - (c) The reason for destruction of the drug.
 - (d) The name, title, and dated signature of the witness.
 - (e) The date of destruction.
 - (f) If off-site disposal is used, the name of the firm destroying or disposing the drug, the name and dated signature of the person at the firm destroying or disposing the drug, and the date of disposal.
- (6) All forms required for participation in the program shall be maintained separate from other records for 5 years and shall be readily retrievable for inspection at the request of the department or its agent.
- (7) The department shall make available all forms required by the program. The forms shall be available at no cost from the Department of Licensing and Regulatory Affairs, Bureau of Health Care Services, 611 W. Ottawa St., Lansing, MI 48909 or on the department’s website at www.michigan.gov/healthlicense.

History: 2014 MR 7, Eff. April 7, 2014

Rule 12. Eligible participants; requirements.

The eligible participant shall complete the recipient form attesting to the following statements:

- (a) The eligible participant is eligible to receive medicare or medicaid or does not have insurance or prescription drug coverage. Verification or written documentation shall not be required.
- (b) The eligible participant acknowledges that the drugs have been donated.
- (c) The eligible participant consents to a waiver of the requirement for child resistant packaging, as required by the poison prevention packaging act, 15 U.S.C. §1471–1477.

History: 2014 MR 7, Eff. April 7, 2014

Rule 13. Dispensing donated prescription drugs; requirements.

- (1) A participating pharmacy or charitable clinic shall dispense donated prescription drugs in compliance with applicable federal and state laws and regulations for dispensing prescription drugs, including all requirements relating to packaging, labeling, record keeping, drug utilization review, and patient counseling.
- (3) The department and a local participating pharmacy or charitable clinic shall remove any patient identifying information from the package prior to dispensing the drugs.
- (4) Prescription drugs donated under this program shall not be resold; however, a participating pharmacy or charitable clinic may collect a handling fee pursuant to the terms of Rule 14.

History: 2014 MR 7, Eff. April 7, 2014

Rule 14. Handling fee.

- (1) A participating pharmacy or charitable clinic may charge the eligible participant of a donated drug a handling fee, not to exceed a maximum of 300% of the medicaid standard pharmacy dispensing fee as established by the Michigan department of community health, to cover stocking and dispensing costs.

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(2) A copy of the medicaid drug dispensing fees can be obtained from the Michigan department of community health, 201 Townsend Street, Lansing, Michigan 48913 or on the department's website at http://www.michigan.gov/mdch/0,1607,7-132-2945_42542_42543_42546_42551-151019--,00.html.

(3) A prescription drug dispensed through the program shall not be eligible for reimbursement under the medical assistance program.

History: 2014 MR 7, Eff. April 7, 2014

Rule 15. Donation to other participating pharmacy or charitable clinic.

(1) The originating participating pharmacy or charitable clinic may donate drugs donated under this program to other participating pharmacies or charitable clinics for use pursuant to the program. The participating pharmacy or charitable clinic donating the drugs shall complete a transfer form.

Rule 16. Registry; creation.

The department shall establish and maintain a participating pharmacy and charitable clinic registry for the program on the department's website. The registry shall include the participating pharmacy's or charitable clinic's name, address, and telephone number, and the contact name of the responsible pharmacist.

History: 2014 MR 7, Eff. April 7, 2014

Rule 17. Collection of prescription drugs and other medication for destruction and disposal; requirements; limitations.

(1) Pursuant to section 17776 of the code, a participating pharmacy or charitable clinic shall accept from any person a prescription drug or any other medication that is ineligible for distribution under the program for destruction and disposal.

(2) Controlled substances shall not be collected by a participating pharmacy or charitable clinic for destruction and disposal, unless permitted by federal law.

(3) The collection shall occur on-site at the participating pharmacy or charitable clinic and according to the requirements set forth in these rules and all applicable state and federal laws and regulations.

History: 2014 MR 7, Eff. April 7, 2014

Rule 18. Collection device; requirements.

(1) A participating pharmacy or charitable clinic shall utilize a collection device to collect prescription drugs and other medications that are ineligible for distribution under the program for destruction and disposal that meets all of the following criteria:

(a) The collection device is designed to allow contents to be added to the device but not removed, except by authorized personnel for the purpose of destruction and disposal.

(b) The collection device shall be lined with a removable liner that is waterproof, tamper-evident, tear resistant and capable of being sealed. The contents of the liner shall not be viewable from the outside and the size or capacity of the liner shall be clearly marked on the outside of the liner.

(c) The collection device is secured in a manner that will only allow authorized personnel to remove the contents of the container for the purpose of destruction and disposal.

(d) The collection device utilizes a design that is tamper resistant and is securely locked.

(e) The collection device shall be securely fastened to permanent structure within the designated pharmacy area so that it cannot be removed.

(f) The collection device shall be consistently monitored by security features and pharmacy personnel.

(g) The following statement shall be prominently placed on the collection device and shall be posted as signage near the location of the collection device, "Controlled substances cannot be accepted for destruction and disposal, unless permitted under federal law."

History: 2014 MR 7, Eff. April 7, 2014

Rule 19. Destruction of collected drugs; methods; access.

(1) Destruction of collected drugs shall occur through 1 of the following methods:

(a) On-site at the participating pharmacy or charitable clinic. The method of the on-site destruction shall be sufficient to render the prescription drugs non-retrievable to prevent diversion and to protect the public health and safety. On-site destruction shall occur immediately after the contents are removed from the collection device.

(b) Off-site, through a contract with a reverse distributor. The participating pharmacy or charitable clinic may contract with a reverse distributor to facilitate the destruction and disposal of drugs collected under the program. Off-site destruction shall occur not more than 7 days after the contents have been removed from the collection device.

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- (2) Only personnel designated by the participating pharmacy or charitable clinic shall have access to the collection device to remove the contents for on-site destruction or to transfer the contents to the party performing the destruction and disposal services.
- (3) The collection device shall be accessed only to remove the contents for destruction in a manner consistent with these rules.
- (4) Two authorized personnel, 1 of whom shall be a licensed pharmacist, shall access the collection device to remove the contents for destruction. The liner containing the contents shall be sealed immediately upon removal and the weight shall be recorded on the destruction and disposal log. The destruction and disposal log shall be completed at the time the collection receptacle is accessed.
- (5) If the contents of the collection receptacle are going to be transferred to a reverse distributor for destruction, a copy of the destruction log shall be included with the sealed contents.

History: 2014 MR 7, Eff. April 7, 2014

Rule 20. Record keeping; policy and procedures; destruction and disposal log.

- (1) In addition to the policy and procedure requirements in Rule 9 and Rule 10, a participating pharmacy or charitable clinic shall maintain a destruction and disposal log that includes all of the following information:
- (a) Name, telephone number, address, and Michigan license or registration number of the participating pharmacy or charitable clinic.
- (b) Date, time, weight of the contents of the collection receptacle and method of destruction utilized each time the contents of the collection receptacle are removed for destruction.
- (2) Copies of all contracts with reverse distributors shall be stored with the destruction log, as applicable.

History: 2014 MR 7, Eff. April 7, 2014

Rule 21. Transportation.

- (1) If it is necessary to transport the contents of the collection device to the location of the reverse distributor for the destruction and disposal, the transportation shall be done through a common carrier and in manner that allows the shipment to be tracked and delivery confirmed.
- (2) Utilization of a vehicle or mode of transportation that is primarily used by the participating pharmacy or charitable clinic for business or personal purposes is prohibited.

History: 2014 MR 7, Eff. April 7, 2014

Rule 22. Department of human services and department of community health; inclusion in rule-making process.

The department shall notify the director of the department of human services and the director of the department of community health of an approved request for rule-making under MCL 24.239 for rule promulgation affecting eligible facilities or mental health or substance abuse clients. The department of human services and the department of community health shall provide any input regarding the rule promulgation to the department within 30 days of receipt of notification of the approved request for rule-making.

History: 2014 MR 7, Eff. April 7, 2014

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PHARMACY – PROGRAM FOR UTILIZATION OF UNUSED PRESCRIPTION DRUGS

R 338.3601. Definitions.

Rule 1. As used in this part:

- (a) "Charitable clinic" means a charitable nonprofit corporation or facility that meets all of the following requirements:
- (i) Is organized as a not-for-profit corporation pursuant to the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192.
- (ii) Holds a valid exemption from federal income taxation issued pursuant to section 501(a) of the internal revenue code, 26 USC 501.
- (iii) Is listed as an exempt organization under section 501(c) of the internal revenue code, 26 USC 501.
- (iv) Is organized under or operated as a part of a health facility or agency licensed under article 17 of the code, MCL 333.20101 to 333.20211.

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(v) Provides on an outpatient basis for a period of less than 24 consecutive hours to persons not residing or confined at the facility advice, counseling, diagnosis, treatment, surgery, care, or services relating to the preservation or maintenance of health.

(vi) Has a licensed pharmacy.

(b) "Chemotherapeutic agent" means a chemical agent used for treating various forms of cancer generally by killing the cancer cells.

(c) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211.

(d) "Eligible facility" means a medical institution as that term is defined in R 338.486.

(e) "Department" means the department of licensing and regulatory affairs, bureau of health care services.

(f) "Eligible participant" means an individual who meets all of the following requirements:

(i) Is a resident of this state.

(ii) Is eligible to receive medicaid or medicare or has no health insurance and otherwise lacks reasonable means to purchase prescription drugs, as prescribed in these rules.

(g) "Hazardous waste" means hazardous waste as defined in R 299.9203.

(h) "Health professional" means any of the following individuals licensed and authorized to prescribe and dispense drugs or to provide medical, dental, or other health-related diagnoses, care, or treatment within the scope of his or her professional license:

(i) A physician licensed to practice medicine or osteopathic medicine and surgery under part 170 or 175 of the code, MCL 333.17001 to 333.17088 or 333.17501 to 333.17556.

(ii) A physician's assistant licensed under part 170, 175, or 180 of the code; MCL 333.17001 to 333.17088, 333.17501 to 333.17556, or 333.18001 to 333.18058.

(iii) A dentist licensed under part 166 of the code, MCL 333.16601 to 333.16648.

(iv) An optometrist licensed under part 174 of the code, MCL 333.17404 to 333.17437.

(v) A pharmacist licensed under part 177 of the code, MCL 333.17701 to 333.17780.

(vi) A podiatrist licensed under part 180 of the code, MCL 333.18001 to 333.18058.

(i) "Program" means the statewide unused prescription drug repository and distribution program known as the program for utilization of unused prescription drugs that is established in section 17775 of the code, MCL 333.17775.

(j) "Unit dose package" means a package that contains a single dose drug with the name, strength, control number, and expiration date of that drug on the label.

(k) "Unit of issue package" means a package that provides multiple doses of the same drug, but each drug is individually separated and includes the name, lot number, and expiration date.

(l) "Waste disposal facility" means a waste diversion center or disposal facility that is in compliance with the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, for processing or disposal.

History: 2014 MR 18, Eff. September 24, 2014.

R 338.3603. Eligibility criteria; pharmacy; charitable clinics; requirements; withdrawal.

Rule 3. (1) To be eligible for participation in the program, a pharmacy or charitable clinic shall comply with all applicable federal and state laws, including laws applicable to the storage and distribution of drugs and the appropriate licensure standards, and shall hold an active, nonrestricted, state of Michigan license in good standing.

(2) Participation in the program is voluntary.

(3) A pharmacy or charitable clinic may elect to participate in the program by providing, on a form provided by the department, written notification to the department of all of the following:

(a) The name, street address, and telephone number of the pharmacy or charitable clinic, and any state of Michigan license or registration number issued to the pharmacy or charitable clinic.

(b) For a charitable clinic, evidence that the charitable clinic meets the requirements defined in R 338.3601(a).

(c) The name and license number of the responsible pharmacist employed by or under contract with the pharmacy or charitable clinic.

(d) A statement signed and dated by the responsible pharmacist indicating that the pharmacy or charitable clinic meets the eligibility requirements under this rule and shall comply with the requirements of the program.

(4) A pharmacy or charitable clinic may withdraw from participation in the program at any time by providing written notice to the department on a form provided by the department. All of the following information shall be included on the notice of withdrawal form:

(a) Name, address, telephone number, and state of Michigan license or registration number of pharmacy or charitable clinic.

(b) Name and dated signature of the responsible pharmacist, attesting that the pharmacy or charitable clinic will no longer participate in the program.

(c) Date of withdrawal.

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History: 2014 MR 18, Eff. September 24, 2014.

R 338.3605 Eligible prescription drugs.

Rule 5. (1) All non-controlled prescription drugs, except those specified in R 338.3607, that have been approved for medical use in the United States, are listed in the United States pharmacopeia and the national formulary (usp-nf), and meet the criteria for donation established by these rules may be accepted for donation under the program.

(2) A new prescription may be transferred to another participating pharmacy or charitable clinic for dispensing.

History: 2014 MR 18, Eff. September 24, 2014.

R 338.3607. Ineligible drugs; controlled substances prohibited.

Rule 7. (1) The following shall not be accepted for dispensing under the program:

- (a) Controlled substances, as defined in article 7 of the code or by federal law.
- (b) Expired prescription drugs.
- (c) Drugs that may be dispensed only to a patient registered with the drug's manufacturer under federal food and drug administration requirements.
- (d) Drugs that have been held outside of a health professional's control where sanitation and security cannot be assured.
- (e) Compounded drugs.
- (f) Drugs that require storage temperatures other than normal room temperature as specified by the manufacturer or the usp-nf shall not be donated or accepted as part of the program. Excluded from this restriction are drugs donated directly from a drug manufacturer.

(2) Controlled substances submitted for donation shall be documented and returned immediately to the eligible facility that donated the drugs. Both of the following apply:

(a) If controlled substances enter the participating pharmacy or charitable clinic and it is not possible or practicable to return the controlled substances to the donating facility, abandoned controlled substances shall be documented and destroyed pursuant to the protocols currently used by the pharmacy.

(b) A destruction record shall be created and maintained for a period of 5 years after destruction for any controlled substances destroyed.

History: 2014 MR 18, Eff. September 24, 2014.

R 338.3609 Donated prescription drugs; participating pharmacy or charitable clinic requirements.

Rule 9. (1) A participating pharmacy or charitable clinic may accept a prescription drug only if all of the following requirements are met:

(a) The drug is in its original sealed and tamper-evident packaging. However, a drug in a single-unit dose, unit of issue package, or blister pack with the outside packaging opened may be accepted if the single-unit-dose packaging or unit of issue packaging is unopened.

(b) The drug has been stored according to manufacturer or usp-nf storage requirements.

(c) The packaging contains the lot number and expiration date of the drug. If the lot number is not retrievable, all specified medications shall be destroyed in the event of a recall.

(d) The drug has an expiration date that is more than 6 months after the date that the drug was donated.

(e) The drug does not have any physical signs of tampering or adulteration, and there is no reason to believe that the drug is adulterated.

(f) The packaging does not have any physical signs of tampering, deterioration, compromised integrity, or adulteration.

(2) A participating pharmacy or charitable clinic may accept donated prescription drugs from more than 1 eligible facility, provided that the donating is done pursuant to the terms of the program.

History: 2014 MR 18, Eff. September 24, 2014.

R 338.3611 Donated prescription drugs; eligible facility requirements.

Rule 11. (1) An eligible facility or manufacturer may donate unused or donated prescription drugs, other than controlled substances, to a participating pharmacy or charitable clinic, if the drug meets the requirements of these rules.

(2) A manufacturer or its representative may donate prescription drugs in complimentary starter doses, other than controlled substances, to a charitable clinic under the program, if the drug meets the requirements of these rules.

History: 2014 MR 18, Eff. September 24, 2014.

R 338.3613 Resident of eligible facility; donations permitted.

Rule 13. (1) A resident of an eligible facility or the representative or guardian of a resident of an eligible facility may donate unused prescription drugs to be dispensed under the terms of the program.

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(2) A resident of an eligible facility or the resident's representative or guardian shall complete a resident donation form prior to the eligible facility taking possession of the drugs to be donated. A copy of the resident donation form shall be sent to the participating pharmacy or charitable clinic with the donated drugs.

(3) The prescription drugs donated under the method described in this rule shall have originated from the eligible facility, and prescription drugs obtained prior to the resident being admitted to the facility shall not be accepted.

(4) The prescription drugs donated under the method described in this rule are subject to all the requirements of these rules.

History: 2014 MR 18, Eff. September 24, 2014.

R 338.3615 Transfer and shipment of donated drugs; requirements.

Rule 15. (1) Prior to the initial transfer of donated drugs from an eligible facility or manufacturer to a participating pharmacy or charitable clinic, the eligible facility or manufacturer shall complete the eligible facility donation form. The eligible facility or manufacturer shall transmit the completed eligible facility donation form to the participating pharmacy or charitable clinic and retain a copy for its records.

(2) A completed transfer form shall be included in each shipment of donated drugs from an eligible facility or manufacturer to a participating pharmacy or charitable clinic.

(3) Donated drugs under the program shall be shipped from the eligible facility or manufacturer to the participating pharmacy or charitable clinic via common or contract carrier.

History: 2014 MR 18, Eff. September 24, 2014.

R 338.3617 Inspection and storage of donated prescription drugs; destruction; recall.

Rule 17. (1) A licensed pharmacist employed by or under contract with the participating pharmacy or charitable clinic shall inspect donated prescription drugs to determine, in the professional judgment of the pharmacist, that the drugs are not adulterated, are safe and suitable for dispensing, and are eligible drugs. The pharmacist who inspects the drugs shall sign the transfer form included with the shipment of donated drugs attesting to the above.

(2) The participating pharmacy or charitable clinic shall store donated drugs pursuant to the manufacturer's guidelines or usp-nf guidelines. Donated drugs shall not be stored with non-donated inventory at any time.

(3) When donated drugs are not inspected immediately upon receipt, a participating pharmacy or charitable clinic shall quarantine the donated drugs separately from all dispensing stock until the donated drugs have been inspected and approved for dispensing under the program.

(4) A participating pharmacy or charitable clinic shall destroy donated prescription drugs that are not suitable for dispensing pursuant to protocols currently established by the pharmacy or charitable clinic for the destruction of prescription drugs.

(5) A participating pharmacy or charitable clinic shall create and maintain a destruction and disposal record for donated drugs that are destroyed and disposed of as a result of being expired, adulterated, recalled, or otherwise not eligible for dispensing. A participating pharmacy or charitable clinic shall maintain a destruction record for 5 years after destruction of the donated drugs.

(6) If a participating pharmacy or charitable clinic receives a recall notification, the participating pharmacy or charitable clinic shall perform a uniform destruction of all of the recalled prescription drugs in the participating pharmacy or charitable clinic and complete the destruction record for all donated drugs destroyed. The destruction shall be done pursuant to protocols currently established by the pharmacy or charitable clinic for the destruction and disposal of prescription drugs.

(7) If a recalled drug has been dispensed, the participating pharmacy or charitable clinic shall immediately notify the eligible participant of the recalled drug pursuant to established drug recall procedures.

History: 2014 MR 18, Eff. September 24, 2014.

R 338.3619 Record keeping; inventory; requirements.

Rule 19. (1) A participating pharmacy or charitable clinic shall keep records in conformance with these rules and all applicable federal and state laws, rules, and regulations.

(2) A participating pharmacy or charitable clinic shall maintain documented policies and procedures that will address all the requirements of these rules.

(3) A participating pharmacy or charitable clinic shall document all of the following for each drug accepted for the program:

(a) Brand name or generic name of the drug.

(b) Name of the manufacturer or national drug code number (ndc#).

(c) Quantity and strength of the drug.

(d) Lot number of medication, if available.

(e) Expiration date of medication.

(f) Date the drug was donated and the date the drug was subsequently dispensed.

(g) Name of the eligible facility that donated the drug and the eligible participant subsequently dispensed the drug.

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- (h) The prescription from a health care professional.
- (4) All records required for participation in the program shall be maintained separate from other records for 5 years and shall be readily retrievable for inspection at the request of the department or its agent.
History: 2014 MR 18, Eff. September 24, 2014.

R 338.3621 Forms; eligible facility donation form, resident donation form, eligible participant form, transfer form, destruction form; requirements.

