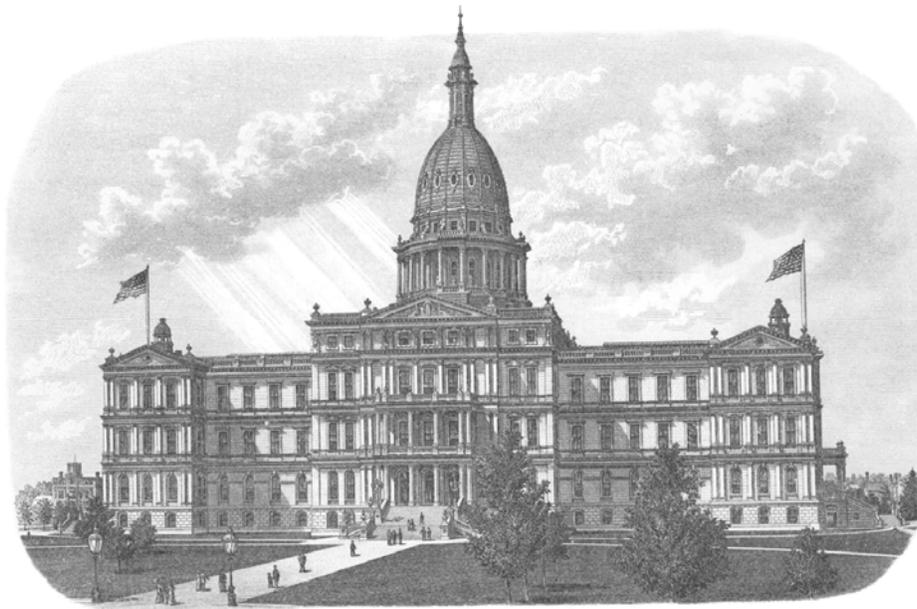


# Michigan Register

Issue No. 4— 2016 (Published March 15, 2016)



# GRAPHIC IMAGES IN THE MICHIGAN REGISTER

## COVER DRAWING

### *Michigan State Capitol:*

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

(Michigan State Archives)

## PAGE GRAPHICS

### *Capitol Dome:*

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

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

(Michigan State Archives)

### *East Elevation of the Michigan State Capitol:*

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

(Michigan Capitol Committee)

# Michigan Register

Published pursuant to § 24.208 of  
The Michigan Compiled Laws



Issue No. 4— 2016

(This issue, published March 15, 2016, contains  
documents filed from February 15, 2016 to March 1, 2016)

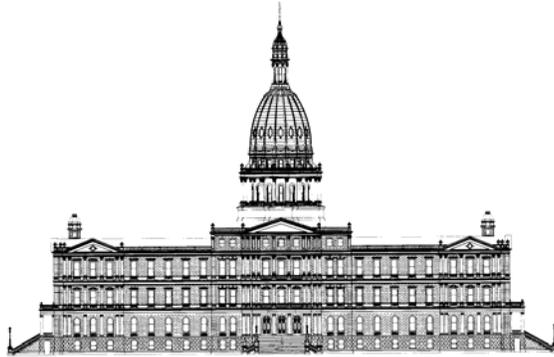
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**Office of Regulatory Reinvention**

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**Mike Zimmer**, Director, Licensing and Regulatory Affairs; **Deidre O’Berry**, Administrative Rules Specialist for Operations and Publications.

**Rick Snyder, Governor**



**Brian Calley, Lieutenant Governor**

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## PREFACE

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### PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

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

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

Sec. 8.

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

(a) Executive orders and executive reorganization orders.

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

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

(d) Proposed administrative rules.

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

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

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

(h) Notice of proposed and adopted agency guidelines.

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

(j) Attorney general opinions.

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

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

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

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

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

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

Sec. 203.

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

**CITATION TO THE MICHIGAN REGISTER**

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

**CLOSING DATES AND PUBLICATION SCHEDULE**

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

The Office of Regulatory Reinvention is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909.

### **RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE**

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

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

### **SUBSCRIPTIONS AND DISTRIBUTION**

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

### **INTERNET ACCESS**

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reinvention: [www.michigan.gov/orr](http://www.michigan.gov/orr).

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

Mike Zimmer, Director  
Licensing and Regulatory Affairs

## 2016 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2016	February 1, 2016
2	February 1, 2016	February 15, 2016
3	February 15, 2016	March 1, 2016
4	March 1, 2016	March 15, 2016
5	March 15, 2016	April 1, 2016
6	April 1, 2016	April 15, 2016
7	April 15, 2016	May 1, 2016
8	May 1, 2016	May 15, 2016
9	May 15, 2016	June 1, 2016
10	June 1, 2016	June 15, 2016
11	June 15, 2016	July 1, 2016
12	July 1, 2016	July 15, 2016
13	July 15, 2016	August 1, 2016
14	August 1, 2016	August 15, 2016
15	August 15, 2016	September 1, 2016
16	September 1, 2016	September 15, 2016
17	September 15, 2016	October 1, 2016
18	October 1, 2016	October 15, 2016
19	October 15, 2016	November 1, 2016
20	November 1, 2016	November 15, 2016
21	November 15, 2016	December 1, 2016
22	December 1, 2016	December 15, 2016
23	December 15, 2016	January 1, 2017
24	January 1, 2017	January 15, 2017

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**ADMINISTRATIVE RULES  
FILED WITH THE SECRETARY OF STATE**

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*MCL 24.208 states in part:*

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

\* \* \*

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

---

**ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on February 24, 2016

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, MCL 408.1019 and 408.1021 and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.41605 and R 408.41610 of the Administrative Code are amended, as follows:

**PART 16. POWER TRANSMISSION AND DISTRIBUTION**

R 408.41605 Adoption of OSHA rules.