Rule 21. (1) An eligible facility donation form shall include all of the following information:

- (a) An eligible facility's or manufacturer's name, address, and telephone number; the name, dated signature, and license number of pharmacist or health care provider authorized to donate the drugs; and, the license number of the facility or manufacturer.
- (b) A statement of the facility's intent to participate in the program and donate eligible prescription drugs to the participating pharmacy or charitable clinic identified on the form.
- (c) The receiving participating pharmacy's or charitable clinic's name, address, and telephone number.
- (d) The name, state of Michigan license number, and dated signature of the responsible pharmacist authorized to receive the donation.

(e) The date the donation was received.

(2) A resident donation form shall include all of the following information:

- (a) The eligible facility's name, address, state of Michigan license or registration number, and telephone number; and the name, dated signature, and license number of pharmacist or health care provider authorized to donate the drugs.
- (b) The resident's name and dated signature, or the name and dated signature of the resident's representative or guardian.
- (c) Attestation to the following statement, "As the legal owner of the listed prescription drug(s), I agree to voluntarily donate the listed eligible unused drugs to the program for utilization of unused prescription drugs."
- (d) The drug brand name or generic name, the name of manufacturer or national drug code number (ndc#), the quantity and strength of the drug, and the drug's expiration date.
- (e) The date of the donation.
- (f) The name, address, telephone number and state of Michigan license or registration number of the pharmacy or charitable clinic receiving donated unused prescription drug.
- (g) The date the donated drugs are received by the pharmacy or charitable clinic.
- (h) The name, state of Michigan license or registration number, and dated signature of the authorized pharmacist or health care provider receiving the donated prescription drug.

(3) The eligible participant form shall include all of the following information:

- (a) The participating pharmacy's or charitable clinic's name, address, telephone number, state of Michigan license or registration number, and the name, state of Michigan license or registration number, and dated signature of dispensing pharmacist.
- (b) The drug's brand name or generic name, the name of manufacturer or national drug code number (ndc#), the quantity and strength of the drug, the date the drug was dispensed, and the drug's expiration date.
- (c) The eligible participant's name, date of birth, address, and dated signature.
- (d) Attestation of all of the following:
 - (i) The eligible participant is a resident of this state.
 - (ii) The eligible participant is eligible to receive medicare or medicaid or is uninsured and does not have prescription drug coverage.
- (e) The eligible participant acknowledges that the drugs have been donated.
- (f) The eligible participant consents to a waiver of the requirement for child resistant packaging, as required by the poison prevention packaging act, being 15 U.S.C. §1471-1477.

(4) The transfer form shall include all of the following information:

- (a) The eligible facility or manufacturer's name, state of Michigan license or registration number, address, telephone number, and the name, dated signature, and state of Michigan license number of the responsible pharmacist.
- (b) The date of donation.
- (c) The drug's brand name or generic name, the name of manufacturer or national drug code number (ndc#), the quantity and strength of the drug, and the drug's expiration date.
- (d) The pharmacist of the eligible facility or manufacturer shall attest to the following statement, "I certify that the prescription drugs listed on this form for donation are eligible for donation and meet the requirements for prescription drugs under the program, including any storage requirements."
- (e) The receiving participating pharmacy's or charitable clinic's name, address, and telephone number, and name and state of Michigan license number of responsible pharmacist authorized to receive the donation.

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(f) The responsible pharmacist shall sign and date the transfer form attesting to the following statement, "Upon receipt and inspection of the above listed donated prescription drugs, it is in my professional judgment that these drugs are not adulterated, are safe and suitable for dispensing, and are eligible drugs."

(5) The destruction form shall include all of the following:

(a) The participating pharmacy's or charitable clinic's name, state of Michigan license number, address, telephone number, the name, dated signature, and license number of the responsible pharmacist.

(b) The drug's brand name or generic name, the name of the manufacturer or national drug code number (ndc#), the quantity and strength of the drug, and the drug's expiration date.

(c) The reason for destruction of the drug.

(d) The name, title, and dated signature of the witness.

(e) The date of destruction.

(f) If off-site disposal is used, the name of the firm destroying or disposing the drug, the name and dated signature of the person at the firm destroying or disposing the drug, and the date of disposal.

(6) All forms required for participation in the program shall be maintained separate from other records for 5 years and shall be readily retrievable for inspection at the request of the department or its agent.

(7) The department shall make available all forms required by the program. The forms shall be available at no cost from the Department of Licensing and Regulatory Affairs, Bureau of Health Care Services, 611 W. Ottawa St., Lansing, MI 48909 or on the department's website at www.michigan.gov/healthlicense.

History: 2014 MR 18, Eff. September 24, 2014.

R 338.3623 Eligible participants; requirements.

Rule 23. The eligible participant shall complete the eligible participant form attesting to the following statements:

(a) The eligible participant is a resident of the state of Michigan.

(b) The eligible participant is eligible to receive medicare or medicaid or does not have insurance or prescription drug coverage. Verification or written documentation shall not be required.

(c) The eligible participant acknowledges that the drugs have been donated.

(d) The eligible participant consents to a waiver of the requirement for child resistant packaging, as required by the poison prevention packaging act, 15 U.S.C. §1471-1477.

History: 2014 MR 18, Eff. September 24, 2014.

R 338.3625 Dispensing donated prescription drugs; requirements.

Rule 25. (1) A participating pharmacy or charitable clinic shall dispense donated prescription drugs in compliance with applicable federal and state laws and regulations for dispensing prescription drugs, including all requirements relating to packaging, labeling, record keeping, drug utilization review, and patient counseling.

(3) The department and a local participating pharmacy or charitable clinic shall remove any patient identifying information from the package prior to dispensing the drugs.

(4) Prescription drugs donated under this program shall not be resold; however, a participating pharmacy or charitable clinic may collect a handling fee pursuant to the terms of R 338.3627.

R 338.3627 Handling fee.

Rule 27. (1) A participating pharmacy or charitable clinic may charge the eligible participant receiving a donated drug a handling fee, not to exceed a maximum of 300% of the medicaid standard pharmacy dispensing fee as established by the Michigan department of community health, to cover stocking and dispensing costs, provided that the handling fee does not exceed the total cost of obtaining the drug outside the program.

(2) A copy of the medicaid drug dispensing fees can be obtained from the Michigan department of community health, 201 Townsend Street, Lansing, Michigan 48913 or on the department's website at http://www.michigan.gov/mdch/0,1607,7-132-2945_42542_42543_42546_42551-151019--00.html.

(3) A prescription drug dispensed through the program shall not be eligible for reimbursement under the medical assistance program.

(4) The eligible participant shall not be charged a handling fee if the eligible participant is receiving a professional sample which is distributed to patients at the same charitable clinic whom are ineligible for the program without a handling fee.

History: 2014 MR 18, Eff. September 24, 2014.

R 338.3629 Donation to other participating pharmacy or charitable clinic.

Rule 29. The originating participating pharmacy or charitable clinic may donate drugs donated under this program to other

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participating pharmacies or charitable clinics for use pursuant to the program. The participating pharmacy or charitable clinic donating the drugs shall complete a transfer form.

History: 2014 MR 18, Eff. September 24, 2014.

R 338.3631 Registry; creation.

Rule 31. The department shall establish and maintain a participating pharmacy and charitable clinic registry for the program on the department's website. The registry shall include the participating pharmacy's or charitable clinic's name, address, and telephone number, and the contact name of the responsible pharmacist.

History: 2014 MR 18, Eff. September 24, 2014.

R 338.3633 Collection of prescription drugs and other medication for destruction and disposal; requirements; limitations.

Rule 33. (1) Pursuant to section 17776 of the code, MCL 333.17776, a participating pharmacy or charitable clinic shall accept from any person a prescription drug or any other medication that is ineligible for distribution under the program for destruction and disposal.

(2) Unless permitted by federal law, controlled substances shall not be collected by a participating pharmacy or charitable clinic for destruction and disposal.

(3) If a participating pharmacy or charitable clinic accepts a chemotherapeutic agent for destruction, the chemotherapeutic agent shall not be mixed with other prescription drugs collected for disposal under the program. The chemotherapeutic agent shall be mixed with the participating pharmacy's or charitable clinic's hazardous waste.

(4) The collection shall occur on-site at the participating pharmacy or charitable clinic and according to these rules and all applicable state and federal laws and regulations.

History: 2014 MR 18, Eff. September 24, 2014.

R 338.3635 Collection device; requirements.

Rule 35. A participating pharmacy or charitable clinic shall utilize a collection device to collect prescription drugs and other medications that are ineligible for distribution under the program for destruction and disposal that meets all of the following criteria:

(a) Is designed to allow contents to be added to the device but not removed, except by authorized personnel for the purpose of destruction and disposal.

(b) Is labeled pursuant to all applicable state and federal laws and regulations.

(c) Is lined with a removable liner that is waterproof, tamper-evident, tear resistant, and capable of being sealed. The contents of the liner shall not be viewable from the outside and the size or capacity of the liner shall be clearly marked on the outside of the liner.

(d) Is secured in a manner that will only allow authorized personnel to remove the contents of the container for the purpose of destruction and disposal.

(e) Uses a design that is tamper resistant and is securely locked.

(f) Is securely fastened to permanent structure within the designated pharmacy area so that it cannot be removed.

(g) Is consistently monitored by security features and pharmacy personnel.

(h) The following statements shall be prominently placed on the collection device and shall be posted as signage near the location of the collection device, "Controlled substances cannot be accepted for destruction and disposal, unless permitted under federal law." and "Chemotherapeutic agents shall not be placed in this collection device."

(i) The collection device for the yellow jug old drugs program operated by the Great Lakes clean water organization is deemed to satisfy the requirements of this rule, provided the participating pharmacy or charitable clinic is a compliant participant in the yellow jugs old drugs program.

History: 2014 MR 18, Eff. September 24, 2014.

R 338.3637 Access; destruction of collected drugs.

Rule 37. (1) A collection device utilizing a removable liner shall only be accessed for the following purposes:

(a) To remove the contents to process for safe, effective, and immediate transportation.

(b) To immediately transfer the contents to a waste disposal facility.

(c) To immediately transfer the contents to a responsible third party for transportation to a waste disposal facility.

(2) A collection device utilizing a removable liner shall only be accessed as follows:

(a) The access shall be done by two personnel, one of whom shall be a licensed pharmacist, designated by the participating pharmacy or charitable clinic.

(b) Upon being accessed, the liner shall be immediately sealed and the weight of the contents immediately recorded in the

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destruction and disposal log. A copy of the destruction log shall be transferred with the sealed contents.

(3) A collection device for the yellow jug old drugs program operated by the Great Lakes clean water organization shall be weighed at the time the collection device leaves the pharmacy and the weight shall be recorded in the destruction and disposal log. The participating pharmacy or charitable clinic shall comply with all requirements of the yellow jug old drugs program.

(4) Within 1 year of collection, the contents of the collection device shall be transferred to a waste disposal facility for destruction.

(5) The contents of the collection device shall be destroyed pursuant to all applicable state and federal laws and regulations.

History: 2014 MR 18, Eff. September 24, 2014.

R 338.3639 Record keeping; policy and procedures; destruction and disposal log.

Rule 39. (1) In addition to the policy and procedure requirements in R 338.3617 and R 338.3619, a participating pharmacy or charitable clinic shall maintain a destruction and disposal log that includes all of the following information:

(a) Name, telephone number, address, and state of Michigan license or registration number of the participating pharmacy or charitable clinic.

(b) Date, time, weight of the contents of the collection device each time the contents of the collection device are removed for destruction.

(c) The name, telephone number and address of any third party responsible for transporting the contents to the waste disposal facility.

(d) The name, telephone number and address of the waste disposal facility where the contents of the collection device were transferred.

(2) Copies of all contracts with transporters and waste disposal facilities shall be stored with the destruction log, as applicable.

History: 2014 MR 18, Eff. September 24, 2014.

R 338.3641 Transportation.

Rule 41. The contents of the collection device shall be transferred to a waste disposal facility pursuant to all applicable state and federal laws and regulations.

History: 2014 MR 18, Eff. September 24, 2014.

R 338.3643 Department of human services and department of community health; inclusion in rule-making process.

Rule 43. The department shall notify the director of the department of human services and the director of the department of community health of an approved request for rule-making under MCL 24.239 for rule promulgation affecting eligible facilities or mental health or substance abuse clients. The department of human services and the department of community health shall provide any input regarding the rule promulgation to the department within 30 days of receipt of notification of the approved request for rule-making.

History: 2014 MR 18, Eff. September 24, 2014.

DIRECTOR'S OFFICE

PODIATRY

PART 1. GENERAL PROVISIONS

R 338.3601

Source: 1997 AACS.

R 338.3602

Source: 1997 AACS.

R 338.3603

Source: 1997 AACS.

R 338.3604

Source: 1997 AACS.

R 338.3605

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Source: 1997 AACCS.

R 338.3606

Source: 1997 AACCS.

PART 2. CRITERIA FOR PODIATRIC INTERNSHIP PROGRAMS

R 338.3611

Source: 1997 AACCS.

R 338.3612

Source: 1997 AACCS.

R 338.3613

Source: 1997 AACCS.

R 338.3614

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R 338.3615

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R 338.3616

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R 338.3617

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R 338.3618

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R 338.3619

Source: 1997 AACCS.

PART 3. CRITERIA FOR PODIATRIC PRECEPTORSHIP PROGRAMS

R 338.3621

Source: 1997 AACCS.

R 338.3622

Source: 1997 AACCS.

R 338.3623

Source: 1997 AACCS.

R 338.3624

Source: 1997 AACCS.

R 338.3625

Source: 1997 AACCS.

R 338.3626

Source: 1997 AACCS.

CONTINUING EDUCATION

R 338.3701 Rescinded.

History: 1979 AC; 2015 MR 24, Eff. Dec. 23, 2014.

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R 338.3702 Rescinded.

History: 1979 AC; 2015 MR 24, Eff. Dec. 23, 2014.

R 338.3703 Rescinded.

History: 1979 AC; 2015 MR 24, Eff. Dec. 23, 2014.

R 338.3704 Rescinded.

History: 1979 AC; 2015 MR 24, Eff. Dec. 23, 2014.

R 338.3705 Rescinded.

History: 1979 AC; 2015 MR 24, Eff. Dec. 23, 2014.

R 338.3706 Rescinded.

History: 1979 AC; 2015 MR 24, Eff. Dec. 23, 2014.

R 338.3707 Rescinded.

History: 1979 AC; 2015 MR 24, Eff. Dec. 23, 2014.

R 338.3708 Rescinded.

History: 1979 AC; 2015 MR 24, Eff. Dec. 23, 2014.

R 338.3709 Rescinded.

History: 1979 AC; 2015 MR 24, Eff. Dec. 23, 2014.

R 338.3710 Rescinded.

History: 1979 AC; 2015 MR 24, Eff. Dec. 23, 2014.

R 338.3711 Rescinded.

History: 1979 AC; 2015 MR 24, Eff. Dec. 23, 2014.

R 338.3712

Source: 1979 AC.

BOARD OF VETERINARY MEDICINE

PUBLIC CONDUCT AT MEETINGS

R 338.3801

Source: 1979 AC.

ADMINISTRATIVE HEARINGS—VETERINARY MEDICINE

R 338.3821

Source: 1997 AACS.

R 338.3822

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R 338.3848
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SANITARIANS—REGISTRATION

R 338.3901
Source: 2008 AACS.

R 338.3902
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R 338.3903
Source: 2008 AACS.

R 338.3904
Source: 1997 AACS.

R 338.3905
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R 338.3906
Source: 2008 AACS.

R 338.3906a
Source: 2008 AACS.

R 338.3907
Source: 1997 AACS.

R 338.3908 Rescinded.
History: 1982 AACS; 2008 AACS; MR 20, Eff. Oct. 24, 2014.

R 338.3909
Source: 1982 AACS.

R 338.3910
Source: 2008 AACS.

ADMINISTRATIVE HEARINGS—SANITARIANS

R 338.3921
Source: 1997 AACS.

ADMINISTRATIVE AND DISCIPLINARY PROCEDURE
PHARMACY PRACTICE

R 338.3971
Source: 1997 AACS.

R 338.3972

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R 338.3974a

Source: 1997 AACS.

R 338.3975

Source: 1980 AACS.

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GENERAL RULES

R 338.4001

Source: 1997 AACS.

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DENTISTRY

PART 1. GENERAL PROVISIONS

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R 338.4102
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R 338.4202
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PART 3. DENTAL HYGIENISTS AND ASSISTANTS

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PART 4. GENERAL ANESTHESIA

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PART 5. SPECIALTIES

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PART 6. ADMINISTRATIVE HEARINGS

R 338.4601

Source: 1997 AACS.

R 338.4605

Source: 1997 AACS.

R 338.4606

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R 338.4671
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R 338.4672
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R 338.4674
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R 338.4679
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R 338.4680
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R 338.4681
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R 338.4682
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R 338.4683
Source: 1997 AACS.

R 338.4684
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R 338.4685
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R 338.4691

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R 338.4697

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R 338.4698

Source: 1997 AACS.

VETERINARY MEDICINE

PART 1. GENERAL PROVISIONS

R 338.4901

Source: 2011 AACS.

R 338.4902

Source: 2011 AACS.

R 338.4903

Source: 2011 AACS.

R 338.4904

Source: 1997 AACS.

R 338.4905

Source: 1997 AACS.

R 338.4906

Source: 2011 AACS.

R 338.4907

Source: 1997 AACS.

R 338.4908

Source: 2011 AACS.

R 338.4909

Source: 1997 AACS.

R 338.4910

Source: 1990 AACS.

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R 338.4911
Source: 2011 AACS.

R 338.4912
Source: 1997 AACS.

R 338.4913
Source: 1981 AACS.

R 338.4914
Source: 1990 AACS.

R 338.4914a
Source: 2011 AACS.

R 338.4915
Source: 2011 AACS.

R 338.4916
Source: 1997 AACS.

R 338.4917
Source: 1997 AACS.

R 338.4918
Source: 2011 AACS.

R 338.4919
Source: 1981 AACS.

R 338.4920
Source: 1990 AACS.

R 338.4921
Source: 2011 AACS.

R 338.4922
Source: 2011 AACS.

R 338.4923
Source: 2011 AACS.

R 338.4924
Source: 2011 AACS.

VETERINARY TECHNICIAN LICENSURE

R 338.4971
Source: 2011 AACS.

R 338.4972
Source: 2011 AACS.

R 338.4973
Source: 2011 AACS.

R 338.4974
Source: 1997 AACS.

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R 338.4975
Source: 1997 AACS.

R 338.4976
Source: 2011 AACS.

R 338.4977
Source: 1997 AACS.

R 338.4978
Source: 2011 AACS.

R 338.4979
Source: 1997 AACS.

R 338.4980
Source: 1997 AACS.

R 338.4981
Source: 1997 AACS.

R 338.4982
Source: 2011 AACS.

R 338.4983
Source: 1997 AACS.

R 338.4984
Source: 1981 AACS.

ACCOUNTING

PART 1. GENERAL PROVISIONS

R 338.5101
Source: 2013 AACS.

R 338.5102
Source: 2013 AACS.

R 338.5103
Source: 2013 AACS.

R 338.5104
Source: 2013 AACS.

R 338.5105
Source: 2013 AACS.

R 338.5110
Source: 2013 AACS.

PART 2. LICENSURE REQUIREMENTS

R 338.5110a
Source: 2013 AACS.

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- R 338.5111**
Source: 2013 AACS.
- R 338.5112**
Source: 2013 AACS.
- R 338.5114**
Source: 2013 AACS.
- R 338.5115**
Source: 2013 AACS.
- R 338.5116**
Source: 2013 AACS.
- R 338.5117**
Source: 2013 AACS.
- R 338.5120**
Source: 2013 AACS.
- R 338.5125**
Source: 1997 AACS.
- R 338.5130**
Source: 1998-2000 AACS.
- R 338.5135**
Source: 1997 AACS.
- R 338.5139**
Source: 2013 AACS.
- R 338.5140**
Source: 2013 AACS.
- R 338.5145**
Source: 2013 AACS.
- R 338.5147**
Source: 1998-2000 AACS.
- R 338.5150**
Source: 1998-2000 AACS.
- R 338.5155**
Source: 1998-2000 AACS.
- R 338.5160**
Source: 1997 AACS.
- R 338.5165**
Source: 1997 AACS.
- R 338.5170**
Source: 1997 AACS.

PART 2. CONTINUING EDUCATION

- R 338.5201**
Source: 1997 AACS.
- R 338.5205**
Source: 1997 AACS.
- R 338.5210**
Source: 2013 AACS.
- R 338.5211**
Source: 1998-2000 AACS.
- R 338.5215**
Source: 2003 AACS.
- R 338.5216**
Source: 1998-2000 AACS.
- R 338.5217**
Source: 2013 AACS.
- R 338.5218**
Source: 2013 AACS.
- R 338.5220**
Source: 1997 AACS.
- R 338.5221**
Source: 1998-2000 AACS.
- R 338.5225**
Source: 1997 AACS.
- R 338.5230**
Source: 2013 AACS.
- R 338.5235**
Source: 1997 AACS.
- R 338.5240**
Source: 2013 AACS.
- R 338.5245**
Source: 1997 AACS.
- R 338.5250**
Source: 1997 AACS.
- R 338.5255**
Source: 2013 AACS.
- R 338.5260**
Source: 2013 AACS.
- R 338.5265**
Source: 1997 AACS.

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R 338.5270
Source: 2013 AACS.

R 338.5275
Source: 1998-2000 AACS.

R 338.5280
Source: 1997 AACS.

R 338.5285
Source: 1997 AACS.

PART 3. HEARINGS AND COMPLIANCE CONFERENCES

R 338.5301
Source: 1997 AACS.

R 338.5303
Source: 1997 AACS.

R 338.5304
Source: 1997 AACS.

R 338.5305
Source: 1998-2000 AACS.

R 338.5309
Source: 1997 AACS.

R 338.5311
Source: 1997 AACS.

R 338.5313
Source: 1997 AACS.

R 338.5315
Source: 1997 AACS.

R 338.5317
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R 338.5319
Source: 1997 AACS.

R 338.5321
Source: 1997 AACS.

R 338.5323
Source: 1997 AACS.

R 338.5325
Source: 1997 AACS.

R 338.5327
Source: 1997 AACS.

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R 338.5329
Source: 1997 AACS.

R 338.5331
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R 338.5333
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R 338.5337
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R 338.5339
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R 338.5341
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R 338.5343
Source: 1997 AACS.

R 338.5345
Source: 1998 - 2000 AACS.

R 338.5347
Source: 1997 AACS.

R 338.5349
Source: 1997 AACS.

R 338.5351
Source: 1997 AACS.

PART 4. PROFESSIONAL CONDUCT

R 338.5401
Source: 2013 AACS.

R 338.5405
Source: 2013 AACS.

R 338.5410
Source: 1997 AACS.

R 338.5415
Source: 1997 AACS.

R 338.5420
Source: 1997 AACS.

R 338.5425
Source: 1997 AACS.

R 338.5430
Source: 1998-2000 AACS.

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R 338.5435
Source: 2013 AACS.

R 338.5440
Source: 1998-2000 AACS.

R 338.5445
Source: 1998-2000 AACS.

R 338.5446
Source: 2013 AACS.

R 338.5450
Source: 1998-2000 AACS.

R 338.5460
Source: 2013 AACS.

R 338.5465
Source: 2013 AACS.

R 338.5470
Source: 1997 AACS.

R 338.5475
Source: 2013 AACS.

R 338.5480
Source: 2013 AACS.

R 338.5501
Source: 2013 AACS.

R 338.5503
Source: 2013 AACS.

R 338.6001
Source: 2003 AACS.

R 338.6003
Source: 2003 AACS.

PART 3.SANITATION

R 338.6039
Source: 2003 AACS.

PART 4. BARBER COLLEGES

R 338.6045
Source: 2003 AACS.

PHYSICIAN'S ASSISTANTS

PART 1. GENERAL PROVISIONS

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R 338.6101 Definitions.

Rule 101. (1) As used in these rules:

- (a) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211.
 - (b) "Department" means the department of licensing and regulatory affairs.
 - (c) "Task force" means the task force on physician's assistants.
- (2) Terms defined in the code have the same meanings when used in these rules.
History: 1980 AACCS; 1990 AACCS; 2014 MR 6, Eff. March 20, 2014.

R 338.6102

Source: 1997 AACCS.

PART 2. PHYSICIAN'S ASSISTANT PROGRAM APPROVAL

R 338.6201 Educational program standards; adoption by reference.

Rule 201. (1) The standards for accrediting educational programs for physician's assistants approved by the accreditation review commission on education for the physician assistant (arc-pa) in the document entitled "Accreditation Standards for Physician Assistant Education, 4th Edition," effective September 1, 2010, updated December 7, 2012, are adopted by reference in these rules. The standards are available at no cost on the commission's website at <http://www.arc-pa.org>. Copies of the standards are also available for inspection and distribution at cost from the Michigan Task Force on Physician's Assistants, Bureau of Health Care Services, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

(2) Any educational program for physician's assistants that is accredited by the arc-pa meets the qualifications for an approved physician's assistant educational program.

History: 1980 AACCS; 1990 AACCS; 2014 MR 6, Eff. March 20, 2014.

R 338.6202

Source: 1997 AACCS.

R 338.6203

Source: 1997 AACCS.

R 338.6204

Source: 1997 AACCS.

R 338.6205

Source: 1997 AACCS.

R 338.6206

Source: 1997 AACCS.

R 338.6207

Source: 1997 AACCS.

R 338.6208

Source: 1997 AACCS.

R 338.6209

Source: 1997 AACCS.

R 338.6210

Source: 1997 AACCS.

R 338.6211

Source: 1997 AACCS.

PART 3. PHYSICIAN'S ASSISTANT LICENSE

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R 338.6301 Application for physician's assistant license; requirements.

Rule 301. An applicant for a physician's assistant license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant shall meet both of the following requirements:

- (a) Have graduated from an accredited educational program for physician's assistants that meets the standards in R 338.6201.
- (b) Have passed the certifying examination conducted and scored by the national commission on certification of physician's assistants (nccpa).

History: 1980 AACS; 1990 AACS; 2014 MR 6, Eff. March 20, 2014.

R 338.6302

Source: 1997 AACS.

R 338.6303

Source: 1997 AACS.

R 338.6304

Source: 1997 AACS.

R 338.6305 Licensure by endorsement; requirements.

Rule 305. (1) An applicant for a physician's assistant license by endorsement, in addition to meeting the requirements of the code and these rules, shall submit the required fee and a completed application on a form provided by the department. An applicant who satisfies the requirements of the code and this rule, is presumed to meet the requirements of section 16186, MCL 333.16186, of the code.

(2) If the applicant was first licensed, certified, or registered to practice as a physician's assistant in another state before July 7, 1986, then the applicant shall submit evidence of having passed the certifying examination conducted and scored by the nccpa.

(3) If the applicant was first licensed, certified, or registered to practice as a physician's assistant in another state on or after July 7, 1986, the applicant shall meet both of the following requirements:

(a) Have graduated from an accredited educational program for physician's assistants that meets the standards in R 338.6201.

(b) Have passed the certifying examination conducted and scored by the nccpa.

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

History: 1980 AACS; 1990 AACS; 2014 MR 6, Eff. March 20, 2014.

R 338.6306

Source: 1997 AACS.

R 338.6307

Source: 1997 AACS.

R 338.6308 Requirements for relicensure.

Rule 308. (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), MCL 333.16201(3), of the code if the applicant submits the required fee and a completed application on a form provided by the department.

(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), MCL 333.16201(4), of the code if the applicant submits the required fee and a completed application on a form provided by the department and meets either of the following requirements:

(a) Presents evidence to the department that he or she was licensed as a physician's assistant in another state of the United States during the 3-year period immediately preceding the date of the application for relicensure.

(b) Establishes that he or she passed either the certifying or recertifying examination conducted and scored by the nccpa during the 10-year period immediately preceding the date of the application for relicensure.

(3) An applicant shall have his or her license, certification, or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or ever held a license, certification,

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or registration as a physician's assistant. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

History: 1990 AACCS; 2014 MR 6, Eff. March 20, 2014.

R 338.6309 Advertising.

Rule 309. (1) A licensee practicing as a physician's assistant in this state shall use the words "physician's assistant" or "physician assistant" or the initials "P.A." in conjunction with his or her names on all signs, letterheads, business cards, or similar items of identification.

History: 2014 MR 6, Eff. March 20, 2014.

R 338.6311 License renewal; requirements.

Rule 311. An applicant for license renewal who has been licensed for the 2-year period immediately preceding the application for renewal shall submit the required fee.

History: 2014 MR 6, Eff. March 20, 2014.

PART 4. ADMINISTRATIVE HEARINGS

R 338.6401

Source: 1997 AACCS.

LICENSE RENEWAL

R 338.7001 Definitions.

Rule 1. As used in these rules:

- (a) "CMS" means centers for medicare and medicaid services, U.S. department of health and human services.
- (b) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211.
- (c) "Department" means the department of licensing and regulatory affairs.
- (d) "Stark law" means section 1877 of part d of title XVIII of the social security act, 42 U.S. code 1395nn.

History: 1979 AC; 2009 AACCS; 2014 MR 6, Eff. March 20, 2014.

R 338.7001a Biennial renewal; authorized boards; license renewal content; fees.

Rule 1a. (1) The license or registration renewals issued for the following boards, task forces, or committees shall be valid for a period of 2 years commencing on the following dates and shall be renewed every 2 years upon receipt of payment and compliance with renewal requirements, if appropriate:

Acupuncture		10/1
Audiology	1/1	
Chiropractic		12/1
Dietetics and nutrition	10/1	
Marriage and family therapy	2/1	
Nursing		4/1
Nursing home administrators	11/1	
Occupational therapy	6/1	
Optometry	7/1	
Pharmacy	7/1	
Physical therapy		8/1
Physician's assistants	9/1	
Psychology		9/1
Respiratory therapy	1/1	
Sanitarians	12/1	
Speech-Language Pathology	10/31	
Veterinary medicine	1/1	

(2) The biennial fees are double the per annum fees approved by the legislature.

(3) A license or registration having a limitation may be renewed for a term less than the biennial cycle.

History: 2009 AACCS; 2014 MR 6, Eff. March 20, 2014.

R 338.7002 Triennial renewal; authorized boards; license renewal content; fees.

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Rule 2. (1) The license renewals issued for the following boards shall be valid for a period of 3 years commencing on the following dates and shall be renewed every 3 years upon receipt of payment and compliance with renewal requirements, if appropriate:

Athletic training		10/1
Counseling	6/1	
Dentistry	9/1	
Massage Therapy		10/31
Medicine	2/1	
Osteopathic medicine and surgery		1/1
Podiatric medicine and surgery	3/1	
Social work		5/1

(2) The triennial fees are triple the per annum fees approved by the legislature.

(3) A license having a limitation may be renewed for a term less than the triennial cycle.

History: 1979 AC; 2009 AACCS; 2014 MR 6, Eff. March 20, 2014.

R 338.7003

Source: 2009 AACCS.

R 338.7005 Assessment of fines.

Rule 5. When a fine is designated as an available sanction for a violation of section 16221 to 16226 of the code, MCL 333.16221 to 333.16226, in the course of assessing a fine, the disciplinary subcommittee shall take into consideration the following factors without limitation:

(a) The extent to which the licensee obtained financial benefit from any conduct comprising part of the violation found by the disciplinary subcommittee.

(b) The willfulness of the conduct found to be part of the violation determined by the disciplinary subcommittee.

(c) The public harm, actual or potential, caused by the violation found by the disciplinary subcommittee.

(d) The cost incurred in investigating and proceeding against the licensee.

History: 2014 MR 6, Eff. March 20, 2014.

PHYSICAL THERAPY

R 338.7101

Source: 2010 AACCS.

R 338.7102

Source: 2010 AACCS.

R 338.7103

Source: 2010 AACCS.

R 338.7104

Source: 2010 AACCS.

R 338.7105

Source: 2010 AACCS.

R 338.7107

Source: 2010 AACCS.

R 338.7107a

Source: 2010 AACCS.

R 338.7107b

Source: 2010 AACCS.

R 338.7110

Source: 2010 AACCS.

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R 338.7111
Source: 2010 AACS.

R 338.7112
Source: 2010 AACS.

R 338.7113
Source: 2010 AACS.

R 338.7114
Source: 2010 AACS.

PART 1. DEFINITIONS

R 338.7121
Source: 2010 AACS.

PART 2. GENERAL PROVISIONS

R 338.7122
Source: 2010 AACS.

R 338.7123
Source: 2010 AACS.

R 338.7124
Source: 2010 AACS.

R 338.7125
Source: 2010 AACS.

PART 3. PHYSICAL THERAPISTS

R 338.7131
Source: 2010 AACS.

R 338.7132
Source: 2010 AACS.

R 338.7133
Source: 2010 AACS.

R 338.7134
Source: 2010 AACS.

R 338.7135
Source: 2010 AACS.

R 338.7136
Source: 2010 AACS.

R 338.7137
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R 338.7138
Source: 2010 AACS.

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R 338.7139
Source: 2010 AACS.

PART 4. PHYSICAL THERAPIST ASSISTANTS

R 338.7141
Source: 2010 AACS.

R 338.7142
Source: 2010 AACS.

R 338.7143
Source: 2010 AACS.

R 338.7144
Source: 2010 AACS.

R 338.7145
Source: 2010 AACS.

R 338.7146
Source: 2010 AACS.

R 338.7147
Source: 2010 AACS.

R 338.7148
Source: 2010 AACS.

R 338.7149
Source: 2010 AACS.

R 338.7150
Source: 2010 AACS.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

MARRIAGE AND FAMILY THERAPY

R 338.7201
Source: 2012 AACS.

R 338.7203
Source: 2012 AACS.

R 338.7205
Source: 2012 AACS.

R 338.7207
Source: 2012 AACS.

R 338.7209
Source: 2012 AACS.

R 338.7211
Source: 2012 AACS.

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R 338.7213

Source: 2012 AACCS.

R 338.7215

Source: 2012 AACCS.

R 338.7217

Source: 1998-2000 AACCS.

PODIATRIC MEDICINE AND SURGERY

PART 1. GENERAL PROVISIONS

R 338.8101 Definitions.

Rule 101. (1) As used in these rules:

- (a) "Board" means the Michigan board of podiatric medicine and surgery.
 - (b) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211.
 - (c) "Department" means the department of licensing and regulatory affairs.
 - (2) Terms defined in article 15 of the code have the same meanings when used in these rules.
- History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8103 Licensure by examination; requirements.

Rule 103. An applicant for licensure by examination shall submit a completed application, on a form provided by the department, together with the requisite

fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant to the code, an applicant shall satisfy all of the following requirements:

- (a) Have graduated from a school of podiatric medicine approved by the board.
 - (b) Have achieved a score of pass on parts I, II, and III of the examination developed and scored by the national board of podiatric medical examiners (nbpme).
 - (c) Have achieved a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department.
 - (i) The jurisprudence examination shall assess an applicant's knowledge of the laws and administrative rules governing the practice of podiatric medicine and surgery in this state.
 - (ii) An applicant who fails to achieve a passing score on the jurisprudence examination may repeat the examination without limitation.
 - (d) Have satisfactorily completed 1 year of a postgraduate residency or preceptorship program approved by the board. Certification of completion of postgraduate education shall be accepted by the board not more than 30 days before completion of the training.
- History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8104 Examinations; eligibility for part III.

Rule 104. (1) Part III of the nbpme examination shall assess an applicant's knowledge, skills, and abilities related to the clinical practice of podiatric medicine and surgery.

(2) To be eligible for part III of the podiatric examination administered by the nbpme, an applicant shall submit an application for licensure, pursuant to R 338.8103, together with the requisite fee. To assure eligibility to sit for the nbpme examination, an applicant shall submit his or her completed application not less than 30 days before the date of the examination.

(3) An applicant who fails after 3 attempts to achieve a passing score on part III of the nbpme examination is not eligible to sit again for the examination until he or she has completed a program of study in podiatric medicine and surgery acceptable to the board. If the applicant thereafter fails part III of the nbpme examination, the applicant may repeat the examination without limitation if the applicant, subsequent to each failure, first completes a program of study in podiatric medicine and surgery acceptable to the board. As used in this subrule, "a program of study in podiatric medicine and surgery acceptable to the board" means any of the following:

- (a) A course or courses in podiatric medicine and surgery offered by a school of podiatric medicine which is approved by the board.

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(b) A program of study in podiatric medicine and surgery developed and offered by a sponsor of a residency program approved by the board.

(c) A course or courses in podiatric medicine and surgery offered by a sponsor of a continuing education program approved by the board.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8107 Licensure by endorsement; requirements.

Rule 107. (1) An applicant for licensure by endorsement shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant to the code, an applicant shall satisfy the requirements of this rule.

(2) If an applicant is licensed in another state and has been licensed as a podiatrist for a minimum of 10 years before the date of filing an application for Michigan podiatric medical licensure, it will be presumed that the applicant meets the requirements of section 16186(1)(a) and (b), MCL 333.16186(1)(a) and (b), of the code. The applicant shall obtain a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department.

(3) If an applicant does not meet the requirements of subrule (2) of this rule, the applicant shall satisfy all of the following requirements:

(a) Have graduated from a school of podiatric medicine approved by the board.

(b) Have satisfactorily completed a postgraduate residency approved by the board.

(c) Was first licensed in another state and had achieved a score of pass on each part of the examination developed and scored by the national board of podiatric medical examiners.

(d) Have obtained a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department.

(4) An applicant's license shall be verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a license as a podiatrist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8108 Approval of preceptorship programs; application.

Rule 108. To obtain approval of a preceptorship program which is not conducted under the supervision and control of a board-approved school of podiatric medicine, a sponsor shall submit a completed application, on a form provided by the department, and demonstrate that the preceptorship program substantially meets the standards adopted by the board in R 338.8113(3).

History: 1990 AACCS.

R 338.8109 Educational limited licenses.

Rule 109. (1) An educational limited license authorizes the holder of the license to engage in the practice of podiatric medicine and surgery as part of a postgraduate education program.

(2) An applicant for an educational limited license shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant to the code, an applicant shall satisfy all of the following requirements:

(a) Have graduated from a school of podiatric medicine approved by the board.

(b) Have been appointed to a residency or 1-year preceptorship program approved by the board.

(c) Have achieved a score of pass parts I and II of the examination developed and scored by the national board of podiatric medical examiners.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8110 Requirements for relicensure; license lapsed for less than 3 years; continuing education.

Rule 110. (1) An applicant for relicensure whose license has been lapsed for less than 3 years, under the provisions of section 16201(3), MCL 333.16201(3), of the code, may be relicensed by complying with all of the following requirements:

(a) Submitting a completed application on a form provided by the department, together with the requisite fee.

(b) Submitting proof of having completed within the 3-year period immediately preceding the date of application, 150 hours of continuing podiatric medical education credit in courses or programs approved by the board, including 1 continuing education hour in pain and symptom management. A minimum of 75 credit hours shall be earned in activities approved by the council on podiatric medical education (cpme).

(c) Taking and achieving a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department.

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(2) In addition to meeting the requirements of subrule (1) of this rule, an applicant's license shall be verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a license as a podiatrist. This includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed on the applicant.

History: 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8111 Requirements for relicensure; license lapsed for 3 years or more; continuing education; examination.

Rule 111. (1) An applicant for relicensure whose license has been lapsed for 3 years or more and who holds a current license as a podiatrist in another state of the United States, under the provisions of section 16201(4), MCL 333.16201(4), of the code, may be relicensed by complying with all of the following requirements:

(a) Submitting a completed application on a form provided by the department, together with the requisite fee.
(b) Submitting proof of having completed within the 3-year period immediately preceding the date of application 150 hours of continuing podiatric medical education credit in courses or programs approved by the board, including 1 continuing education hour in pain and symptom management. A minimum of 75 credit hours shall be earned in activities approved by the council on podiatric medical education (cpme).
(c) Taking and achieving a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department.

(2) An applicant for relicensure whose license has been lapsed for 3 years or more and who does not hold a current license as a podiatrist in any state of the United States, under the provisions of section 16201(4), MCL 333.16201(4), of the code may be relicensed by complying with all of the following requirements:

(a) Submitting a completed application on a form provided by the department, together with the requisite fee.
(b) Taking and achieving a score of pass on part III of the examination developed and scored by the nbpme.
(c) Taking and achieving a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department.

(3) In addition to meeting the requirements of either subrule (1) or (2) of this rule, an applicant's license shall be verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a license as a podiatrist. This includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed on the applicant.

History: 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8113 Accreditation standards for approval of schools of podiatric medicine and residency programs; institutions of higher education; adoption of standards by reference.