Rule 1605. (1) The following provisions of the occupational safety and health administration, (OSHA) regulations, except as amended in these rules, are adopted by reference in these rules:

- (a) 29 C.F.R. §1926.950 “General.”
- (b) 29 C.F.R. §1926.951 “Medical services and first aid.”
- (c) 29 C.F.R. §1926.952 “Job briefing.”
- (d) 29 C.F.R. §1926.953 “Enclosed spaces.”
- (e) 29 C.F.R. §1926.954 “Personal protective equipment.”
- (f) 29 C.F.R. §1926.955 “Portable ladders and platforms.”
- (g) 29 C.F.R. §1926.956 “Hand and portable power equipment.”
- (h) 29 C.F.R. §1926.957 “Live-line tools.”
- (i) 29 C.F.R. §1926.958 “Materials handling and storage.”
- (j) 29 C.F.R. §1926.959 “Mechanical equipment.”
- (k) 29 C.F.R. §1926.960 “Working on or near exposed energized parts.”
- (l) 29 C.F.R. §1926.961 “Deenergizing lines and equipment for employee protection.”
- (m) 29 C.F.R. §1926.962 “Grounding for the protection of employees.”
- (n) 29 C.F.R. §1926.963 “Testing and test facilities.”
- (o) 29 C.F.R. §1926.964 “Overhead lines and live-line barehand work.”
- (p) 29 C.F.R. §1926.965 “Underground electrical installations.”
- (q) 29 C.F.R. §1926.966 “Substations.”
- (r) 29 C.F.R. §1926.967 “Special conditions.”
- (s) 29 C.F.R. §1926.968 “Definitions.”
- (t) Appendix A to Subpart V of Part 1926 “Reserved.”

- (u) Appendix B to Subpart V of Part 1926 “Working on Exposed Energized Parts.”
  - (v) Appendix C to Subpart V of Part 1926 “Protection from Hazardous Differences in Electric Potential.”
  - (w) Appendix D to Subpart V of Part 1926 “Methods of Inspecting and Testing Wood Poles.”
  - (x) Appendix E to Subpart V of Part 1926 “Protection from Flames and Electric Arcs.”
  - (y) Appendix F to Subpart V of Part 1926 “Work-Positioning Equipment Inspection Guidelines.”
  - (z) Appendix G to Subpart V of Part 1926 “Reference Documents.”
- (2) All of the following provisions apply with respect to the regulations adopted in subrule (1) of this rule and are referenced in R 408.41610:
- (a) A reference to 29 C.F.R. §1926.50 “Medical services and first aid,” means Construction Safety Standard (CS) Part 1 “General Rules.”
  - (b) A reference to 29 C.F.R. §1926.54. “Nonionizing radiation,” means Occupational Health Standard (OH) Part 681 “Radiation of Construction: Ionizing and Nonionizing.”
  - (c) A reference to 29 C.F.R. §1926.56 “Illumination,” means CS Part 1 “General Rules.”
  - (d) A reference to 29 C.F.R. §1926.59 “Hazard Communication,” means CS Part 42 “Hazard Communication.”
  - (e) A reference to 29 C.F.R. §1926.95 “Criteria for personal protective equipment,” means CS Part 6 “Personal Protective Equipment.”
  - (f) A reference to 29 C.F.R. §1926.100 “Head protection,” means CS Part 6 “Personal Protective Equipment.”
  - (g) A reference to 29 C.F.R. §1926.106 “Working over or near water,” means CS Part 6 “Personal Protective Equipment.”
  - (h) A reference to 29 C.F.R. §1926.200 “Accident prevention signs and tags,” means CS Part 22 “Signals, Signs, Tags, and Barricades.”
  - (i) A reference to 29 C.F.R. §1926.302 “Power-operated hand tools,” means CS Part 19 “Tools.”
  - (j) A reference to 29 C.F.R. §1926.453 “Aerial lifts,” means CS Part 32 “Aerial Work Platforms.”
  - (k) A reference to 29 C.F.R. §1926.502 “Fall protection systems criteria and practices,” means CS Part 45 “Fall Protection.”
  - (l) A reference to 29 C.F.R. §1926.1053 “Ladders,” means CS Part 11 “Fixed and Portable Ladders.”
  - (m) A reference to 29 C.F.R. §1926.1204 “Permit-required confined space program” through §1926.1211 “Rescue and emergency services,” means CS Part 35 “Confined Space in Construction.”
  - (n) A reference to “subpart AA of this part,” means CS Part 35 “Confined Space in Construction.”
  - (o) A reference to 29 C.F.R. §1910.97 “Nonionizing radiation,” means OH Part 382 “Nonionizing Radiation.”
  - (p) A reference to 29 C.F.R. §1910.135 “Head protection,” means General Industry Safety Standard (GI) Part 33 “Personal Protective Equipment.”
  - (q) A reference to 29 C.F.R. §1910.268 “Telecommunications,” means CS Part 30 “Telecommunications,” and GI Part 50 “Telecommunications.”
  - (r) A reference to 29 C.F.R. §1910.269 “Electric Power Generation, Transmission, and Distribution,” means GI Part 86 “Electric Power Generation, Transmission, and Distribution.”
  - (s) A reference to 29 C.F.R. §1910.1200 “Hazard Communication,” means GI Part 92 “Hazard Communication,” and OH Part 430 “Hazard Communication.”