Rule 113. (1) The board approves and adopts by reference the standards for accrediting colleges of podiatric medicine developed and adopted by the council on podiatric medical education (cpme) of the American podiatric medical association and entitled "Standards and Requirements for Accrediting Colleges of Podiatric Medicine", cpme 120, November 2011. A copy of the standards and requirements is available at no cost from the council's website at www.cpme.org. A copy of the standards and requirements also is available for inspection and distribution at cost from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, MI 48909. The board shall consider any school of podiatric medicine accredited by the council on podiatric medical education of the American podiatric medical association as a school of podiatric medicine approved by the board.

(2) The board approves and adopts by reference the standards for approval of residency programs developed and adopted by the council on podiatric medical education (cpme) of the American podiatric medical association entitled "Standards and Requirements for Approval of Residencies in Podiatric", cpme 320, July 1, 2011. A copy of the standards and requirements is available at no cost from the council's website at www.cpme.org. A copy of the standards and requirements also is available for inspection and distribution at cost from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, MI 48909. The board shall consider any residency program approved by the council on podiatric medical education of the American podiatric medical association as a residency 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 either the recognition standards and criteria of the council for higher education accreditation or the recognition procedures and criteria of the United States department of education. The board adopts by reference the procedures and criteria for recognizing accrediting organizations of the council for higher education accreditation (chea), effective June 28, 2010, and the procedures and criteria for recognizing accrediting agencies of the United States department of education, effective July 1, 2010, as contained in Title 34, Part 602 of the Code of Federal Regulations. Copies of the standards and criteria of the council for higher education accreditation and the United States department of education are available for inspection and distribution at cost from the Board of Podiatric Medicine and

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Surgery, Bureau of Health Care Services, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. The chea recognition standards also may be obtained at no cost from the council's website at <http://www.chea.org>. The federal recognition criteria also may be obtained at no cost from the department's website at <http://www.ed.gov/about/offices/list/OPE/index.html>.

(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 Board of Podiatric Medicine and Surgery, Bureau of Health Care Services, 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 Association of Colleges and Schools, 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 free of charge on the association'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, set forth in the document entitled "Standards for Accreditation", 2011 Edition, which is available free of charge 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, 30 North LaSalle Street, Suite 2400, Chicago, IL 60602, set forth in the document entitled "Handbook of Accreditation", Third Edition, which is available for purchase through the association's website at <http://www.ncahigherlearningcommission.org>.

(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", 2003 edition, updated June 23, 2008, and "Revised Accreditation Standards 2010" which are available at no cost on the association'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: Foundations for Quality Enhancement", 2010 Edition, which is available free of charge 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", October 2008, which is available free of charge on the commission's website at <http://www.wascsenior.org>.

(g) The standards of the Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges, 10 Commercial Blvd., Suite 204, Novato, CA 94949 set forth in the document entitled "Accreditation Reference Handbook", July 2011, which is available free of charge on the commission's website at <http://www.accjc.org>.

(3) The board approves and adopts by reference the standards for establishing preceptorship programs developed and approved by the council on podiatric medical education of the American podiatric medical association in February, 1986, entitled "Guidelines for Preceptorship Programs in Podiatric Medicine." The board shall designate any preceptorship program which substantially meets the standards for establishing preceptorship programs developed and approved by the council on podiatric medical education of the American podiatric medical association as a preceptorship program approved by the board.

(4) The board approves and adopts by reference the standards for recognizing preceptorship sponsors developed and approved by the council on podiatric medical education of the American podiatric medical association in August, 1986, entitled "Criteria for Recognition of Preceptorship Sponsors." The board shall consider any preceptorship program sponsored by a preceptor recognized by the council on podiatric medical education of the American podiatric medical association as a preceptorship program approved by the board.

(5) The standards for establishing preceptorship programs developed and approved by the council on podiatric medical education of the American podiatric medical association in February, 1986, entitled "Guidelines for Preceptorship Programs in Podiatric Medicine," and the standards for recognizing preceptorship sponsors developed and approved by the council on podiatric medical education of the American podiatric medical association in August, 1986, entitled "Criteria for Recognition of Preceptorship Sponsors" may be obtained at no cost from the Board of Podiatric Medicine and Surgery, Bureau of Health Care Services, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909, or at no cost from the Council on Podiatric Medical Education, American Podiatric Medical Association, 20 Chevy Chase Circle, N.W., Washington, DC 20015.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8114 Delegating to physician's assistants the prescribing of controlled substances; limitation.

Rule 114. (1) A podiatrist who supervises a physician's assistant under sections 18048 and 18049, MCL 333.18048 and 333.18049, of the code may delegate the prescribing of controlled substances listed in schedules 2 to 5 to a physician's assistant if the delegating podiatrist establishes a written authorization that contains all of the following information:

(a) The name, license number, and signature of the supervising podiatrist.

(b) The name, license number, and signature of the physician's assistant.

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- (c) The limitations or exceptions to the delegation.
- (d) The effective date of the delegation.
- (2) A delegating podiatrist shall review and update a written authorization prior to the renewal of a physician's assistant's license or in the interim, as needed. A delegating podiatrist shall note the review date on the written authorization.
- (3) A delegating podiatrist shall maintain a written authorization in each separate location of the podiatrist's office where the delegation occurs.
- (4) A delegating podiatrist shall ensure that an amendment to the written authorization complies with subrule (1)(a) to (d) of this rule.

History: 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8115 Patient records; retention; disposition; confidentiality.

Rule 115. (1) Any individual covered by these rules shall retain a patient record for at least 7 years from the date of the last podiatric service, pursuant to section 16213, MCL 333.16213, of the code.

(2) A licensee shall retain a patient record for a minor patient for at least 7 years from the date of the last podiatric service, or until the minor patient reaches the age of 19, whichever is later.

(3) Any individual covered by these rules shall store and dispose of written, electronic and other client records so as to ensure their confidentiality, except as otherwise proscribed by law.

History: 2015 MR 24, Eff. Dec. 23, 2014.

PART 2. CONTINUING EDUCATION

R 338.8126 License renewal; requirements; applicability.-

Rule 126. (1) An applicant for license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall accumulate during the 3 years immediately preceding an application for renewal not less than 150 hours of continuing podiatric medical education in activities approved by the board under R 338.8128.

(2) Submission of an application for renewal shall constitute the applicant's certification of compliance with the requirements of this rule. A licensee shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to comply with this rule is a violation of section 16221(h), MCL 333.16221(h), of the code.

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

History: 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8127 Acceptable continuing education; requirements; limitations.

Rule 127. (1) The 150 hours of continuing education required pursuant to R 338.8126(1) for the renewal of a license shall comply with the following, as applicable:

(a) Not more than 12 credit hours shall be earned during one 24-hour period.

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

(c) An applicant for license renewal shall complete at least 1 continuing podiatric medical education hour in pain and symptom management in each renewal period pursuant to section 16204(2), MCL 333.16204(2), of the code. Courses in pain and symptom management may include, but are not limited to, courses in behavior management, pharmacology, behavior modification, stress management, clinical applications, and drug interventions as they relate to professional practice.

(2) Pursuant to 2005 PA 70, MCL 338.3703, at least ½ of the 150 hours of continuing podiatric medical education credit in board-approved courses or programs that are required for the renewal of a license may be earned through on-line or electronic media, such as videotapes, internet web-based seminars, video conferences, on-line continuing education programs, and on-line journal articles.

History: 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8128 Continuing education programs; adoption of standards by reference; methods of approval.

Rule 128. (1) The board approves and adopts by reference the standards for approving sponsors of continuing education developed and adopted by the council on podiatric medical education of the American podiatric medical association entitled, "Standards, Requirements, and Guidelines for Approval of Sponsors of Continuing Education in Podiatric Medicine", cpme 720, July 2010. A copy of the standards and requirements is available at no cost from the council's website at www.cpme.org. A copy of the standards and requirements is also available for inspection and distribution at cost from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, MI 48909.

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- (2) The board or authorized committee shall consider requests for approval of individual continuing education programs. A sponsor shall submit an application and information regarding the program or activity to the department at least 60 days before the program or activity is held. For purposes of this rule, 1 credit of continuing education is defined as 50 to 60 minutes of program attendance or participation in an activity.
- (3) The board or authorized committee shall evaluate applications for approval based upon all of the following:
- (a) The content of a program or activity shall enhance the skills, knowledge, and practice of podiatric medicine and surgery.
 - (b) The sponsor shall provide an outline of the program or activity that includes a statement of educational goals or measurable behavioral objectives, or both.
 - (c) The program or activity shall be presented, if applicable, by instructors who are qualified and competent in the subject matter as demonstrated by their education, training, and experience.
 - (d) Licensee attendance at the program or activity shall be monitored by the sponsor, if applicable.
 - (e) The sponsor shall maintain, for a period of 3 years from the date of each program, records of program attendance or completion of an activity that show all of the following, as applicable:
 - (i) The date a program was held or an activity completed.
 - (ii) The location of a program.
 - (iii) The credentials of the individuals who presented a program.
 - (iv) Rosters of individuals who were in attendance at a program or completed an activity.
 - (v) The continuing education credits awarded to each attendee or participant.
 - (f) The sponsor shall award a certificate or written evidence of attendance at a program or completion of an activity that includes the following, as applicable:
 - (i) The participant's name.
 - (ii) The date and location of the program.
 - (iii) The sponsor or program approval number.
 - (iv) The number of continuing education credits earned.
- (4) The board or authorized committee may deny approval of programs or activities offered by institutions and organizations if the board or authorized committee determines that the programs or activities offered by those institutions or organizations fail to demonstrate compliance with the legislative intent to further educate licensees on subjects related to the practice of podiatric medicine and surgery.

History: 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8129 Categories of creditable continuing education activities.

Rule 129. The categories of creditable continuing podiatry education activities approved by the board and the maximum credit hours that may be earned in each category are as follows:

- (a) Category 1: Continuing podiatry education with accredited sponsorship 150 hours.
- (b) Category 2: Continuing podiatry education with non-accredited sponsorship 60 hours.
- (c) Category 3: Teaching podiatric physicians or the allied health services 48 hours.
- (d) Category 4: Books, papers, publications, and exhibits 45 hours.
- (e) Category 5: Nonsupervised study, including self-assessment, instruction, 45 hours specialty board examination preparation, quality care or utilization review.
- (f) Category 6: Full-time participation in a graduate training program 150 hours.

History: 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8130 Continuing podiatric education requirement.

Rule 130. (1) A minimum of 75 credit hours of the total 150-hour continuing podiatric education requirement shall be earned in category 1 or category 6. The remaining 75 credit hours may be earned in category 1, 2, 3, 4, 5, or 6. The credits shall be earned in the 3-year period beginning March 1, and ending the last day of February in the year preceding application for renewal of licensure.

- (2) One clock hour spent meeting the requirements of category 1, 2, 4, 5, or 6 shall equal 1 credit hour for the purpose of satisfying the 150-hour continuing podiatric education requirement.
- (3) One clock hour spent in instruction pursuant to category 3 shall equal 2 credit hours for the purpose of satisfying the 150-hour continuing podiatric education requirement.

History: 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8131 Category 1: Continuing podiatry education with accredited sponsorship and prior approval.

Rule 131. The board shall accept attendance at the programs approved by the council on podiatry education, pursuant to R 338.8128, as credit toward a licensee's continuing podiatry education requirement for annual renewal of a license.

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History: 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8132 Category 2: Continuing podiatry education with nonaccredited sponsorship.

Rule 132. A maximum of 60 credit hours may be earned by attendance at continuing podiatric education programs offered by organizations or institutions that are not approved pursuant to category 1, if the sponsor of the program submits information that the board determines is needed to establish the quality of the program; and after review, the board approves the program. A licensee may submit programs from seminars or conventions for the board's consideration as continuing education when the sponsoring organization has not applied to the board for program approval.

History: 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8133 Category 3: Teaching podiatric physicians or allied health services.

Rule 133. (1) A maximum of 48 credit hours may be earned for serving as an instructor of podiatry students, house staff, other physicians, or allied health professionals in a hospital or institution with a training program approved by the board if the hospital or institution has approved the instruction. A maximum of 48 credit hours may be similarly obtained in a hospital or institution that does not have a training program approved by the board, if the sponsor of the program submits information that the board determines is needed to establish the quality of the instructional programs approved by that hospital or institution and the board approves the program.

(2) A maximum of 48 credit hours may be earned by a licensee who teaches students of accredited podiatry colleges under a rotating externship or clerkship program recognized and approved by the college.

History: 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8134 Category 4: Books, papers, publications, and exhibits.

Rule 134. (1) A maximum of 45 credit hours may be earned under category 4, with specific maximum credits as indicated in the subcategories described in subrule (2), (3) or (4) of this rule. Credit may be earned only during the year of presentation or publication.

(2) A maximum of 30 credit hours may be earned for preparation and initial presentation of a scientific exhibit at a professional meeting if information regarding the preparation and presentation has been submitted to the board and the board approves the preparation and initial presentation.

(3) A maximum of 30 credit hours may be earned for preparation and initial presentation of an original scientific paper before a professional meeting if information regarding the preparation and presentation has been submitted to the board and board approves the preparation and initial presentation.

(4) A maximum of 30 credit hours may be earned for preparation and initial publication of an original scientific article or a chapter in a book, a journal, or a publication listed in the publication entitled "Index Medicus."

History: 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8135 Category 5: Unsupervised study.

Rule 135. (1) A maximum of 45 credit hours may be earned under category 5, with specific maximum credit hours as indicated in the subcategories described in subrule (2), (3), or (4) of this rule. Credit may be earned only for the year in which the activity occurred.

(2) A maximum of 30 credit hours may be earned for completion of a media program if the licensee submits to the board information regarding the program and the board approves the program.

(3) A maximum of 30 credit hours may be earned for a licensee's independent reading of scientific journals approved by the board.

(4) A maximum of 30 credit hours may be earned for a licensee's preparation for a specialty board certification or recertification examination if the licensee submits to the board information regarding the preparation and the board approves the preparation.

(5) A maximum of 30 credit hours may be earned for participation on a staff committee for quality care or utilization review in a hospital or institution if information regarding the standards of these committees of the hospital or institution has been submitted to the board and the board approved the standards.

History: 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8136 Category 6: Full-time participation in a graduate training program.

Rule 136. A maximum of 150 credit hours may be earned for enrollment in a graduate training program in a hospital or institution approved by the board.

History: 2015 MR 24, Eff. Dec. 23, 2014.

R 338.8145

Source: 1990 AACS.

FORENSIC POLYGRAPH EXAMINERS

R 338.9001 Rescinded.

History: 1983 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.9002 Rescinded.

History: 1983 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.9003 Rescinded.

History: 1983 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.9004 Disclosure of information divulged during polygraph examination; written report required upon request; disclosure of professional opinion.

Rule 4. (1) A person who monitors an examination shall not disclose to any person, except the person requesting the examination, any information divulged by the examinee during a polygraph examination without first obtaining specific written consent from the examinee, unless otherwise required to do so by law.

(2) An examiner shall, upon the written request of the examinee or the person requesting the examination, prepare a written report of the examination, which shall contain all of the following:

(a) A statement of the objectives of the polygraph examination.

(b) The number of questions asked and the number of tests conducted during the examination which were relevant to the issues that the examinee agreed to be examined upon.

(c) The examiner's opinion as to the truthfulness or deception of the examinee, or the examiner's statement that he or she was not able to reach a conclusion about the examinee's truthfulness or deception.

(3) Upon the examinee's written request, the examiner shall furnish the examinee a written report of the examination. The report shall include the information indicated in subrule (2) of this rule.

(4) An examiner, an employee of an examiner, or other persons shall not divulge any information revealed by an examinee during an examination in explaining or responding to control questions introduced for diagnostic comparison purposes without first obtaining the written consent of the examinee. However, this shall not be construed as prohibiting lawful disclosure or use of any information concerning additional admissions or explanations volunteered by the examinee during the examination where such admissions or explanations are not responsive to control questions.

History: 1983 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.9005

Source: 1983 AACS.

R 338.9006 Rescinded.

History: 1983 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.9007 Rescinded.

History: 1983 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.9008 Rescinded.

History: 1983 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.9009 Rescinded.

History: 1983 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.9010 Rescinded.

History: 1983 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.9011 Rescinded.

History: 1983 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

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R 338.9012 Rescinded.

History: 1983 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 338.9013 Examiner licensure.

Rule 13. An application for licensure shall be made on a form furnished by the department of licensing and regulation.

History: 1983 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

NURSING

PART 1. GENERAL PROVISIONS

R 338.10101

Source: 2003 AACS.

R 338.10102

Source: 2003 AACS.

R 338.10103

Source: 1989 AACS.

R 338.10104

Source: 2003 AACS.

R 338.10199

Source: 1989 AACS.

PART 2. LICENSURE

R 338.10201

Source: 2003 AACS.

R 338.10202

Source: 2003 AACS.

R 338.10203

Source: 1990 AACS.

R 338.10204

Source: 2003 AACS.

R 338.10206

Source: 2003 AACS.

R 338.10299

Source: 1990 AACS.

PART 3. NURSING EDUCATION PROGRAMS

R 338.10301

Source: 2003 AACS.

R 338.10302

Source: 1989 AACS.

R 338.10303

Source: 2003 AACS.

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R 338.10304
Source: 2003 AACS.

R 338.10305
Source: 1996 AACS.

R 338.10306
Source: 1989 AACS.

R 338.10307
Source: 2003 AACS.

R 338.10308
Source: 2003 AACS.

R 338.10309
Source: 1989 AACS.

R 338.10310
Source: 1998-2000 AACS.

R 338.10311
Source: 1989 AACS.

R 338.10312
Source: 2003 AACS.

PART 4. NURSE SPECIALTY CERTIFICATION

R 338.10401
Source: 1986 AACS.

R 338.10402
Source: 1986 AACS.

R 338.10403
Source: 1986 AACS.

R 338.10404
Source: 2003 AACS.

R 338.10405
Source: 2003 AACS.

R 338.10406
Source: 1986 AACS.

PART 6. CONTINUING EDUCATION

R 338.10601
Source: 2003 AACS.

R 338.10602
Source: 1996 AACS.

R 338.10603
Source: 2003 AACS.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

OFFICE OF HEALTH SERVICES

BOARD OF NURSING

PART 7. NURSING SCHOLARSHIP PROGRAM

R 338.10701

Source: 1998-2000 AACCS.

R 338.10702

Source: 1998-2000 AACCS.

R 338.10703

Source: 1998-2000 AACCS.

R 338.10704

Source: 1998-2000 AACCS.

R 338.10705

Source: 1998-2000 AACCS.

DENTISTRY

PART 1. GENERAL PROVISIONS

R 338.11101 Definitions.

Rule 1101. As used in these rules:

(a) "Analgesia" means the diminution or elimination of pain in the conscious patient as a result of the administration of an agent including, but not limited to, local anesthetic, nitrous oxide, and pharmacological and non-pharmacological methods.

(b) "Approved course" means a course offered by either a dental, dental hygiene, or dental assisting program accredited by the commission on dental accreditation of the American dental association and approved by the department, or as defined in section 16611 of the code.

(c) "Assistant" means a nonlicensed person who may perform basic supportive procedures under the supervision of a dentist as provided in these rules.

(d) "Board" means the Michigan board of dentistry.

(e) "Conscious sedation" means a minimally depressed level of consciousness that retains a patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command and that is produced by a pharmacological or a non-pharmacological method or a combination of both.

(f) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211.

(g) "Combination inhalation-enteral conscious sedation" means conscious sedation using inhalation and enteral agents. Nitrous oxide/oxygen when used in combination with sedative agents may produce conscious or deep sedation or general anesthesia.

(h) "Dental school" means an institution that offers a curriculum that provides a core of required dental education, training, and experience, and includes at least 4 years of academic instruction or its equivalent leading to the degree of doctor of dental surgery or doctor of dental medicine. The dental school is a component of an institution of higher education that is accredited by an agency recognized by the United States department of education and that the American dental association's commission on dental accreditation has accredited as a dental education program.

(i) "Dentist" means a person licensed by the board under the code and these rules.

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

(k) "Enteral" means any technique of administration in which the agent is absorbed through the gastrointestinal or oral mucosa.

(l) "General anesthesia" means the elimination of all sensations accompanied by a state of unconsciousness and loss of reflexes necessary to maintain a patent airway.

(m) "Licensed" means the possession of a full license to practice, unless otherwise stated by the code or these rules.

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- (n) “Local anesthesia” means the elimination of sensation, especially pain, in one part of the body by the topical application or regional injection of a drug.
- (o) “Office” means the building or suite in which dental treatment is performed.
- (p) “Parenteral” means a technique of administration in which the drug bypasses the gastrointestinal (gi) tract, such as intramuscular (im), intravenous (iv), intranasal (in), submucosal (sm), subcutaneous (sc), and intraocular (io).
- (q) “Patient of record” means a patient who has been examined and diagnosed by a licensed dentist and whose treatment has been planned by a licensed dentist.
- (r) “Public health service” means the United States public health service. A person applying for an exemption under this classification shall submit a certified copy of his or her official papers verifying active duty status.
- (s) “Registered dental assistant” means a person licensed as such by the board under the code and these rules. A dental hygienist may perform the functions of a registered dental assistant if he or she is licensed by the board as a registered dental assistant.
- (t) “Registered dental hygienist” means a person licensed as such by the board under the code and these rules.
- (u) “Second pair of hands,” as used in R 338.11109, means acts, tasks, functions, and procedures performed by a dental assistant, registered dental assistant, or registered dental hygienist at the direction of a dentist who is in the process of rendering dental services and treatment to a patient. The acts, tasks, functions, and procedures performed by a dental assistant, registered dental assistant, or registered dental hygienist are ancillary to the procedures performed by the dentist and intended to provide help and assistance at the time the procedures are performed. This definition shall not be deemed to expand the duties of the dental assistant, registered dental assistant, or registered dental hygienist as provided by the code and rules promulgated by the board.
- (v) “Sedation” means the calming of a nervous, apprehensive individual, without inducing loss of consciousness, through the use of systemic drugs. Agents may be given orally, parenterally, or by inhalation.
- (w) “Titration” means the administration of small incremental doses of a drug until a desired clinical effect is observed. In accordance with this definition, titration of oral medication for the purposes of sedation is unpredictable. Repeated dosing of orally administered sedative agents may result in an alteration of the state of consciousness beyond the intent of the practitioner. The maximum recommended dose (mrd) of an oral medication shall not be exceeded. Facilities, personnel, and standards for enteral sedation are the same as those for parental sedation.
- (x) “Treatment room” means the particular room or specific area in which the dental treatment is performed upon a patient.
History: 1984 AACCS; 1989 AACCS; 2006 AACCS; 2011 AACCS; 2014 MR 19, Eff. Oct. 8, 2014.

R 338.11103

Source: 1984 AACCS.

R 338.11105

Source: 1997 AACCS.

R 338.11107

Source: 1984 AACCS.

R 338.11109 Second pair of hands.

Rule 1109. A person, while assisting a licensed dentist who at the time is actively performing services in the mouth of a patient, may function as a second pair of hands for the dentist. A person shall only assist a registered dental hygienist as a second pair of hands under the requirements of section 16626 of the code, MCL 333.16626.

History: 1984 AACCS; 2014 MR 19, Eff. Oct. 8, 2014.

R 338.11115 Assessment of fines.

Rule 1115. When a fine has been designated as an available sanction for a violation of sections 16221 to 16226 of the code, in the course of assessing a fine, the disciplinary subcommittee shall take into consideration all of the following factors:

- (a) The extent to which the licensee obtained financial benefit from any conduct comprising part of the violation found by the disciplinary subcommittee.
- (b) The willfulness of the conduct found to be part of the violation determined by the disciplinary subcommittee.
- (c) The public harm, actual or potential, caused by the violation found by the disciplinary subcommittee.
- (d) The cost incurred in investigating and proceeding against the licensee.

History: 1989 AACCS; 2014 MR 19, Eff. Oct. 8, 2014.

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R 338.11117

Source: 1984 AACS.

R 338.11120 Dental treatment records; requirements.

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

(2) The dental treatment records for patients shall include all of the following information:

(a) Medical and dental history.

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

(c) Diagnosis and treatment plan.

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

(i) The date the procedure was performed.

(ii) Identity of the dentist or the dental auxiliary performing each procedure.

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

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

(g) Radiographs taken in the course of treatment. If radiographs are transferred to another dentist, the name and address of that dentist shall be entered in the treatment record.

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

History: 1989 AACS; 2014 MR 19, Eff. Oct. 8, 2014.

R 338.11121

Source: 1989 AACS.

R 338.11199

Source: 1984 AACS.

PART 2. LICENSURE

R 338.11201

Source: 2006 AACS.

R 338.11202

Source: 2006 AACS.

R 338.11203

Source: 2006 AACS.

R 338.11205

Source: 1997 AACS.

R 338.11207

Source: 1997 AACS.

R 338.11211

Source: 1997 AACS.

R 338.11215

Source: 1997 AACS.

R 338.11217

Source: 1997 AACS.

R 338.11219

Source: 1997 AACS.

R 338.11221

Source: 2006 AACS.

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R 338.11222

Source: 2006 AACCS.

R 338.11223

Source: 2006 AACCS.

R 338.11225

Source: 1997 AACCS.

R 338.11227

Source: 1997 AACCS.

R 338.11233

Source: 1984 AACCS.

R 338.11235

Source: 1984 AACCS.

R 338.11239

Source: 2011 AACCS.

R 338.11241

Source: 1984 AACCS.

R 338.11245

Source: 1984 AACCS.

R 338.11247 Limited licenses; issuance; requirements.

Rule 1247. (1) The board may issue a limited license, under section 16182(2)(a) of the code, to an individual who is a graduate of a dental, dental hygiene, or dental assisting program approved by the board and who is enrolled or involved in a postgraduate course of study.

(2) The board may issue a limited license, under section 16182(2)(b) of the code, MCL 333.16182(2)(b), to an individual who is a graduate dentist, dental hygienist, or dental assistant and who is employed by a dental program or a dental auxiliary program as a faculty member, and who functions only in a nonclinical academic research setting or in an administrative setting.

(3) The board may issue a limited license, under section 16182(2)(c) of the code, MCL 333.16182(2)(b), to an individual who is a graduate dentist, dental hygienist, or dental assistant and who is employed by a dental program or a dental auxiliary program as a faculty member. Both of the following apply to a limited license:

(a) A limited licensed dentist or a limited licensed dental hygienist may perform dental procedures upon patients while employed as a faculty member by the dental or dental auxiliary program, if the procedures are performed under the general supervision, as defined in R 338.11401(d), of a faculty member who is a fully licensed dentist.

(b) A limited licensed dental assistant may perform dental procedures upon patients while employed as a faculty member of a dental or dental auxiliary program, if such procedures are performed under the general supervision, as defined in R 338.11401(d), of a faculty member who is fully licensed as a dentist and the limited licensed dental assistant has satisfied the 35 hours of additional education required under section 16611(7), (11), (12) and (13) of the code, MCL 333.16611(7), (11), (12) and (13).

(4) An individual licensed under this rule shall not do either of the following:

(a) Hold himself or herself out to the public as being engaged in the practice of dentistry or the practice as a dental hygienist or a dental assistant, other than as a faculty member.

(b) Provide dental services outside his or her employment as a faculty member.

(5) An individual applying for a limited license under section 16182(2) of the code, MCL 333.16182(2), shall meet both of the following requirements:

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

(b) Submit proof of graduation from an accredited school of dentistry, dental hygiene, or dental assisting or submit proof of a certified copy of the diploma and transcript from a nonaccredited school of dentistry, dental hygiene, or dental assisting.

(c) Submit proof of appointment to a faculty position.

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- (6) Limited licenses shall be renewed annually at the discretion of the board.
History: 1984 AACCS; 2006 AACCS; 2011 AACCS; 2014 MR 19, Eff. Oct. 8, 2014.

R 338.11249
Source: 1998-2000 AACCS.

R 338.11253
Source: 1984 AACCS.

R 338.11255
Source: 2011 AACCS.

R 338.11259
Source: 2011 AACCS.

R 338.11261
Source: 2011 AACCS.

R 338.11267
Source: 2011 AACCS.

PART 3. EDUCATION

R 338.11301
Source: 2006 AACCS.

R 338.11303
Source: 2006 AACCS.

R 338.11307
Source: 2006 AACCS.

PART 4. DELEGATION, SUPERVISION, ASSIGNMENT

R 338.11401 Definitions.

Rule 1401. As used in this part:

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

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

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

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

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

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

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

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

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

History: 1984 AACCS; 1998-2000 AACCS; 2014 MR 19, Eff. Oct. 8, 2014.

Editor's Note: An obvious error in R 338.11401 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in *Michigan Register*, 2014 MR 19. The memorandum requesting the correction was published in *Michigan Register*, 2014 MR 19.

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R 338.11402 Delegation or assignment of procedures by dentist to assistant, registered dental assistant, or registered dental hygienist; certain procedures prohibited.

Rule 1402. (1) A dentist shall not delegate or assign any of the following functions to an assistant or a registered dental assistant unless authorized by these rules or the code:

(a) Diagnosing, or prescribing for, any of the following:

(i) Disease.

(ii) Pain.

(iii) Deformity.

(iv) Deficiency.

(v) Injury.

(vi) Physical condition.

(b) Cutting of hard and soft tissue.

(c) Removal of any of the following:

(i) Accretions.

(ii) Stains.

(iii) Calculus deposits.

(d) Deep scaling.

(e) Root planing.

(f) Any intra-oral restorative procedures.

(g) Administration of any of the following:

(i) Local anesthesia.

(ii) Nitrous oxide analgesia.

(iii) Acupuncture.

(h) Irrigation and medication of root canals, try-in of cones or points, filing, or filling of root canals.

(i) Taking impressions for any purpose other than study or opposing models.

(j) Permanent cementation of any restoration or appliance.

(2) A dentist shall not assign to a registered dental hygienist the procedures described in subrule (1) (a), (b), (f), (g), (h), (i), and (j) of this rule unless authorized by these rules or the code.

History: 2014 MR 19, Eff. Oct. 8, 2014.

R 338.11403 Assistant; delegation of intra-oral procedures under general supervision.

Rule 1403. The following intra-oral procedures shall not be delegated to an assistant unless the procedures are performed under general supervision:

(a) Trial sizing of orthodontic bands.

(b) Holding the matrix for anterior resin restorations.

(c) Making impressions for study and opposing models.

(d) Applying of topical anesthetic solutions.

(e) Instructing in the use and care of dental appliances.

(f) Operating dental radiographic equipment if the assistant has successfully completed a course in dental radiography which is substantially equivalent to a course taught in a program approved by the board pursuant to R 338.11303 or R 338.11307.

This subdivision takes effect July 26, 1992.

History: 1984 AACS; 1989 AACS; 2006 AACS; 2014 MR 19, Eff. Oct. 8, 2014.

R 338.11404a Registered dental assistant; assignment of intra-oral procedures.

Rule 1404a. A dentist may assign the following intraoral dental procedures to a registered dental assistant only if the procedures are performed under the assignment of a dentist:

(a) Operating dental radiographic equipment.

(b) Making impressions for study and opposing models.

(c) Placing and removing a rubber dam.

(d) Removing excess cement from supragingival surfaces of a tooth with a non-tissue cutting instrument.

(e) Polishing specific teeth with a slow-speed rotary hand piece immediately before a procedure that would require acid etching before placement of sealants, resin-bonded orthodontic appliances, and direct restorations.

(f) Applying anticarcinogenic agents including, but not limited to, sealants, fluoride varnish, and fluoride applications.

(g) Polishing and contouring of sealants with a slow-speed rotary hand piece immediately following the procedure for the purpose of occlusal adjustment.

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- (h) Inspecting and charting of the oral cavity using a mouth mirror and radiographs.
- (i) Replacing existing temporary restorations and existing temporary crowns and temporary bridges.
- (j) Removing orthodontic elastics, ligatures, and elastic or wire separators.
- (k) Replacing elastic or wire separators.
- (l) Classifying occlusion.
- (m) Providing nutritional counseling for oral health and maintenance.
- (n) Applying commonly accepted emergency procedures.

History: 2011 AACS; 2014 MR 19, Eff. Oct. 8, 2014.

R 338.11405 Registered dental assistant; assignment of intra-oral procedures under general supervision.

Rule 1405. A dentist shall assign the intra-oral dental procedures detailed in R 338.11403(a), (b), (d), (e), and (f) and the following additional intra-oral procedures to a registered dental assistant only if the procedures are performed under the general supervision of a dentist:

- (a) Placing and removing a nonmetallic temporary restoration with non-tissue cutting instruments.
- (b) Sizing of temporary crowns and bands.

History: 1984 AACS; 1998-2000 AACS; 2006 AACS; 2011 AACS; 2014 MR 19, Eff. Oct. 8, 2014.

R 338.11405a Registered dental assistant; assignment of intra-oral procedures under direct supervision.

Rule 1405a. A dentist shall assign the following intra-oral dental procedures to a registered dental assistant only if the procedures are performed under the direct supervision of a dentist:

- (a) Placing and removing periodontal dressings.
- (b) Temporarily cementing and removing temporary crowns and bands.
- (c) Removing sutures.
- (d) Applying in-office bleaching.
- (e) Cementing orthodontic bands or initial placement of orthodontic brackets.
- (f) Removing orthodontic adhesive from teeth, supragingivally, after removing brackets with non-tissue cutting instruments.

History: 2006 AACS; 2011 AACS; 2014 MR 19, Eff. Oct. 8, 2014.

R 338.11405b Registered dental assistant; delegation of intra-oral procedures under general supervision.

Rule 1405b. (1) Placing and removing of retraction materials shall be performed only by a registered dental assistant if the procedure is delegated by a dentist to a registered dental assistant under general supervision.

(2) A dentist shall delegate the following intra-oral procedures to a registered dental assistant only if the registered dental assistant has successfully completed an approved course, as defined in section 16611(12) and (13) of the code, MCL 333.16611(12) and (13). The following procedures shall be performed under the general supervision of a dentist:

- (a) Performing pulp vitality testing.
- (b) Placing and removing matrices and wedges.
- (c) Applying cavity liners and bases.
- (d) Placing and removing nonepinephrine retraction cords.
- (e) Applying desensitizing agents.
- (f) Taking an impression for orthodontic appliances, mouth guards, bite splints, and bleaching trays.
- (g) Drying endodontic canals with absorbent points.
- (h) Etching and placing adhesives before placement of orthodontic brackets.

History: 2014 MR 19, Eff. Oct. 8, 2014.

R 338.11405c Registered dental assistant; delegation of intra-oral procedures under direct supervision.

Rule 1405c. (1) A dentist shall delegate the following intra-oral procedures to a registered dental assistant only if the registered dental assistant has successfully completed an approved course, as defined in section 16611(11) of the code, MCL 333.16611(11), followed by a comprehensive clinical experience of sufficient duration that validates clinical competence through a criterion-based assessment instrument.

(2) The following procedures shall be performed under the direct supervision of a dentist:

- (a) Placing, condensing, and carving amalgam restorations.
- (b) Placing Class I resin bonded restorations, occlusal adjustment, finishing, and polishing with non-tissue cutting rotary hand pieces.
- (c) Taking of final impressions for indirect restorations.

(3) A dentist shall delegate the assisting and monitoring of the administration of nitrous oxide analgesia by the dentist or registered dental hygienist to a registered dental assistant only if the registered dental assistant has successfully completed an

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approved course, as defined in section 16611(7) of the code, MCL 333.16611(7), in the assisting and monitoring of the administration of nitrous oxide analgesia. This procedure shall be performed under the direct supervision of a dentist.

History: 2014 MR 19, Eff. Oct. 8, 2014.

R 338.11406 Performance of intra-oral procedures by a registered dental hygienist.

Rule 1406. A registered dental hygienist shall not perform functions exclusive to a registered dental assistant unless the registered dental hygienist is also licensed as a registered dental assistant.

History: 1984 AACCS; 2006 AACCS; 2014 MR 19, Eff. Oct. 8, 2014.

R 338.11408 Registered dental hygienist; assignment of intra-oral procedures.

Rule 1408. A registered dental hygienist shall not perform the following intraoral dental procedures unless the procedures are performed under the assignment of a dentist:

- (a) Removing accretions and stains from the surfaces of the teeth and applying of topical agents essential to complete prophylaxis.
- (b) Root planning or debridement.
- (c) Polishing and contouring restorations.
- (d) Applying anticariogenic and desensitizing agents including, but not limited to, sealants, fluoride varnish, and fluoride applications.
- (e) Charting of the oral cavity, including all of the following:
 - (i) Periodontal charting.
 - (ii) Intra- and extra-oral examining of soft tissue.
 - (iii) Charting of radiolucencies or radiopacities, existing restorations, and missing teeth.
- (f) Preliminary examining that includes both of the following:
 - (i) Classifying occlusion.
 - (ii) Testing pulp vitality using an electric pulp tester.
- (g) Applying topical anesthetic agents by prescription of the dentist.
- (h) Placing and removing intra-coronal temporary sedative dressings.
- (i) Placing and removing postextraction and periodontal dressings.
- (j) Removing excess cement from tooth surfaces.
- (k) Providing nutritional counseling for oral health and maintenance.
- (l) Applying commonly accepted emergency procedures.
- (m) Removing sutures.
- (n) Placing and removing a rubber dam.
- (o) Taking impressions for study or opposing models, orthodontic appliances, mouth guards, bite splints, and bleaching trays.
- (p) Operating dental radiographic equipment.
- (q) Placing subgingival medicaments.
- (r) Temporarily cementing and removing of temporary crowns and bands.
- (s) Applying or dispensing in-office bleaching products.

History: 1984 AACCS; 1998-2000 AACCS; 2006 AACCS; 2011 AACCS; 2014 MR 19, Eff. Oct. 8, 2014.

R 338.11409 Registered dental hygienist; assignment of intra-oral procedures under direct supervision. Rule 1409.

Soft tissue curettage shall be performed only by a registered dental hygienist if the procedure is assigned by a dentist to a registered dental hygienist under direct supervision.

History: 2006 AACCS; 2011 AACCS; 2014 MR 19, Eff. Oct. 8, 2014.

R 338.11410 Registered dental hygienist; delegation of procedures under direct supervision.

Rule 1410. (1) A dentist may delegate administering intra-oral block or infiltration anesthesia or nitrous oxide analgesia or both to a registered dental hygienist under direct supervision to a patient 18 years of age or older and only if the registered dental hygienist has met all of the following requirements:

- (a) Successfully completed an approved course, as defined in section 16611(4) of the code, MCL 333.16611(4), in the administration of local anesthesia or nitrous oxide analgesia, or both.
- (b) Successfully completed a state or regional board administered written examination in local anesthesia within 18 months of completion of the approved course.
- (c) Successfully completed a state or regional board administered written examination on nitrous oxide analgesia, within 18 months of completion of the approved course.
- (d) Maintains and provides evidence of current certification in basic or advanced cardiac life support.

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(2) A dental hygienist who meets the requirements of subrule (1) of this rule shall not administer more than 50% nitrous oxide.

History: 2014 MR 19, Eff. Oct. 8, 2014.

PART 5. SPECIALTIES

R 338.11501
Source: 2011 AACS.

R 338.11503
Source: 2011 AACS.

R 338.11505
Source: 2011 AACS.

R 338.11507
Source: 2011 AACS.

R 338.11509
Source: 2011 AACS.

R 338.11511
Source: 2011 AACS.

R 338.11513
Source: 2011 AACS.

R 338.11515
Source: 2011 AACS.

R 338.11517
Source: 2011 AACS.

R 338.11519
Source: 2011 AACS.

R 338.11521
Source: 2011 AACS.

R 338.11523
Source: 2011 AACS.

R 338.11525
Source: 2011 AACS.

R 338.11527
Source: 2011 AACS.

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

R 338.11601
Source: 2011 AACS.

R 338.11602
Source: 2011 AACS.

R 338.11603
Source: 2011 AACS.

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R 338.11604
Source: 2011 AACS.

R 338.11605
Source: 2011 AACS.

PART 7. CONTINUING EDUCATION

R 338.11701
Source: 2011 AACS.

R 338.11703
Source: 2011 AACS.

R 338.11704
Source: 2011 AACS.

R 338.11704a
Source: 2011 AACS.

R 338.11704b
Source: 2011 AACS.

R 338.11704c
Source: 2011 AACS.

R 338.11705
Source: 2011 AACS.

PART 8. DENTAL AMALGAM

R 338.11801
Source: 2012 AACS.

R 338.11811
Source: 2012 AACS.

R 338.11813
Source: 2012 AACS.