(3) The provisions of the OSHA regulations adopted in these rules have the same force and effect as rules promulgated under Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

R 408.41610 Adopted and referenced standards.

Rule 1610. (1) The following federal occupational safety and health administration (OSHA) regulations, amended July 10, 2014, except as noted, are adopted by reference in these rules:

- (a) 29 C.F.R. §1926.950 “General.”
- (b) 29 C.F.R. §1926.951 “Medical services and first aid.”
- (c) 29 C.F.R. §1926.952 “Job briefing.”
- (d) 29 C.F.R. §1926.953 “Enclosed spaces,” amended May 4, 2015.
- (e) 29 C.F.R. §1926.954 “Personal protective equipment.”
- (f) 29 C.F.R. §1926.955 “Portable ladders and platforms.”
- (g) 29 C.F.R. §1926.956 “Hand and portable power equipment.”
- (h) 29 C.F.R. §1926.957 “Live-line tools.”
- (i) 29 C.F.R. §1926.958 “Materials handling and storage.”
- (j) 29 C.F.R. §1926.959 “Mechanical equipment.”
- (k) 29 C.F.R. §1926.960 “Working on or near exposed energized parts,” amended September 24, 2014.
- (l) 29 C.F.R. §1926.961 “Deenergizing lines and equipment for employee protection.”
- (m) 29 C.F.R. §1926.962 “Grounding for the protection of employees.”
- (n) 29 C.F.R. §1926.963 “Testing and test facilities.”
- (o) 29 C.F.R. §1926.964 “Overhead lines and live-line barehand work.”
- (p) 29 C.F.R. §1926.965 “Underground electrical installations.”
- (q) 29 C.F.R. §1926.966 “Substations.”
- (r) 29 C.F.R. §1926.967 “Special conditions.”
- (s) 29 C.F.R. §1926.968 “Definitions,” amended May 4, 2015.
- (t) Appendix A to Subpart V of Part 1926 “Reserved.”
- (u) Appendix B to Subpart V of Part 1926 “Working on Exposed Energized Parts,” amended September 24, 2014.
- (v) Appendix C to Subpart V of Part 1926 “Protection from Hazardous Differences in Electric Potential.”
- (w) Appendix D to Subpart V of Part 1926 “Methods of Inspecting and Testing Wood Poles.”
- (x) Appendix E to Subpart V of Part 1926 “Protection from Flames and Electric Arcs.”
- (y) Appendix F to Subpart V of Part 1926 “Work-Positioning Equipment Inspection Guidelines.”
- (z) Appendix G to Subpart V of Part 1926 “Reference Documents.”

(2) The standards adopted in these rules are available from the United States department of labor, occupational safety and health administration website: [www.osha.gov](http://www.osha.gov), at no charge as of the time of adoption of these rules.

(3) The standards adopted in these rules are available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(4) The standards adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.

(5) The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards). For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

- (a) Construction Safety Standard Part 1 “General Rules,” R 408.40101 to R 408.40134.
- (b) Construction Safety Standard Part 6 “Personal Protective Equipment,” R 408.40601 to R 408.40641.
- (c) Construction Safety Standard Part 11 “Fixed and Portable Ladders,” R 408.41101 to R 408.41140
- (d) Construction Safety Standard Part 19 “Tools,” R 408.41901 to R 408.41980.
- (e) Construction Safety Standard Part 22 “Signals, Signs, Tags, and Barricades,” R 408.42201 to R 408.42243.
- (f) Construction Safety Standard Part 30 “Telecommunications,” R 408.43001 to R 408.43006.
- (g) Construction Safety Standard Part 32 “Aerial Work Platforms,” R 408.43201 to R 408.43220.
- (h) Construction Safety Standard Part 35 “Confined Space in Construction,” R 408.43501 to R 408.43510.
- (i) Construction Safety Standard Part 42 “Hazard Communication,” R 408.44201 to R 408.44204.
- (j) Construction Safety Standard Part 45 “Fall Protection,” R 408.44501 to R 408.44502
- (k) General Industry Safety Standard Part 33 “Personal Protective Equipment,” R 408.13301 to R 408.13398.
- (l) General Industry Safety Standard Part 50 “Telecommunications,” R 408.15001 to R 408.15004.
- (m) General Industry Safety Standard Part 86 “Electric Power Generation, Transmission, and Distribution,” R 408.18601 to R 408.18602.
- (n) General Industry Safety Standard Part 92 “Hazard Communication,” R 408.19201 to R 408.19204.
- (o) Occupational Health Standard Part 382 “Nonionizing Radiation,” R 325.60701 to R 325.60704.
- (p) Occupational Health Standard Part 430 “Hazard Communication,” R 325.77001 to R 325.77004.
- (q) Occupational Health Standard Part 681 “Radiation of Construction: Ionizing and Nonionizing,” R 325.68101 to R 325.68102.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF NATURAL RESOURCES