R 338.11815
Source: 2012 AACS.

R 338.11817
Source: 2012 AACS.

R 338.11819
Source: 2012 AACS.

R 338.11821
Source: 2012 AACS.

CHIROPRACTIC

R 338.12001
Source: 2011 AACS.

R 338.12002
Source: 2011 AACS.

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R 338.12003

Source: 2011 AACS.

R 338.12004

Source: 2011 AACS.

R 338.12005

Source: 2011 AACS.

R 338.12006

Source: 2011 AACS.

R 338.12007

Source: 1998-2000 AACS.

R 338.12008

Source: 2011 AACS.

R 338.12008a

Source: 2011 AACS.

R 338.12008b

Source: 2011 AACS.

R 338.12009 Rescinded.

History: 1982 AACS; 2011 AACS; 2014 MR 20, Eff. Oct. 24, 2014.

R 338.12010

Source: 2011 AACS.

R 338.12011

Source: 2011 AACS.

R 338.12011a

Source: 2011 AACS.

R 338.12011b

Source: 2011 AACS.

R 338.12012

Source: 1997 AACS.

R 338.12013

Source: 1982 AACS.

R 338.12014

Source: 2011 AACS.

R 338.12015

Source: 2011 AACS.

ACUPUNCTURE

R 338.13001

Source: 2011 AACS.

R 338.13003

Source: 2011 AACS.

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R 338.13005
Source: 2011 AACS.

R 338.13010
Source: 2011 AACS.

R 338.13015
Source: 2011 AACS.

R 338.13020
Source: 2011 AACS.

R 338.13025
Source: 2011 AACS.

R 338.13030
Source: 2011 AACS.

R 338.13035
Source: 2011 AACS.

R 338.13040
Source: 2011 AACS.

R 338.13045
Source: 2011 AACS.

DEPARTMENT OF LABOR & ECONOMIC GROWTH

DIRECTOR'S OFFICE

PREPAID FUNERAL & CEMETERY SALES

PART 1. GENERAL PROVISIONS

R 339.11 Rescinded.
History: 2006 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

PART 2. CONTRACTS

R 339.21
Source: 2006 AACS.

R 339.22 Rescinded.
History: 2006 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.23
Source: 2006 AACS.

R 339.24 Rescinded.
History: 2006 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

PART 3. STANDARDS OF OPERATION

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R 339.31 Rescinded.

History: 2006 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.32 Rescinded.

History: 2006 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.33

Source: 2006 AACS.

R 339.34 Rescinded.

History: 2006 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.35

Source: 2006 AACS.

R 339.36

Source: 2006 AACS.

R 339.37

Source: 2006 AACS.

PART 4.RECORD KEEPING

R 339.41 Rescinded.

History: 2006 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.42 Rescinded.

History: 2006 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.43 Rescinded.

History: 2006 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.45

Source: 2006 AACS.

R 339.47

Source: 2006 AACS.

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

DIRECTOR'S OFFICE

BOXING

R 339.101

Source: 2009 AACS.

R 339.102

Source: 2005 AACS.

R 339.103

Source: 2009 AACS.

PART 2. PROFESSIONAL BOXING AND MIXED MARTIAL ARTS

R 339.201

Source: 2009 AACS.

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- R 339.202**
Source: 2009 AACS.
- R 339.202a**
Source: 2009 AACS.
- R 339.203**
Source: 2009 AACS.
- R 339.203a**
Source: 2009 AACS.
- R 339.203b**
Source: 2009 AACS.
- R 339.203c**
Source: 2009 AACS.
- R 339.203d**
Source: 2009 AACS.
- R 339.204**
Source: 2009 AACS.
- R 339.205**
Source: 2009 AACS.
- R 339.205a**
Source: 2009 AACS.
- R 339.206**
Source: 2009 AACS.
- R 339.206a**
Source: 2009 AACS.
- R 339.207**
Source: 2009 AACS.
- R 339.209**
Source: 2005 AACS.
- R 339.210**
Source: 2009 AACS.
- R 339.211**
Source: 2009 AACS.
- R 339.213**
Source: 2009 AACS.
- R 339.215**
Source: 2009 AACS.
- R 339.217**
Source: 2009 AACS.

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R 339.219
Source: 2009 AACS.

R 339.221
Source: 2009 AACS.

R 339.223
Source: 2009 AACS.

R 339.223a
Source: 2009 AACS.

R 339.225
Source: 2009 AACS.

R 339.226
Source: 2009 AACS.

R 339.229
Source: 2009 AACS.

R 339.230
Source: 2009 AACS.

R 339.231
Source: 2009 AACS.

R 339.232
Source: 2009 AACS.

R 339.233
Source: 2009 AACS.

R 339.234
Source: 2009 AACS.

R 339.234a
Source: 2009 AACS.

R 339.235
Source: 2009 AACS.

R 339.235a
Source: 2009 AACS.

R 339.237
Source: 2009 AACS.

R 339.239
Source: 2005 AACS.

R 339.241
Source: 2005 AACS.

R 339.243
Source: 2009 AACS.

R 339.245

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Source: 2009 AACS.

R 339.246

Source: 2009 AACS.

R 339.246a

Source: 2009 AACS.

R 339.247

Source: 2005 AACS.

R 339.249

Source: 2009 AACS.

R 339.251

Source: 2009 AACS.

R 339.253

Source: 2009 AACS.

R 339.255

Source: 2009 AACS.

R 339.257

Source: 2009 AACS.

R 339.259

Source: 2009 AACS.

R 339.261

Source: 2009 AACS.

R 339.263

Source: 2005 AACS.

R 339.265

Source: 2009 AACS.

R 339.267

Source: 2009 AACS.

R 339.269

Source: 2009 AACS.

R 339.271

Source: 2009 AACS.

PART 3. FEES

R 339.301

Source: 2005 AACS.

R 339.303

Source: 2009 AACS.

PART 4.

R 339.401

Source: 2005 AACS.

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R 339.403

Source: 2009 AACS.

OFFICE OF COMMERCIAL SERVICES
OCCUPATIONAL BOARDS

R 339.601 Rescinded.

History: 1998-2000 AACS; 2014 MR 12, Eff. June 24, 2014.

PART 1. LICENSE AND REGISTRATION RENEWALS

R 339.1001 Rescinded.

History: 1981 AACS; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.1002 Certain occupations; license and license renewal expiration.

Rule 2. (1) License and license renewals that are issued for the collection practices board, private employment board, real estate board, cosmetology establishments and schools, and mortuary science trainees shall expire annually on the following dates and shall be renewed every year thereafter:

Collection practices.....	6/30.
Private employment.....	12/31
Real estate.....	10/31.
Cosmetology establishments and schools.....	8/31.
Mortuary science trainees.....	1/31.

(2) Licenses and license renewals that are issued for barber apprentices and student instructors shall be valid for a period of 1 year from the date of issue and may be renewed on the same date thereafter.

History: 1981 AACS; 1993 AACS; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.1003 Certain occupations, license or registration renewals; expiration.

Rule 3. (1) Except as provided in R 339.1002 and subrule (2) of this rule, licenses or registrations and license or registration renewals that are issued for foresters, landscape architects, cosmetology, barbers, mortuary science, architects, professional surveyors, professional engineers, hearing aid dealers, accountancy, real estate appraisers, and residential builders and maintenance and alteration contractors shall expire biennially on the following dates and shall be renewed every 2 years thereafter:

Foresters.....	5/31.
Residential builders and maintenance and alteration contractors.....	5/31.
Landscape architects.....	7/31.
Real estate appraisers.....	7/31.
Cosmetology.....	8/31.
Barbers.....	9/30.
Mortuary science.....	10/31.
Architects.....	10/31.
Professional surveyors.....	10/31.
Professional engineers.....	10/31.
Hearing aid dealers.....	11/30.
Accountancy.....	12/31.

(2) A person, firm, or corporation that has been issued a license or registration pursuant to the provisions of article 7 of the act shall renew the license or registration on or before July 31 and shall renew it every 2 years thereafter.

(3) A license or registration that has a limitation may be renewed for a term that is less than the biennial period.

(4) 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.

History: 1981 AACS; 1989 AACS; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.1004 Rescinded.

History: 1981 AACS; 1993 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

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R 339.1005
Source: 1997 AACS.

PART 7. DISCIPLINARY PROCEEDINGS

R 339.1701
Source: 2006 AACS.

R 339.1705
Source: 2006 AACS.

R 339.1706
Source: 2006 AACS.

R 339.1707
Source: 1997 AACS.

R 339.1709
Source: 1990 AACS.

R 339.1711
Source: 1997 AACS.

R 339.1713
Source: 1990 AACS.

R 339.1715
Source: 1997 AACS.

R 339.1721
Source: 1990 AACS.

R 339.1725
Source: 1997 AACS.

R 339.1726
Source: 1990 AACS.

R 339.1727
Source: 1997 AACS.

R 339.1728
Source: 1997 AACS.

R 339.1731
Source: 1990 AACS.

R 339.1741
Source: 1997 AACS.

R 339.1743
Source: 1997 AACS.

R 339.1745
Source: 1997 AACS.

R 339.1746
Source: 1997 AACS.

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- R 339.1747**
Source: 1990 AACS.
- R 339.1751**
Source: 1990 AACS.
- R 339.1753**
Source: 1997 AACS.
- R 339.1755**
Source: 1990 AACS.
- R 339.1757**
Source: 1990 AACS.
- R 339.1759**
Source: 1997 AACS.
- R 339.1761**
Source: 1990 AACS.
- R 339.1763**
Source: 1990 AACS.
- R 339.1765**
Source: 1997 AACS.
- R 339.1767**
Source: 1990 AACS.
- R 339.1771**
Source: 1997 AACS.

ATHLETICS

PART 1. GENERAL PROVISIONS

- R 339.3101**
Source: 2005 AACS.
- R 339.3102**
Source: 2005 AACS.
- R 339.3201**
Source: 2005 AACS.
- R 339.3202**
Source: 2005 AACS.
- R 339.3203**
Source: 2005 AACS.
- R 339.3204**
Source: 2005 AACS.
- R 339.3205**

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Source: 2005 AACS.

R 339.3206

Source: 2005 AACS.

R 339.3207

Source: 2005 AACS.

R 339.3207a

Source: 2005 AACS.

R 339.3208

Source: 2005 AACS.

R 339.3209

Source: 2005 AACS.

R 339.3210

Source: 2005 AACS.

R 339.3210a

Source: 2005 AACS.

R 339.3211

Source: 2005 AACS.

R 339.3212

Source: 2005 AACS.

R 339.3213

Source: 2005 AACS.

R 339.3214

Source: 2005 AACS.

R 339.3215

Source: 2005 AACS.

R 339.3216

Source: 2005 AACS.

R 339.3217

Source: 2005 AACS.

R 339.3218

Source: 2005 AACS.

R 339.3219

Source: 2005 AACS.

R 339.3220

Source: 2005 AACS.

R 339.3221

Source: 2005 AACS.

R 339.3222

Source: 2005 AACS.

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R 339.3223
Source: 2005 AACS.

R 339.3224
Source: 2005 AACS.

R 339.3225
Source: 2005 AACS.

R 339.3226
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R 339.3232
Source: 2005 AACS.

R 339.3233
Source: 2005 AACS.

R 339.3234
Source: 2005 AACS.

R 339.3235
Source: 2005 AACS.

R 339.3236
Source: 2005 AACS.

R 339.3199
Source: 1985 AACS.

PART 2. PROFESSIONAL BOXING

R 339.3201
Source: 1995 AACS.

R 339.3202
Source: 1995 AACS.

R 339.3203
Source: 1995 AACS.

R 339.3204
Source: 1995 AACS.

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R 339.3205
Source: 1995 AACS.

R 339.3206
Source: 1995 AACS.

R 339.3207
Source: 1995 AACS.

R 339.3207a
Source: 1995 AACS.

R 339.3208
Source: 1995 AACS.

R 339.3209
Source: 1995 AACS.

R 339.3210
Source: 1995 AACS.

R 339.3210a
Source: 1995 AACS.

R 339.3211
Source: 1995 AACS.

R 339.3212
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R 339.3216
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R 339.3218
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R 339.3219
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R 339.3220
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R 339.3221
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R 339.3222
Source: 1995 AACS.

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R 339.3223
Source: 1995 AACS.

R 339.3224
Source: 1995 AACS.

R 339.3225
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R 339.3231
Source: 1995 AACS.

R 339.3232
Source: 1995 AACS.

R 339.3233
Source: 1995 AACS.

R 339.3234
Source: 1985 AACS.

R 339.3235
Source: 1995 AACS.

R 339.3236
Source: 1995 AACS.

DIRECTOR'S OFFICE
COLLECTION AGENCIES

R 339.4001 Rescinded.
History: 1997 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.4003 Rescinded.
History: 1997 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.4005 Rescinded.
History: 1997 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.4007 Rescinded.
History: 1997 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

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R 339.4009 Rescinded.

History: 1997 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.4011 Rescinded.

History: 1997 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

PERSONNEL AGENCIES

PART 1. GENERAL PROVISIONS

R 339.5001 Rescinded.

History: 1996 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.5005 Rescinded.

History: 1996 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.5009

Source: 1996 AACS.

PART 2. LICENSING

R 339.5021 Rescinded.

History: 1996 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.5023 Rescinded.

History: 1996 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

PART 3. STANDARDS OF CONDUCT

R 339.5031 Rescinded.

History: 1996 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.5033 Rescinded.

History: 1996 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.5035 Rescinded.

History: 1996 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.5037 Rescinded.

History: 1996 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.5039 Rescinded.

History: 1996 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

BARBERS

PART 1. GENERAL PROVISIONS

R 339.6001 Rescinded.

History: 1991 AACS; 2003 AACS; 2014 MR 17, Eff. Sept. 19, 2014.

R 339.6003 Rescinded.

History: 1991 AACS; 2003 AACS; 2014 MR 17, Eff. Sept. 19, 2014.

R 339.6019

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Source: 1991 AACCS.

PART 2. LICENSES

R 339.6021

Source: 1998 AACCS.

PART 3. SANITATION

R 339.6031

Source: 1991 AACCS.

R 339.6033

Source: 1991 AACCS.

R 339.6035

Source: 1991 AACCS.

R 339.6037

Source: 1991 AACCS.

R 339.6039

Source: 2003 AACCS.

PART 4. BARBER COLLEGES

R 339.6041

History: 1994 AACCS.

R 339.6045 Rescinded.

History: 1991 AACCS; 2003 AACCS; 2006 AACCS; 2014 MR 17, Eff. Sept. 19, 2014.

R 339.6047 B

History: 1991 AACCS.

R 339.6049 Records.

History: 1991 AACCS.

R 339.6051 Rescinded.

History: 2006 AACCS; 2014 MR 17, Eff. Sept. 19, 2014.

PART 2. LICENSES

R 339.6021 Rescinded.

NURSING HOME ADMINISTRATORS

PART 1. GENERAL PROVISIONS

R 339.14001 Definitions.

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

- (a) "Accredited institution" means a college or university that meets the standards set forth in R 339.14005.
- (b) "Board" means the board of nursing home administrators.
- (c) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211.
- (d) "Department" means the department of licensing and regulatory affairs.

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(e) "Sponsor" means a person or an organization offering continuing education courses relating to the practice of nursing home administration.

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

History: 1992 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.14003 Rescinded.

History: 1992 AACCS; 1998-2000 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.14005 Accreditation standards; adoption by reference.

Rule 5. (1) An institution is considered approved by the board if it is accredited by the accrediting body of the region in which the institution is located, and the accrediting body meets either the recognition standards and criteria of the council for higher education accreditation or the recognition procedures and criteria of the United States department of education.

(2) The procedures and criteria for recognizing accrediting agencies of the United States department of education, effective July 1, 2000, as contained in Title 34, Part 602 of the Code of Federal Regulations, and the "Recognition of Accrediting Organizations Policies and Procedures of the Council for Higher Education Accreditation, CHEA" approved September 28, 1998 and revised June 28, 2010 are adopted by reference in these rules. The chea recognition standards may be obtained at no cost from the council's website at <http://www.chea.org/default.asp?link=9>. The federal recognition criteria may be obtained at no cost from the website for the United States Department of Education Office of Postsecondary Education at <http://www2.ed.gov/adms/finaid/accred>.

(3) All of the following standards of postsecondary accrediting organizations are adopted by reference in these rules:

(a) The standards of the Middle States Association of Colleges and Schools, Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104, set forth in the document entitled "Characteristics of Excellence in Higher Education: Requirements of Affiliation and Standards for Accreditation," 2011 edition, which is available at no cost on the association'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, Suite 201, Bedford, MA 07130, in the document entitled "Standards for Accreditation," effective July 1, 2011, which is available at no cost on the association's website at <http://cihe.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 at 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 "Standards for Accreditation," revised 2010, which is available at no cost on the association'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: Foundations for Quality Enhancement," 2012 edition, which is available at no cost on the association's website at <http://www.sacscoc.org/principles.asp>.

(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," July 2008, which is available at no cost on the commission's website at <http://wascsenior.org/resources/eligibility>.

(g) The standards of the Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges, 10 Commercial Blvd., Suite 204, Novato, CA 94949, set forth in the document entitled "Accreditation Reference Handbook," July 2012 Edition, which is available at no cost on the commission's website at <http://www.accjc.org>.

(4) Copies of the standards and criteria adopted by reference in subrules (2) and (3) of this rule are available for inspection and distribution at cost from the Board of Nursing Home Administrators, Bureau of Health Care Services, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

History: 1992 AACCS; 1998-2000 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.14007 Approved course of instruction and training.

Rule 7. (1) The department, in consultation with the board, shall only approve a course of instruction and training that meets both of the following requirements:

(a) Complies with section 17309(2) of the code, MCL 333.17309(2). For the purposes of this rule, a course of instruction and training that complies with section 17309(2) of the code shall include, at a minimum, a total of 9 semester credits or 144 clock hours of instruction. The instruction provided shall include, at a minimum, all of the following subjects:

(i) Administrative management of a nursing home.

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- (ii) Human resources or personnel management in a nursing home.
 - (iii) Financial management of a nursing home.
 - (iv) State and federal laws governing the operation of a nursing home and the protection of patients in a nursing home.
 - (v) Gerontology or the aging process.
 - (vi) Patient care.
 - (vii) Services provided in a nursing home.
 - (viii) Infection control.
 - (ix) Environmental issues.
 - (x) Emergency preparedness.
 - (b) Is offered by an accredited institution that meets the standards in R 339.14005.
 - (2) A course of instruction and training that meets the requirements of subrule (1) of this rule qualifies as a course of instruction and training approved by the department.
- History: 1992 AACCS; 1998-2000 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.14008 Application for nursing home administrator license; requirements.

Rule 8. (1) An applicant for a nursing home administrator license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant for licensure shall meet 1 of the following:

- (a) Complete a course of instruction and training that meets the requirements of R 339.14007(1)(a) and (b).
- (b) Have been employed as a chief executive or administrative officer at a state-licensed hospital for not less than 5 of the 7 years immediately preceding the date of applying for a nursing home administrator license, as provided in MCL 333.17309(3) of the code.
- (2) In addition to meeting the requirements of subrule (1) of this rule, an applicant shall pass—both of the following examinations within 1 year of the date of application:
 - (a) The national nursing home administrators licensing examination of the national association of long-term care administrator boards that is administered by the professional examination service or its successor organization, pursuant to R 339.14011(1).
 - (b) The Michigan nursing home licensure examination, pursuant to R 339.14011(2).
- (3) An applicant may sit for the national and Michigan examinations a maximum of 6 times for each examination.

History: 2015 MR 24, Eff. Dec. 23, 2014.

R 339.14009 Eligibility for examinations.

Rule 9. (1) To establish eligibility for the licensure examinations required under R 339.14008(2)(a) and (b), an applicant shall comply with both of the following:

- (a) Submit the required fee and a completed application on a form provided by the department.
- (b) Have documentation provided directly to the department from an accredited institution verifying the applicant meets the educational requirements specified in R 339.14008(1)(a) or (b), as applicable.
- (2) An applicant shall not schedule a time to take the examinations required under R 339.14008(2)(a) and (b), until he or she receives authorization from the department that all documentation and fees are received.

History: 1992 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.14011 National examination; state examination topics.

Rule 11. (1) The passing score of the exam by the national nursing home administrators licensing examination of the national association of long-term care administrator boards (nab), shall be the passing score recommended by the nab.

- (2) The passing score for the examination on laws and rules related to the practice of nursing home administration in this state shall be a converted score of not less than 75.
- (3) The examination topics of the Michigan nursing home administrator licensure examination shall include, but are not limited to, all of the following:
 - (a) Community and public health laws, which include, but are not limited to, all of the following:
 - (i) State administration.
 - (ii) Administrative management of facilities.
 - (iii) Patient care.
 - (iv) Physician services.
 - (v) Nursing services.
 - (vi) Infection control.
 - (vii) Food services.

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- (viii) Pharmaceutical services.
- (ix) Records.
- (x) Building and grounds.
- (xi) Emergency procedures.
- (b) Medicaid regulations, which include, but are not limited to, both of the following:
 - (i) Contractual obligations.
 - (ii) Reporting requirements, which include all of the following:
 - (A) Admission and discharge.
 - (B) Patient financial status requirements.
 - (C) Trust fund reporting requirements.
 - (D) Annual cost reporting.
 - (E) Billing procedures.
 - (c) Michigan's nursing home administrators' license law.
 - (d) Michigan fire safety laws.
 - (e) Michigan labor and management laws, which include but are not limited to, all of the following:
 - (i) Unemployment insurance.
 - (ii) Worker's compensation.
 - (iii) Labor relations.
- (4) The passing scores on the examinations approved under subrules (1) and (2) of this rule are valid for 1 year from the date the applicant completed the first examination that resulted in a passing score. An applicant who fails to pass both examinations within the 1-year time period shall retake and pass both examinations as required in this subrule.
History: 1992 AACCS; 1995 AACCS; 1998-2000 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.14013 Rescinded.

History: 1992 AACCS; 1998-2000 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.14015

Source: 1992 AACCS.

R 339.14019

Source: 1992 AACCS.

PART 2. CONTINUING EDUCATION

R 339.14020 Relicensure.

Rule 20. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201(3), if the applicant meets both of the following requirements:

- (a) Submits the required fee and a completed application on a form provided by the department.
- (b) Submits proof to the department of earning not less than 36 hours of board-approved continuing education credits during the 2 years immediately preceding the application for relicensure.
- (2) An applicant whose Michigan license has lapsed for 3 years or more preceding the application for relicensure and who is currently not licensed or registered in another state or territory of the United States may be relicensed under section 16201(4), MCL 333.16201(4) of the code, if the applicant meets all of the following requirements:
 - (a) Submits the required fee and a completed application on a form provided by the department.
 - (b) Meets the educational requirements specified in R 339.14008(1)(a) or (b), as applicable.
 - (c) Passes the national nursing home administrators licensing examination of the nab that is administered by the professional examination service or its successor organization, pursuant to R 339.14011(1).
 - (d) Passes the Michigan nursing home licensure examination, pursuant to R 339.14011(2).
- (3) An applicant whose Michigan license has lapsed for 3 years or more preceding the application for relicensure and who is currently licensed or registered in another state or territory of the United States may be relicensed under MCL 333.16201(4) of the code if the applicant meets all of the following requirements:
 - (a) Submits the required fee and a completed application on a form provided by the department.
 - (b) Meets the educational requirements specified in R 339.14008(1)(a) or (b), as applicable. An applicant who has been licensed or registered and practicing as a nursing home administrator for 5 consecutive years or more in any state or territory

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of the United States as of the date of application for a Michigan license shall be presumed to meet the requirements of this subdivision.

(c) Passes the Michigan nursing home licensure examination, pursuant to R 339.14011(2).

(4) In addition to meeting the requirements of subrule (1), (2), or (3) of this rule, as applicable, an applicant shall have his or her license or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license or registration or ever held a license or registration as a nursing home administrator. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

History: 2015 MR 24, Eff. Dec. 23, 2014.

R 339.14020a Licensure by endorsement.

Rule 20a. (1) An applicant for a nursing home administrator license by endorsement, in addition to meeting the requirements of the code and these rules, shall submit the required fee and a completed application on a form provided by the department. An applicant who satisfies the requirements of this rule, as applicable, meets the requirements of MCL 333.16186 of the code.

(2) If an applicant was first registered or licensed as a nursing home administrator in another state for 5 years or more immediately preceding the date of filing an application for a Michigan nursing home administrator license, then the applicant is presumed to meet the educational requirements in R 339.14008(1)(a) or (b) and shall pass the Michigan nursing home licensure examination, pursuant to R 339.14011(2).

(3) If an applicant was first registered or licensed as a nursing home administrator in another state for less than 5 years immediately preceding the date of filing an application for a Michigan nursing home administrator license, then the applicant shall meet both of the following requirements:

(a) Meet the educational requirements specified in R 339.14008(1)(a) or (b), as applicable.

(b) Pass the Michigan nursing home licensure examination, pursuant to R 339.14011(2).

(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, as applicable, an applicant shall have his or her license or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license or registration or ever held a license or registration as a nursing home administrator. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

History: 2015 MR 24, Eff. Dec. 23, 2014.

PART 2. CONTINUING EDUCATION

R 339.14021 Rescinded.

History: 1992 AACCS; 1998-2000 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.14023

Source: 1992 AACCS.

R 339.14025 Application for approval of programs.

Rule 25. (1) A continuing education sponsor seeking approval of a continuing education program shall apply on forms provided by the department and submit the completed application not less than 45 days before the first date of instruction.

(2) A sponsor seeking approval of a program of group instruction shall submit all of the following materials with the application:

(a) A course outline.

(b) A list of instructional materials.

(c) Instructor resumes.

(d) The methodology for verifying and monitoring attendance.

(e) A written policy regarding refunds of course fees.

(3) A sponsor seeking approval for a distance learning program, as defined in R 339.14031(5), shall submit all of the following materials with the application:

(a) A course outline.

(b) A list of instructional materials.

(c) The methodology for verifying satisfactory completion.

(d) A written policy regarding refunds of course fees.

History: 1992 AACCS; 1995 AACCS; 1998-2000 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.14027 Standards for approval of programs.

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Rule 27. (1) The department shall approve a continuing education group program for the designated continuing education period if the continuing education group program complies with all of the following requirements:

- (a) The subject matter as listed in R 339.14023.
 - (b) Attendance is taken.
 - (c) The program is not less than 50 minutes in duration.
 - (d) The program is conducted by an instructor or discussion leader whose background, training, education, or experience makes it appropriate for him or her to lead a discussion on the subject matter.
 - (e) The sponsor of the program maintains written records of individuals' completion of the program for a period of 3 years.
- (2) The department shall approve a continuing education distance learning program, as defined in R 339.14031(5), for the designated continuing education period if the program is in compliance with all of the following requirements:
- (a) The subject matter as listed in R 339.14023.
 - (b) The program is an educational course which is designed for self-study and which requires evidence of satisfactory completion.
 - (c) The sponsor maintains written records of individual course completion, including a program outline and the continuing education hours earned by participants, for a period of 3 years.
- (3) The department shall issue an approval number to all approved programs.
- (4) The department shall approve a course offered by an accredited institution for continuing education credit, if the subject matter as listed in R 339.14023 or the subject of the course is related to nursing home administration. Such courses do not require pre-approval pursuant to R 339.14025.
- (5) Continuing education programs offered by the nab are considered approved.

History: 1992 AACs; 1995 AACs; 1998-2000 AACs; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.14029

Source: 1992 AACs.

R 339.14030 Continuing education; license renewal requirements.

Rule 30. (1) An applicant for license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall have earned 36 hours of board-approved continuing education credits that were earned within the 2 years immediately preceding the application for renewal. An applicant for license renewal shall not be required to complete a minimum number of hours of board-approved continuing education credits for each year of the license cycle.

- (2) A licensee is not required to complete the requirements of subrule (1) of this rule for his or her first license renewal.
- (3) Submission of an application for renewal shall constitute the applicant's certification of compliance with this rule. An applicant for renewal shall retain documentation of meeting the requirements of this rule for a period of 3 years after renewal of the license. Failure to comply with this rule is a violation of MCL 333.16221(h) of the code.

History 2015 MR 24, Eff. Dec. 23, 2014.

R 339.14031 Acceptable continuing education; limitations.

Rule 31. (1) For the purpose of this rule, "participation" means education time, exclusive of coffee breaks; breakfast, luncheon, or dinner periods; or any other breaks in the program.

- (2) One continuing education credit hour shall be earned for each 50 to 60 minutes of participation in a continuing education program that complies with the standards in R 339.14027.
- (3) An academic semester credit hour earned from an accredited college or university shall equal 15 continuing education hours.
- (4) An academic quarter credit hour earned from an accredited college or university shall equal 10 continuing education hours.
- (5) A maximum of 18 continuing education hours may be earned by successfully completing distance learning programs. For the purposes of these rules, distance learning means approved continuing education courses, programs, or activities where the instructor and participant are apart and not able to immediately interact. Instruction takes place through media including, but not limited to, Internet courses, books, journal articles, manuals, CDs, DVDs, audio and video tapes, and home study courses. This subrule applies to an application for renewal that is filed for the first full renewal cycle after the effective date of these rules.
- (6) Not less than 18 continuing education hours shall be earned by successfully completing live courses or programs that provide for direct interaction between faculty and participants, including but not limited to, lectures, symposia, workshops and teleconferences, such as interactive classrooms and computer conferencing. This subrule applies to an application for renewal that is filed for the first full renewal cycle after the effective date of these rules.

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(7) An applicant for license renewal shall complete in each renewal period not less than 2 continuing education hours in pain and symptom management, as required under section 16204 of the code. This subrule applies to an application for renewal that is filed for the first full renewal cycle after the effective date of these rules.

History: 1992 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.14033 Proof of completion of approved program.

Rule 33. (1) At the close of each approved program, a sponsor shall give to each person in attendance a completion certificate, which shall include all of the following information:

- (a) The name of the person.
 - (b) The name of the program.
 - (c) The approval number of the program.
 - (d) The date of the program or the date the person attended the program.
 - (e) The number of approved continuing education hours for the program.
- (2) The sponsor shall retain a list of persons who satisfactorily completed the program for 3 years from the date of the program.
- (3) Proof of completion of a course at an accredited college or university shall consist of a transcript or a grade report showing that the course has been satisfactorily completed and that university or college credit has been earned.

History: 1992 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.14035 Satisfactory completion of continuing education requirements.

Rule 35. (1) Hours earned during 1 continuing education period cannot be carried forward to the next period.

(2) A licensee shall not submit for credit, and the board shall not give credit for, completing the same program within the same continuing education period.

History: 1992 AACCS; 1995 AACCS; 2015 MR 24, Eff. Dec. 23

ARCHITECTS

PART 1. GENERAL PROVISIONS

R 339.15101 Definitions.

Rule 101. (1) As used in these rules:

(a) "Continuing education" means an instructional course or activity designed to bring licensees up to date on a particular area of knowledge or skills relevant to a licensee's area of professional practice.

(b) "Course" means any qualifying activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee's area of professional practice. Regular duties for compensation shall not be considered activities, except for employer compensated continuing education activities.

(c) "Distance learning" means any of the following:

(i) Courses where an instructor and a licensee may be apart and instruction takes place through online or electronic media.

(ii) Courses which include, but are not limited to, instruction presented through interactive classrooms, at the job site, computer conferencing, and interactive computer systems.

(iii) Monographs which include an online quiz or test offered by a sponsor that may not require an instructor.

(d) "HSW subjects" means technical and professional subjects, relevant to the practice of architecture, which contain elements that will enhance the public's health, safety, and welfare.

(e) "Monograph" means a distance learning course that examines or investigates current and emerging topics in architecture.

(f) "Sponsor" means a person who represents to the public that any of its courses fulfill the requirements of section 2009 of the act for continuing education.

(2) Terms defined in the act have the same meanings when used in these rules.

History: 1985 AACCS; 2006 AACCS; 2013 AACCS; 2014 MR 17, Eff. Sept. 19, 2014.

R 339.15102 Rescinded.

History: 1985 AACCS; 1998-2000 AACCS.

R 339.15103 Rescinded.

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History: 1985 AACs; 1998-2000 AACs; 2006 AACs; 2014 MR 17, Eff. Sept. 19, 2014.

R 339.15104 Rescinded.

History: 1985 AACs; 2001 AACs.

R 339.15105 Rescission.

Rule 105. R 338.551 to R 338.563 and R 338.581 to R 338.588 of the Michigan Administrative Code, appearing on pages 2446 to 2453 of the 1979 Michigan Administrative Code, are rescinded insofar as these rules pertain to architects.

History: 1985 AACs.

PART 2. LICENSING CRITERIA

R 339.15201

Source: 2006 AACs.

R 339.15202

Source: 2006 AACs.

R 339.15203

Source: 1998-2000 AACs.

R 339.15204

Source: 2006 AACs.

PART 3. LICENSURE, RECIPROCITY, AND RENEWAL

R 339.15301 Licensure; seal design, replacement, use, and validation.

Rule 301. (1) After meeting the licensing requirements prescribed by the act and these rules, an applicant shall be licensed by the department according to the act.

(2) The seal of an architect as required by the act shall have the following design:

Figure for 339.15301



No other design for a seal shall be used

(3) A licensee's seal shall be used by the licensee whose name appears thereon for so long as the license remains in effect. A licensee shall be responsible for the security of the licensee's seal.

History: 1985 AACs; 2014 MR 4, Eff. March 5, 2014.

R 339.15302

Rescinded

PART 4. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 339.15401

Source: 1985 AACs.

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R 339.15402
Source: 1985 AACS.

R 339.15403
Source: 1985 AACS.

PART 5. CONTINUING EDUCATION

R 339.15501
Source: 2013 AACS.

R 339.15502
Source: 2013 AACS.

R 339.15503
Source: 2013 AACS.

R 339.15504
Source: 2013 AACS.

R 339.15505
Source: 2013 AACS.

R 339.15506
Source: 2013 AACS.

R 339.15507
Source: 2013 AACS.

PROFESSIONAL ENGINEERS

PART 1. GENERAL PROVISIONS

R 339.16001 Definitions.

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

(a) "Continuing education" means an instructional course or activity designed to bring licensees up to date on a particular area of knowledge or skills relevant to a licensee's area of professional practice.

(b) "Course" means any qualifying activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee's area of professional practice. Regular duties for compensation shall not be considered qualified activities, except for employer compensated continuing education activities.

(c) "Distance learning" means any of the following:

(i) Courses where an instructor and a licensee may be apart and instruction takes place through online or electronic media.

(ii) Courses which include, but are not limited to, instruction presented through interactive classrooms, at the job site, computer conferencing, and interactive computer systems.

(2) Terms defined in the act have the same meanings when used in these rules.

History: 1985 AACS; 2008 AACS; 2013 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.16002
Source: 1998-2000 AACS.

R 339.16003 Rescinded.
History: 1985 AACS; 2008 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.16004
Source: 2001 AACS.

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R 339.16006
Source: 1985 AACCS.

PART 2. LICENSURE

R 339.16021
Source: 2008 AACCS.

R 339.16022
Source: 1985 AACCS.

R 339.16023
Source: 1998-2000 AACCS.

R 339.16024 Professional engineer seal; use; validation.

Rule 24. (1) After meeting the licensing requirements prescribed by the act and these rules, an applicant shall be licensed by the department according to the act.

(2) Upon being licensed, a licensee shall obtain a seal authorized by the board. As prescribed by the act, the seal of a professional engineer shall have the following design:

Figure for 339.16024



No other design for a seal shall be used

(3) A licensee's seal shall be used by the licensee whose name appears thereon for so long as the license remains in effect. A licensee shall be responsible for the security of the licensee's seal.

History: 1985 AACCS; 2014 MR 4, Eff. March 5, 2014.

R 339.16025 Licensure by reciprocity; examination requirements.

Rule 25. (1) For licensure by reciprocity, the board may consider educational requirements equivalent to those in effect in Michigan at the time of primary licensing.

(2) An applicant who holds a valid professional engineering license in another United States jurisdiction may submit verification of 5 years of licensed practice in responsible charge of engineering work acceptable to the board as equivalent to satisfactory completion of the fundamentals of engineering (FE) examination.

(3) An applicant who holds a valid professional engineer's license in another United States jurisdiction may submit verification of 15 years of licensed practice in responsible charge of engineering works acceptable to the board as equivalent to satisfactory completion of the principles and practice of engineering (PE) examination.

History: 1985 AACCS; 2008 AACCS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.16026
Source: 2008 AACCS.

PART 3. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 339.16031
Source: 1985 AACCS.

R 339.16032
Source: 1985 AACCS.

R 339.16033

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Source: 1985 AACS.

R 339.16034

Source: 1985 AACS.

PART 4. CONTINUING EDUCATION

R 339.16040

Source: 2013 AACS.

R 339.16041

Source: 2013 AACS.

R 339.16042

Source: 2013 AACS.

R 339.16043

Source: 2013 AACS.

R 339.16044

Source: 2013 AACS.

PROFESSIONAL SURVEYORS

PART 1. GENERAL PROVISIONS

R 339.17101 Definitions.

Rule 101. (1) As used in these rules:

(a) "Continuing education" means an instructional course or activity designed to bring licensees up to date on a particular area of knowledge or skills relevant to a licensee's area of professional practice.

(b) "Course" means any qualifying activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee's area of professional practice. Regular duties for compensation shall not be considered qualified activities, except for employer compensated continuing education activities.

(c) "Distance learning" means any of the following:

(i) Courses where an instructor and a licensee may be apart and instruction takes place through online or electronic media.

(ii) Courses which include, but are not limited to, instruction presented through interactive classrooms, at the job site, computer conferencing, and interactive computer systems.

(2) Terms defined in the act have the same meanings when used in these rules.

History: 1985 AACS; 1995 AACS; 2013 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.17102

Source: 1997 AACS.

R 339.17103 Rescinded.

History: 1985 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.17104

Source: 2001 AACS.

R 339.17105

Source: 1985 AACS.

PART 2. EXAMINATIONS

R 339.17201

Source: 1985 AACS.

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R 339.17202

Source: 1995 AACS.

R 339.17203

Source: 2013 AACS.

PART 3. LICENSURE, RECIPROCITY, AND RENEWAL

R 339.17301 Offer of licensure; seal design; use of seal; validation.

Rule 301. (1) After meeting the licensing requirements prescribed by the act and these rules, an applicant shall be offered original licensure by the board.

(2) A seal of a licensed professional surveyor as prescribed by the act shall have the following design:



No other design for a seal shall be used

(3) A licensee's seal shall be used by the licensee whose name appears on the seal for as long as the license remains in effect. A licensee shall be responsible for the security of the seal.

History: 1985 AACS; 1995 AACS; 2014 MR 4, Eff. March 5, 2014.

R 339.17302 Rescinded.

History: 1985 AACS; 1995 AACS; 2013 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

PART 4. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 339.17401

Source: 1995 AACS.

R 339.17402

Source: 1985 AACS.

R 339.17403

Source: 1995 AACS.

R 339.17404 Rescinded.

History: 1985 AACS; 1995 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

PART 5. CONTINUING EDUCATION

R 339.17505

Source: 2013 AACS.

R 339.17506

Source: 2013 AACS.

R 339.17507

Source: 2013 AACS.

R 339.17508

Source: 2013 AACS.

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R 339.17509

Source: 2013 AACS.

FORESTERS

PART 1. GENERAL PROVISIONS

R 339.18001 Rescinded.

History: 1984 AACS; 2014 MR 19, Eff. October 16, 2014.

R 339.18005 Rescinded.

History: 1984 AACS; 1998-2000 AACS.

R 339.18007 Rescinded.

History: 1984 AACS; 2014 MR 19, Eff. October 16, 2014.

PART 2. REGISTRATION

R 339.18021 Rescinded.

History: 1984 AACS; 1998-2000 AACS.

R 339.18023 Rescinded.

History: 1984 AACS; 2014 MR 19, Eff. October 16, 2014.

R 339.18025 Rescinded.

History: 1984 AACS; 2014 MR 19, Eff. October 16, 2014.

R 339.18027 Rescinded.

History: 1984 AACS; 2014 MR 19, Eff. October 16, 2014.

R 339.18029 Rescinded.

History: 1984 AACS; 1998-2000 AACS.

PART 3. STANDARDS OF CONDUCT

R 339.18031 Rescinded.

History: 1984 AACS; 2014 MR 19, Eff. October 16, 2014.

R 339.18035 Rescinded.

History: 1984 AACS; 2014 MR 19, Eff. October 16, 2014.