LAW ENFORCEMENT DIVISION

SPECIAL LOCAL WATERCRAFT CONTROLS

Filed with the Secretary of State on February 19, 2016

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of natural resources by sections 80113 and 80121 of 1994 PA 451, MCL 324.80113 and MCL 324.80121)

R 281.700.3 of the Michigan Administrative Code is amended as follows:

R 281.700.3 High-speed boating and water skiing prohibited; time.

Rule 3. (1) On the waters of this state where special local watercraft controls have been established prohibiting high-speed boating and water skiing from 6:30 p.m. to 10:00 a.m. of the following day, the hours shall be 7:30 p.m. to 11:00 a.m. of the following day when and where eastern daylight saving time is in effect.

(2) "Daylight saving time" means the advancing of the standard time by 1 hour, commencing at 2 o'clock antemeridian on the second Sunday of March of each year and ending at 2 o'clock antemeridian on the first Sunday of November of each year in conformity with the federal uniform time act of 1966, as amended by the energy policy act of 2005.

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**ADMINISTRATIVE RULES**

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MICHIGAN STRATEGIC FUND

DIRECTOR'S OFFICE

URBAN LAND ASSEMBLY FUND

Filed with the Secretary of State on February 19, 2016

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of commerce by section 11 of 1981 PA 171, MCL 125.1861. The program was transferred to the Michigan Jobs Commission under Executive Reorganization Order No. 1994-10, MCL 408.48.)

R 125.651, R 125.652, R 125.653, R 125.654, R 125.655 of the Michigan Administrative Code are rescinded as follows:

R 125.651 Rescinded.

R 125.652 Rescinded.

R 125.653 Rescinded.

R 125.654 Rescinded.

R 125.655 Rescinded.

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**ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

LIQUOR CONTROL COMMISSION

ADVERTISING

Filed with the Secretary of State February 19, 2016

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the liquor control commission by section 215(1) of 1998 PA 58, MCL 436.1215(1), and Executive Reorganization Order No. 2011-4, MCL 445.2030)

R 436.1311 of the Michigan Administrative Code is rescinded as follows:

R 436.1311 Rescinded.

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**PROPOSED ADMINISTRATIVE RULES,  
NOTICES OF PUBLIC HEARINGS**

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*MCL 24.242(3) states in part:*

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

*MCL 24.208 states in part:*

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

*\* \* \**

*(d) Proposed administrative rules.*

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

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**PROPOSED ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

MEDICINE - GENERAL RULES

Draft February 8, 2016

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45(a)(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, **16148, 16215, and 17001 17033, and 17048(5)** of 1978 PA 368, MCL 333.16145, **333.16148, 333.16215, and 333.17001 333.17033, and 333.17048(5)** and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2011-4, MCL 330.3101, 445.2001, 445.2011, and 445.2030)

R 338.2401, R 338.2403, R 338.2405, R 338.2409, R 338.2411, R 338.2413, R 338.2421, R 338.2423, R 338.2425, R 338.2427, R 338.2429, R 338.2431, R 338.2433, R 338.2435, R 338.2437, R 338.2441, and R 338.2443 are added to the Michigan Administrative Code, and R 338.2301, R 338.2302, R 338.2304, R 338.2305, R 338.2308, R 338.2313, R 338.2314, R 338.2316, R 338.2317, R 338.2318, R 338.2319, R 338.2326, R 338.2327a, R 338.2329a, R 338.2371, R 338.2372, R 338.2373, R 338.2374, R 338.2375, R 338.2376, R 338.2377, R 338.2378, R 338.2379, R 338.2380, R 338.2381, and R 338.2382 of the Code are rescinded, as follows:

**PART 1. GENERAL PROVISIONS**

R 338.2301 ~~Definitions.~~ **Rescinded.**

~~Rule 1. As used in these rules:~~

~~(a) "Board" means the board of medicine.~~

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

~~(c) "Completed the requirements for a degree in medicine" means that the applicant graduated from a medical educational program which is not less than 130 weeks and does not award credit for any course taken by correspondence. The core curriculum of a medical educational program includes, at a minimum, all of the following courses in the basic sciences and clerkships in the clinical sciences:~~

~~(i) Courses in the basic sciences, which includes courses in all of the following:~~

~~(A) Anatomy.~~

~~(B) Physiology.~~

- (C) Biochemistry.
- (D) Microbiology.
- (E) Pathology.
- (F) Pharmacology and therapeutics.
- (G) Preventive medicine.

(ii) Clerkships in the clinical sciences, which means core clinical clerkships completed either in a hospital or institution located in the United States, its territories, the District of Columbia, or Canada that is approved by the board or in a hospital or institution that offers a postgraduate clinical training program in the content area of the clinical clerkship. Clerkships in the clinical sciences include clinical clerkships in all of the following:

- (A) Internal medicine.
  - (B) General surgery.
  - (C) Pediatrics.
  - (D) Obstetrics and gynecology.
  - (E) Psychiatry.
- (d) "Department" means the department of licensing and regulatory affairs.

R 338.2302 Name of practitioner; display of name; change of address. **Rescinded.**

~~Rule 2. (1) A person shall not engage in the practice of medicine under a personal name other than the name under which he is licensed by the board.~~

~~(2) A person shall conspicuously display the name under which he is licensed by the board at each facility where he regularly engages in the practice of medicine.~~

~~(3) A person shall conspicuously display his certificate of renewal in his principal place of medical practice.~~

~~(4) A person licensed or otherwise registered pursuant to the act shall inform the board in writing within 30 days of any change of residence address or place of practice.~~

R 338.2304 Delegation to physician's assistants; written authorization; requirements. **Rescinded.**

~~Rule 4. (1) A physician who supervises a physician's assistant under sections 17048 and 17049 of the code shall establish a written authorization that delegates to a physician's assistant the performance of medical care services or the prescribing of schedule 2 to 5 controlled substances, or both. The written authorization shall contain all of the following information:~~

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

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

~~(c) The limitations or exceptions to the delegation of any medical care services or prescription of schedule 2 to 5 controlled substances.~~

~~(d) The effective date of the delegation.~~

~~(2) A delegating physician 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 physician shall note the review date on the written authorization.~~

~~(3) A delegating physician shall maintain a written authorization in each separate location of the physician's office where the delegation occurs.~~

~~(4) A delegating physician shall ensure that an amendment to the written authorization is in compliance with subrule (1)(a) to (d) of this rule.~~

~~(5) A delegating physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.~~

~~R 338.2305 Delegation of prescribing of controlled substances to nurse practitioners or nurse midwives; limitation. **Rescinded.**~~

~~Rule 5. (1) A physician may delegate the prescription of controlled substances listed in schedules 3 to 5 to a registered nurse who holds specialty certification under section 17210 of the code, with the exception of a nurse anesthetist, if the delegating physician establishes a written authorization that contains all of the following information:~~

- ~~(a) The name, license number, and signature of the delegating physician.~~
- ~~(b) The name, license number, and signature of the nurse practitioner or nurse midwife.~~
- ~~(c) The limitations or exceptions to the delegation.~~
- ~~(d) The effective date of the delegation.~~

~~(2) A delegating physician shall review and update a written authorization on an annual basis from the original date or the date of amendment, if amended. A delegating physician shall note the review date on the written authorization.~~

~~(3) A delegating physician shall maintain a written authorization in each separate location of the physician's office where the delegation occurs.~~

~~(4) A delegating physician shall ensure that an amendment to the written authorization is in compliance with subrule (1) (a) to (d) of this rule.~~

~~(5) A delegating physician may delegate the prescription of schedule 2 controlled substances only if all of the following conditions are met:~~

~~(a) The delegating physician and nurse practitioner or nurse midwife are practicing within a health facility as defined in section 20106(d), (g), or (i) of the code; specifically, freestanding surgical outpatient facilities, hospitals, and hospices.~~

~~(b) The patient is located within the facility described in subdivision (a) of this subrule.~~

~~(c) The delegation is in compliance with this rule.~~

~~(6) A delegating physician may not delegate the prescription of schedule 2 controlled substances issued for the discharge of a patient for a quantity for more than a 7-day period.~~

~~(7) A delegating physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.~~

~~R 338.2308 Assessment of fines. **Rescinded.**~~

~~Rule 18. 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 board shall take into consideration all of the following factors without limitation:~~

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

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

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

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

**PART 2. LICENSES**

R 338.2313 Standards for approval of medical schools, hospitals, and postgraduate clinical training programs; adoption by reference. **Rescinded.**

Rule 13. (1) The board approves and adopts by reference the standards for accrediting schools of medicine developed by the liaison committee on medical education on February 19, 1985, and ratified by the council on medical education of the American medical association on March 1, 1985, and ratified by the executive council of the association of American medical colleges on April 4, 1985, entitled "Functions & Structure of a Medical School." The board shall consider any school of medicine that is accredited by the liaison committee on medical education as a school approved by the board.

(2) The board approves and adopts by reference the standards for accrediting hospitals which were adopted in April, 1986, by the joint commission on accreditation of hospitals and which were effective January 1, 1987. The board shall consider any hospital or institution that is accredited by the joint commission on accreditation of hospitals as a hospital or institution approved by the board.

(3) The board approves and adopts by reference the standards for approving postgraduate clinical training programs which were adopted in 1987 by the accreditation council for graduate medical education and which were effective July 1, 1987, entitled "The Essentials of Accredited Residencies in Graduate Medical Education," and the board shall designate any program of postgraduate clinical training approved by the accreditation council for graduate medical education as a program approved by the board.