MORTUARY SCIENCE

PART 1. GENERAL PROVISIONS

R 339.18901 Definitions.

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

(a) "Establishment working hours" means 8 a.m. to 10 p.m.

(b) "Full-time" means not less than 40 hours per week.

(c) "Sponsor" means a mortuary science licensee who has held a mortuary science license for not less than 5 years, who has agreed to supervise and instruct a resident trainee as required by R 339.18925, and who has not had any disciplinary action taken against him or her within the last 5 years.

(2) The terms defined in articles 1 and 18 of the act have the same meanings when used in these rules.

History: 1991 AACS; 2001 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

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R 339.18905 Rescinded.

History: 1991 AACS; 2001 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.18919

Source: 1991 AACS.

PART 2. LICENSING

R 339.18921

Source: 2001 AACS.

R 339.18923

Source: 1998-2000 AACS.

R 339.18925

Source: 1991 AACS.

R 339.18927

Source: 2001 AACS.

R 339.18929 Rescinded.

History: 1991 AACS; 2001 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

PART 3. STANDARDS OF OPERATIONS

R 339.18930

Source: 2001 AACS.

R 339.18931 Establishment requirements.

Rule 31. (1) Each licensed establishment shall have a room which is suitable for conducting funerals and which meets the requirements of the applicable local building code for holding 50 or more persons, an area for the display of a casket and flowers, and a lectern area.

(2) Each licensed establishment shall have an embalming room. The embalming room shall not have a direct connection to any living quarters located on the same floor or to the chapel or any other area accessible by the public. For the purposes of this rule, a direct connection has not been made if an area that is not less than 9 square feet in floor area has been provided between the entrance to the embalming room and the entrance to an area accessible by the public.

(3) The embalming room shall be kept in a clean and sanitary condition at all times. Instruments shall be cleaned and sterilized after each use.

(4) An embalming room shall have all of the following:

(a) A linoleum or tile floor.

(b) Walls and ceilings made of or covered by washable and waterproof material.

(c) Hot and cold running water.

(d) A plumbing system as required by the provisions of R 325.11401 through R 325.11407.

(e) A fan that is capable of moving 250 cubic feet of air per minute.

(5) An embalming room shall be equipped with a porcelain or stainless steel embalming table, the instruments necessary to embalm a body, and a means of sterilizing equipment, such as an autoclave, a gas sterilizer, or an instrument solution sterilizer that is large enough to accommodate a normal, adult-sized trocar.

(6) An embalming room shall not be used as a storage area.

History: 1991 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.18933

Source: 1991 AACS.

R 339.18937

Source: 1991 AACS.

PART 4. STANDARDS OF CONDUCT

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R 339.18941 Advertising.

Rule 41. (1) A mortuary science licensee or funeral establishment shall not use false, misleading, or deceptive advertising. As used in this rule, "false, misleading, or deceptive advertising" includes using any name other than the name under which the funeral establishment is licensed.

(2) A funeral establishment shall not do business in a location which is not licensed as a funeral establishment and shall not advertise a service as available from an unlicensed location.

History: 1991 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

R 339.18943

Source: 1991 AACS.

R 339.18945

Source: 1991 AACS.

R 339.18947 Rescinded.

History: 1991 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

LANDSCAPE ARCHITECTS

PART 1. GENERAL PROVISIONS

R 339.19001 Rescinded.

History: 1983 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.19005

Source: 1998-2000 AACS.

R 339.19007 Rescinded.

History: 1983 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.19020

Source: 1983 AACS.

PART 2. REGISTRATION

R 339.19021

Source: 1998-2000 AACS.

R 339.19023

Source: 1983 AACS.

R 339.19025

Source: 1991 AACS.

R 339.19027 Rescinded.

History: 1983 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

PART 3. EXAMINATIONS

R 339.19031

Source: 1998-2000 AACS.

R 339.19033

Source: 1998-2000 AACS.

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R 339.19035
Source: 1998-2000 AACS.

R 339.19037
Source: 1998-2000 AACS.

R 339.19039
Source: 1998-2000 AACS.

PART 4. STANDARDS OF CONDUCT

R 339.19041
Source: 1983 AACS.
R 339.19045 Rescinded.
History: 1983 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.19049 Rescinded.
History: 1983 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

PROFESSIONAL COMMUNITY PLANNERS

PART 1. GENERAL PROVISIONS

R 339.20001 Rescinded.
History: 1996 AACS; 2014 MR 12, Eff. June 11, 2014.

R 339.20002 Rescinded.
History: 1996 AACS; 2014 MR 12, Eff. June 11, 2014.

R 339.20009 Rescission.
Rule 9. R 338.1301 to R 338.1305, R 338.1311 to R 338.1315, R 338.1323, and R 338.1324 of the Michigan Administrative Code, appearing on pages 2488 to 2492 of the 1979 Michigan Administrative Code, are rescinded.
History: 1996 AACS; 2014 MR 12, Eff. June 11, 2014.

PART 2. REGISTRATION

R 339.20011 Rescinded.
History: 1996 AACS; 2014 MR 12, Eff. June 11, 2014.

R 339.20013 Rescinded.
History: 1996 AACS; 2014 MR 12, Eff. June 11, 2014.

R 339.20015 Rescinded.
History: 1996 AACS; 2014 MR 12, Eff. June 11, 2014.

R 339.20017 Rescinded.
History: 1996 AACS; 2014 MR 12, Eff. June 11, 2014.

R 339.20018 Rescinded.
History: 1996 AACS; 2014 MR 12, Eff. June 11, 2014.

R 339.20019 Rescinded.
History: 1996 AACS; 2014 MR 12, Eff. June 11, 2014.

PART 3. STANDARDS OF CONDUCT

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R 339.20031 Rescinded.

History: 1996 AACCS; 2014 MR 12, Eff. June 11, 2014.

R 339.20033 Rescinded.

History: 1996 AACCS; 2014 MR 12, Eff. June 11, 2014.

R 339.20035 Rescinded.

History: 1996 AACCS; 2014 MR 12, Eff. June 11, 2014.

R 339.20037 Rescinded.

History: 1996 AACCS; 2014 MR 12, Eff. June 11, 2014.

REAL ESTATE BROKERS AND SALESPERSONS

PART 1. GENERAL PROVISIONS

R 339.22101 Definitions.

Rule 101. (1) As used in these rules:

- (a) "Classroom" means either:
 - (i) A physical location where educational courses are offered and students and instructor are present.
 - (ii) A location where a student receives instruction through electronic means.
 - (b) "Clock hour" means a period of not fewer than 50 minutes of actual classroom instruction, not including outside assignments and reading. For distance learning systems, "clock hour" means the amount of material a student can process in 50 minutes of computerized instruction.
 - (c) "Code" means 1980 P.A. 299, MCL 339.101 et seq.
 - (d) "Coordinator" means the individual who assumes the responsibility under these rules for offering approved courses.
 - (e) "Distance learning" means either of the following:
 - (i) Approved courses where instructor and student may be apart and instruction takes place through other media.
 - (ii) Approved courses which include but are not limited to instruction presented through interactive classrooms, computer conferencing, and interactive computer systems and which fulfill the requirements of section 2504(4) of the code.
 - (f) "Instructor" means an individual who assumes responsibility under these rules for instructing an approved course. Instructors shall possess at least 1 of the following minimum qualifications:
 - (i) Be an instructor of real estate courses who is or has been engaged in the practice of teaching at an accredited institution of higher learning.
 - (ii) Be a person properly licensed or certified by the department or other governmental agency who is engaged in the real estate aspects of appraising, financing, marketing, brokerage management, real property management, real estate counseling, real property law, or other related subjects.
 - (iii) Be a person who possesses alternative qualifications approved by the department, and is qualified by experience, education, or both to supervise and instruct a course of study.
 - (g) "Prelicensure real estate course" or "prelicensure course" means a course that is represented to the public as fulfilling, in whole or in part, the requirements of section 2504(1) and (2) of the code.
 - (h) "Real estate school" or "institution" means an approved entity which represents to the public that any of its courses fulfill, in whole or in part, the requirements of section 2504(1) and (2) of the code for prelicensure education. The entity shall also meet the requirements as set forth in section 2504(8) of the code.
 - (i) "Sponsor" means a person, as defined in section 105(5) of the code, and approved as determined by the department, which represents to the public that any of its courses fulfill the requirements of section 2504(4) of the code for continuing education.
- (2) Terms defined in sections 103, 105, and 2501 of the code have the same meanings when used in these rules.

History: 1991 AACCS; 1997AACCS; 2002 AACCS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.22103 Rescinded.

History: 1991 AACCS; 2002 AACCS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.22199

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Source: 1991 AACS.

PART 2. LICENSING

R 339.22201

Source: 2002 AACS.

R 339.22203

Source: 2007 AACS.

R 339.22205

Source: 2002 AACS.

R 339.22207

Source: 2002 AACS.

R 339.22209 Rescinded.

History: 1991 AACS; 2002 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.22211 Transfer of salespersons or non-principal associate brokers license; transfer of pocket card and wall license.

Rule 211. Upon receipt of the completed application for transfer to a new broker, the proper fees, and the old license, the department shall consider the pocket card proper evidence of licensing for 45 days from the latest date written on the back of the card. If the applicant is notified that the application is incomplete, or the broker to whom he or she is transferring is not licensed, the pocket card shall no longer be valid and the applicant shall wait until the new broker receives the wall license and pocket card before engaging in regulated activities.

History: 1991 AACS; 2002 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.22213 Rescinded.

History: 1991 AACS; 2002 AACS; 2007 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.22215

Source: 2002 AACS.

PART 3. PRACTICE AND CONDUCT

R 339.22301

Source: 2002 AACS.

R 339.22305

Source: 2002 AACS.

R 339.22307

Source: 2002 AACS.

R 339.22309

Source: 2002 AACS.

R 339.22310

Source: 2002 AACS.

R 339.22311

Source: 2002 AACS.

R 339.22313

Source: 2002 AACS.

R 339.22315

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Source: 2002 AACS.

R 339.22317

Source: 2002 AACS.

R 339.22319

Source: 1991 AACS.

R 339.22321

Source: 2002 AACS.

R 339.22323

Source: 2002 AACS.

R 339.22325

Source: 2002 AACS.

R 339.22327 Display of broker license; pocket card.

Rule 327. A broker, associate broker, or salesperson shall not serve in such capacity without having received his or her license and pocket card or a temporary license. A licensee shall not render services without having, on his or her person, a pocket card or temporary license issued by the department.

History: 1991 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.22329

Source: 1991 AACS.

R 339.22333

Source: 2002 AACS.

R 339.22335

Source: 1997 AACS.

R 339.22337 Rescinded.

History: 1991 AACS; 2002 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.22339

Source: 2002 AACS.

PART 4. ENFORCEMENT

R 339.22401

Source: 2002 AACS.

R 339.22403

Source: 1997 AACS.

R 339.22405

Source: 1991 AACS.

PART 5. OUT-OF-STATE LAND SALES

R 339.22501

Source: 2013 AACS.

R 339.22503

Source: 2013 AACS.

R 339.22505

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Source: 2013 AACCS.

R 339.22507

Source: 2013 AACCS.

R 339.22509

Source: 2013 AACCS.

R 339.22511

Source: 2013 AACCS.

R 339.22513

Source: 2013 AACCS.

R 339.22515

Source: 2013 AACCS.

R 339.22517

Source: 2013 AACCS.

R 339.22519

Source: 2013 AACCS.

R 339.22521

Source: 2013 AACCS.

R 339.22523

Source: 2013 AACCS.

R 339.22525

Source: 2013 AACCS.

R 339.22527

Source: 2013 AACCS.

R 339.22529

Source: 2013 AACCS.

PART 6. REAL ESTATE EDUCATION

SUBPART 1. GENERAL PROVISIONS

R 339.22601

Source: 2007 AACCS.

R 339.22602

Source: 2007 AACCS.

R 339.22603

Source: 2007 AACCS.

R 339.22604 Student records; content; inspection.

Rule 604. (1) Each approved real estate school and each real estate continuing education sponsor shall establish and maintain a record for each student.

(2) Student records shall contain all of the following information:

(a) The student's name and address.

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- (b) The number of clock hours attended.
- (c) The student's grade, if an examination is required to determine successful completion of the course.
- (d) The date of course completion.
- (e) The last 4 digits of the student's social security number.
- (f) The student's date of birth.
- (g) The real estate license identification number, if applicable.
- (3) All records shall be available for inspection during normal business hours by an authorized representative of the department, if the inspection does not violate a law.
- (4) A real estate school or sponsor shall maintain records in the following manner:
 - (a) Records of schools shall be maintained permanently.
 - (b) Records of sponsors shall be maintained for a minimum of 6 years from inception date of the record.
- (5) A real estate school or sponsor shall issue a certificate of completion to a student who successfully completes an approved real estate course. The certificate shall include all of the following information:
 - (a) The date of course completion.
 - (b) Identification of the course attended, including the following:
 - (i) The name of the course, as approved by the department.
 - (ii) For continuing education sponsors, the course approval numbers, as assigned by the department.
 - (c) The name and approval number of the school or sponsor.
 - (d) The name of the student. Continuing education sponsors shall also include the licensee's real estate license identification number.
 - (e) The number of clock hours completed by the student.
- (6) Each student or licensee completing a precicensure or continuing education course shall present a state-issued photo identification or acceptable alternative form of photo identification to the school or sponsor before receiving the certificate of completion. Both of the following apply:
 - (a) For courses conducted in a traditional classroom setting, students or licensees shall present a state-issued photo identification or other acceptable alternative form of identification that verifies, to the satisfaction of the school or sponsor, the identification of the student or licensee.
 - (b) For courses conducted through distance education, the school or sponsor shall ensure that the student or licensee whose attendance is reported to the department is the same person who completed the distance education course. The school or sponsor shall take appropriate measures to ensure accurate verification of the identity of each student or licensee before reporting course completion to the department.
- (7) At least 30 days before courses are held, schools and sponsors shall submit to the department a schedule and geographic location for each course.
- (8) Within 5 business days of the conclusion of the last course, schools and sponsors shall submit, in a format required by the department, the names of students who have successfully completed an approved course.
History: 2002 AACS; 2007 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.22605 Submissions with application for approval.

Rule 605. A submission for course approval shall contain an application as approved by the department.

History: 2002 AACS; 2007 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.22606

Source: 2007 AACS.

R 339.22607

Source: 2007 AACS.

R 339.22609

Source: 2007 AACS.

R 339.22611

Source: 1991 AACS.

R 339.22613

Source: 2007 AACS.

R 339.22615 Rescinded.

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History: 1991 AACS; 2007 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.22617 Denial, suspension, or rescission of approval to offer courses; violation of code or rules.

Rule 617. A real estate school, sponsor or instructor may be subject to the penalties of section 602 of the code, including disciplinary action against a course approval, for any of the following reasons:

- (a) Failure to comply with the provisions of the code or these rules.
- (b) Revealing or attempting to discover, or soliciting, encouraging, or inducing a person to reveal, the questions on a real estate license examination administered by or on behalf of the department.
- (c) Making a substantial misrepresentation regarding a real estate school, sponsor, or course of study.
- (d) Making a false promise of a character likely to influence, persuade, or induce regarding a sponsor, real estate school or course of study.
- (e) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through agents, salespersons, advertising, or otherwise.

History: 1991 AACS; 2007 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

SUBPART 2. PRELICENSURE COURSES

R 339.22631 Application for approval to offer prelicensure courses; forms; required information.

Rule 631. (1) A real estate school shall submit an application for approval, as determined by the department, for prelicensure courses. The application shall include, but not be limited to, all of the following information:

- (a) The school name, business address, telephone number, facsimile number, website address, and e-mail address, if applicable.
 - (b) The course title.
 - (c) The names, addresses, telephone numbers and qualifications of instructors.
 - (d) A summary of topics completed for each prelicensure course to be taught, including the number of hours allocated to each topic.
 - (e) A sample certificate of completion that meets the requirements of R 339.22604(5).
 - (f) Methodology for verifying and monitoring attendance.
- (2) A change in the information on the application forms shall be reported to the department within 30 days of the change. The department shall accept or reject a change within 60 days of notification of the change.
- (3) In order to maintain course approval, a renewal application approved by the department shall be submitted to the department at least 60 days prior to expiration of the course approval.

History: 1991 AACS; 1997 AACS; 2002 AACS; 2007 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.22633

Source: 2002 AACS.

R 339.22635

Source: 2002 AACS.

R 339.22637

Source: 2002 AACS.

R 339.22639

Source: 2007 AACS.

R 339.22641

Source: 2007 AACS.

R 339.22643

Source: 1991 AACS.

R 339.22645

Source: 2007 AACS.

R 339.22647 Rescinded.

History: 1991 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

SUBPART 3. CONTINUING EDUCATION COURSES

R 339.22651 Rescinded.

History: 1991 AACS; 1997 AACS; 2002 AACS; 2007 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.22652 Rescinded.

History: 2007 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.22653

Source: 2007 AACS.

R 339.22654

Source: 2007 AACS.

R 339.22655

Source: 2007 AACS.

R 339.22657 Rescinded.

History: 1991 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.22659 Rescinded.

History: 1991 AACS; 1997 AACS; 2002 AACS; 2007 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.22661

Source: 2002 AACS.

R 339.22663

Source: 2007 AACS.

R 339.22664

Source: 2007 AACS.

R 339.22665 Rescinded.

History: 1991 AACS; 1997 AACS; 2007 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.22667

Source: 1997 AACS.

REAL ESTATE APPRAISERS

PART 1. GENERAL PROVISIONS

R 339.23101 Definitions.

Rule 101. (1) As used in these rules:

(a) "Transaction value" means any of the following:

(i) For loans or other extensions of credit, the amount of the loan or the extension of credit.

(ii) For sales, leases, purchases, and investments, or in exchanges of real property, the market value of the real property interest involved.

(iii) For the pooling of loans or interests in real property for resale or purchase, the amount of the loan or market value of the real property calculated with respect to each such loan or interest in real property.

(2) Terms defined in articles 1 to 6 and 26 of the act have the same meanings when used in these rules.

History: 1996 AACS; 2002 AACS; 2003 AACS; 2004 AACS; 2006 AACS; 2007 AACS; 2010 AACS; 2013 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

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R 339.23102. Adoption by reference.

Rule 102. The board adopts the 2012-13 edition of the uspap, effective January 1, 2012. Copies of the uspap are available at a cost at the time of adoption of these rules of \$75.00 plus \$10.50 for shipping from the Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington DC, 20005. Mail orders are available at the following address: P.O. Box 381, Annapolis Junction, MD 20101-0381, toll-free phone: 800/348-2831 or regular phone: 240/646-7010. The uspap and previous editions may be reviewed at the bureau of commercial services, 2501 Woodlake Circle, Okemos Michigan 48864. The current edition may be purchased from the department of licensing and regulatory affairs by mailing to the bureau at P.O. Box 30018, Lansing MI 48909, phone: 517/241-9201, at a cost as of the time of adoption of these rules of \$75.00 plus \$10.50 for shipping and handling costs.

History: 2007 AACS; 2010 AACS; 2013 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.23103 Rescinded.

History: 1996 AACS; 2002 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

PART 2. LICENSING

R 339.23201 Rescinded.

History: 1996 AACS; 2002 AACS; 2006 ; 2007 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

R 339.23203

Source: 2010 AACS.

R 339.23305

Source: 2010 AACS.

R 339.23207

Source: 2002 AACS.

PART 3. APPRAISER EDUCATION

GENERAL PROVISIONS

R 339.23301

Source: 2007 AACS.

R 339.23303

Source: 2007 AACS.

R 339.23305

Source: 1996 AACS.

R 339.23307

Source: 2007 AACS.

R 339.23309

Source: 2007 AACS.

R 339.23311

Source: 2007 AACS.

R 339.23313

Source: 1996 AACS.

R 339.23315

Source: 2007 AACS.

PRELICENSURE EDUCATION

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R 339.23316
Source: 2007 AACCS.

R 339.23317
Source: 2007 AACCS.

R 339.23319
Source: 2007 AACCS.

R 339.23320
Source: 2010 AACCS.

PART 3B. CONTINUING EDUCATION

R 339.23321
Source: 2007 AACCS.

R 339.23323
Source: 2002 AACCS.

R 339.23325
Source: 2010 AACCS.

R 339.23326
Source: 2010 AACCS.

R 339.23327
Source: 2010 AACCS.