(4) The board approves and adopts by reference the standards for approving postgraduate clinical training programs which were adopted in April, 1985, by the national joint committee on accreditation of preregistration physician training programs of the Canadian medical association and which were effective July, 1985, and the board shall consider any program of postgraduate clinical training approved by the national joint committee on accreditation of preregistration physician training programs as a program approved by the board.

R 338.2314 Examinations; passing scores; eligibility; reexamination; limitations. **Rescinded.**

Rule 14. (1) The board approves and accepts the 3-part examination developed and scored by the national board of medical examiners, hereinafter identified as the NBME part I, the NBME part II, and the NBME part III. The board approves and adopts the 3-part examination prepared by the federation of state medical boards of the United States, inc., before January 1985, hereinafter identified as FLEX, the 2-part examination prepared by the federation of state medical boards of the United States, inc., after January 1985, hereinafter identified as FLEX component 1 and FLEX component 2, and the 3-part examination prepared by the federation of state medical boards of the United States, inc., hereinafter identified as USMLE step 1, USMLE step 2, and USMLE step 3.

(2) A passing score on FLEX shall be a truncated weighted average of not less than 75 based on a single sitting that includes all 3 parts of FLEX. A passing score on FLEX component 1 shall be not less than 75. A passing score on FLEX component 2 shall be not less than 75. A passing score on USMLE step 1 shall be not less than 75. A passing score on USMLE step 2 shall be not less than 75. A passing score on USMLE step 3 shall be not less than 75.

~~(3) To sit for USMLE step 3, an applicant shall submit a completed application, on a form provided by the department, together with the requisite fee.~~

~~(4) To be eligible to sit for USMLE step 3, an applicant shall establish both of the following:~~

~~(a) That the applicant has passed 1 of the following examinations or combinations of examination parts:~~

~~(i) FLEX component 1.~~

~~(ii) NBME part I and NBME part II.~~

~~(iii) NBME part I and USMLE step 2.~~

~~(iv) USMLE step 1 and NBME part II.~~

~~(v) USMLE step 1 and USMLE step 2.~~

~~(b) That the applicant has completed not less than 6 months of postgraduate clinical training in a program approved by the board in a board-approved hospital or institution.~~

~~(5) An applicant who fails to achieve a passing score on USMLE step 3 within 5 years from the first time he or she sat for USMLE step 3 shall not be eligible to again sit for USMLE step 3 until the applicant has completed 1 year of postgraduate clinical training in a program approved by the board in a board-approved hospital or institution. If the applicant thereafter fails USMLE step 3, the applicant may repeat the examination without limitation if the applicant, subsequent to each failure, first completes 1 year of postgraduate clinical training in a program approved by the board in a board-approved hospital or institution before sitting for the USMLE step 3.~~

~~(6) The examination sequence as specified in this rule is subject to the limitations set forth in section 17012(2) of the code.~~

R 338.2316 Licensure by examination; applications; qualifications for graduates of foreign medical schools. **Rescinded.**

~~Rule 16. (1) An applicant for Michigan medical licensure by examination from a medical school located other than in the United States, its territories, the District of Columbia, or the Dominion of Canada shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the other requirements of the code and the administrative rules promulgated pursuant thereto, an applicant shall satisfy the requirements of this rule.~~

~~(2) An applicant shall establish that he or she has completed the requirements for a degree in medicine.~~

~~(3) An applicant shall have passed 1 of the following examinations or combinations of examination parts:~~

~~(a) FLEX.~~

~~(b) FLEX component 1 and FLEX component 2.~~

~~(c) FLEX component 1 and USMLE step 3.~~

~~(d) USMLE step 1, USMLE step 2, and FLEX component 2.~~

~~(e) USMLE step 1, USMLE step 2, and USMLE step 3.~~

~~(4) An applicant shall have passed an examination in the basic and clinical medical sciences conducted by the educational commission for foreign medical graduates and satisfy either of the following requirements:~~

~~(a) An applicant who has passed the visa qualifying examination, the foreign medical graduate examination in the medical sciences, parts I and II of the examination developed by the national board of medical examiners and conducted by the educational commission for foreign medical graduates, or USMLE step 1 and USMLE step 2 shall have satisfactorily completed 2~~

~~years of postgraduate clinical training in a program approved by the board in a board-approved hospital or institution.~~

~~(b) An applicant who has passed the educational commission for foreign medical graduates examination conducted by the educational commission for foreign medical graduates before July 1, 1984, shall have satisfactorily completed 3 years of postgraduate clinical training in a program approved by the board in a board-approved hospital or institution. Certification of satisfactory completion of postgraduate clinical training shall be accepted by the board 15 days before completion of the training.~~

R 338.2317 ~~Licensure by examination; applications; qualifications for graduates of schools located in the United States, its territories, the District of Columbia, or the Dominion of Canada.~~ **Rescinded.**

~~Rule 17. (1) An applicant for Michigan medical licensure by examination from a medical school located in the United States, its territories, the District of Columbia, or the Dominion of Canada shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the other requirements of the code and the administrative rules promulgated pursuant thereto, an applicant shall satisfy the requirements of this rule.~~

~~(2) An applicant shall establish that he or she is a graduate of a medical school approved by the board.~~

~~(3) An applicant shall have passed 1 of the following examinations or combination of examination parts:~~

~~(a) FLEX.~~

~~(b) FLEX component 1 and FLEX component 2.~~

~~(c) FLEX component 1 and USMLE step 3.~~

~~(d) One of each of the following examination parts:~~

~~(i) NBME part I or USMLE step 1.~~

~~(ii) NBME part II or USMLE step 2.~~

~~(iii) NBME part III, USMLE step 3, or FLEX component 2.~~

~~(4) An applicant shall have satisfactorily completed 2 years of postgraduate clinical training in a program approved by the board in a board-approved hospital or institution. Certification of satisfactory completion of postgraduate clinical training shall be accepted by the board 15 days before completion of the training.~~

R 338.2318 ~~Licensure by endorsement; applications; qualifications.~~ **Rescinded.**

~~Rule 18. (1) An applicant for a Michigan medical 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 other requirements of the code and the administrative rules promulgated pursuant thereto, an applicant shall satisfy the requirements of this rule.~~

~~(2) If an applicant was licensed in another state and has been engaged in the practice of medicine a minimum of 10 years before the date of filing an application for Michigan medical licensure, it will be presumed that the applicant meets the requirements of section 16186(1)(a) and (b) of the code.~~

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

~~(a) The applicant shall have been licensed in another state after having passed an examination deemed by the board to have been conducted in accordance with standards substantially equivalent to those which were applicable to examinations given by the board in the same year, as provided by R 338.2319.~~

~~(b) An applicant who is a graduate of a medical school located in the United States, its territories, the District of Columbia, or the Dominion of Canada shall satisfy either of the following requirements:~~

~~(i) If the applicant was first licensed in another state before September 1, 1989, the applicant shall have satisfactorily completed 1 year of postgraduate clinical training in a program approved by the board in a board-approved hospital or institution.~~

~~(ii) If the applicant was first licensed in another state after August 31, 1989, the applicant shall have satisfactorily completed 2 years of postgraduate clinical training in a program approved by the board in a board-approved hospital or institution.~~

~~(c) In addition to meeting the examination requirement of subdivision (a) of this subrule, an applicant who is a graduate of a medical school located other than in the United States, its territories, the District of Columbia, or the Dominion of Canada shall have passed an examination in the basic and clinical medical sciences conducted by the educational commission for foreign medical graduates and satisfy 1 of the following requirements:~~

~~(i) An applicant who was first licensed in another state before May 10, 1986, shall have satisfactorily completed 1 year of postgraduate clinical training in a program approved by the board in a board-approved hospital or institution.~~

~~(ii) An applicant who was first licensed in another state on or after May 10, 1986, and who has passed the visa qualifying examination, the foreign medical graduate examination in the medical sciences, parts I and II of the examination developed by the national board of medical examiners and conducted by the educational commission for foreign medical graduates, or USMLE step 1 and USMLE step 2 shall have satisfactorily completed 2 years of postgraduate clinical training in a program approved by the board in a board-approved hospital or institution.~~

~~(iii) An applicant who was first licensed in another state on or after May 10, 1986, and who has passed the educational commission for foreign medical graduates examination conducted by the educational commission for foreign medical graduates before July 1, 1984, shall have satisfactorily completed 3 years of postgraduate clinical training in a program approved by the board in a board-approved hospital or institution.~~

**R 338.2319-Licensure by endorsement; substantially equivalent examinations. Rescinded.**

~~Rule 19. (1) In assessing substantial equivalency of examinations, the board shall consider all of the following factors:~~

~~(a) Subject areas included.~~

~~(b) Detail of material.~~

~~(c) Comprehensiveness of material.~~

~~(d) Length of the examination.~~

~~(e) Degree of difficulty.~~

~~(2) To demonstrate substantial equivalency, an applicant may be required to submit, or cause to be submitted, such materials as the following:~~

~~(a) A certified copy of the examination.~~

~~(b) An affidavit from a responsible official from the appropriate state agency describing the examination and setting forth the legal standards that were in effect at the time of the examination.~~

~~(c) An affidavit describing the examination from a responsible official within a state medical society or other organization who has knowledge of the examination.~~

~~(d) Other credible evidence.~~

~~(3) The examination given by the national board of medical examiners is deemed by the board to be substantially equivalent to the examination conducted by the board.~~

~~(4) The licentiate examination given by the medical council of Canada is deemed by the board to be substantially equivalent to the examination conducted by the board.~~

~~(5) Applicants for Michigan medical licensure by endorsement shall be considered to have passed an examination deemed by the board to have been conducted in accordance with standards substantially equivalent to those which were applicable to examinations given by the board if the applicant passed the FLEX examination with a FLEX weighted average of 75.0 at 1 sitting, except that applicants who, between June 1974 and June 1981, achieved a FLEX weighted average of 75.0 based on 1 partial retake of the FLEX examination after initial failure shall be considered to have passed an examination in accordance with standards substantially equivalent to those that were applicable to examinations given by the board between June 1974 and June 1981.~~

**R 338.2326-Availability of standards. Rescinded.**

~~Rule 26. (1) The standards ratified on March 1, 1985, by the council on medical education of the American medical association and ratified on April 4, 1985, by the executive council of the association of American medical colleges are available for inspection at the office of the Board of Medicine, 611 West Ottawa Street, North Ottawa Tower, Lansing, Michigan 48909. Copies may be obtained, upon request and payment of \$10.00, from either the offices of the board or the Liaison Committee on Medical Education, American Medical Association, 535 N. Dearborn Street, Chicago, Illinois 60610.~~

~~(2) The standards adopted in April, 1986, by the joint commission on accreditation of hospitals and effective on January 1, 1987, are available for inspection at the offices of the board. Copies may be obtained, upon request and payment of \$50.00, from either the offices of the board or the Joint Commission on Accreditation of Hospitals, 875 North Michigan Avenue, Chicago, Illinois 60611.~~

~~(3) The standards adopted by the accreditation council for graduate medical education in 1987 and effective July 1, 1987, are available for inspection at the offices of the board. Copies may be obtained, upon request and payment of \$30.00, from either the offices of the board or the Accreditation Council for Graduate Medical Education, American Medical Association, 535 N. Dearborn Street, Chicago, Illinois 60610.~~

~~(4) The standards adopted by the national joint committee on accreditation of preregistration physician training programs of the Canadian medical association in April, 1985, and effective July, 1985, are available for inspection at the offices of the board. Copies may be obtained, upon request and payment of \$5.00, from either the offices of the board or the Canadian Medical Association, P.O. Box 8650, Ottawa, Ontario, Canada K1G 0G8.~~

~~R 338.2327a-Clinical academic limited licenses. Rescinded.~~

~~Rule 27a. An applicant for a clinical academic limited license shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the other requirements of the code and the administrative rules promulgated pursuant thereto, an applicant for a clinical academic limited license shall establish both of the following:~~

~~(a) That he or she has either graduated from a medical school which is located in the United States, its territories, the District of Columbia, or the Dominion of Canada and which is approved by the board or has graduated from a medical school that is located other than in the United States, its territories, the District of Columbia, or the Dominion of Canada and has completed the requirements for a degree in medicine as defined in R 338.2301(c).~~

~~(b) That he or she has been appointed to a teaching or research position in an academic institution as defined in section 17001(1)(a) of the code.~~

~~R 338.2329a-Educational limited licenses. Rescinded.~~

~~Rule 29a. (1) An educational limited license authorizes the holder thereof to engage in the practice of medicine as part of a postgraduate educational training 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.~~

~~(3) In addition to meeting the other requirements of the code and the administrative rules promulgated pursuant thereto, an applicant for an educational limited license from a medical school located in the United States, its territories, the District of Columbia, or the Dominion of Canada shall establish both of the following:~~

~~(a) That the applicant has graduated, or is expected to graduate within the following 3 months, from a medical school approved by the board.~~

~~(b) That the applicant has been admitted to a training program approved by the board that is offered at a board-approved hospital or institution.~~

~~(4) After December 31, 1988, in addition to meeting the other requirements of the code and the administrative rules promulgated pursuant thereto, an applicant for an educational limited license from a medical school located other than in the United States, its territories, the District of Columbia, or the Dominion of Canada shall establish all of the following:~~

~~(a) That the applicant has completed the requirements for a degree in medicine.~~

~~(b) That the applicant has been admitted to a training program approved by the board that is offered at a board-approved hospital or institution.~~

~~(c) That the applicant has passed an examination in the basic and clinical medical sciences conducted by the educational commission for foreign medical graduates.~~

~~PART 5. CONTINUING MEDICAL EDUCATION~~

~~R 338.2371-Continuing medical education as prerequisite for license renewal or relicensure. Rescinded.~~

~~Rule 71. (1) An applicant for license renewal who held a license for the~~

~~3-year period preceding the expiration date of the license or an applicant for relicensure pursuant to section 16201(3) of the code shall have earned, within the 3-year period immediately preceding the date of the application, 150 hours of continuing medical education credit in courses or programs approved by the board. In place of the examination requirements established in section 16201(4) of the code, an applicant for relicensure pursuant to section 16201(4) of the code shall have earned, within the 3-year period immediately preceding the date of the application, 150 hours of continuing medical education credit in courses or programs approved by the board.~~

~~(2) Credit for medical ethics shall be earned in a category 1 activity.~~

~~R 338.2372-Categories of creditable continuing medical education activities; maximum credit hours for the 3-year period. **Rescinded.**~~

~~Rule 72. The categories of creditable continuing medical 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 medical activities with accrediting sponsorship; tutorial experience; medical ethics; specialty board certification and recertification 150 hours~~

~~(b) Category 2: Continuing medical activities with nonaccredited sponsorship 36 hours~~

~~(c) Category 3: Tutoring medical physicians under category 1; teaching medical physicians; teaching the allied health services 48 hours~~

~~(d) Category 4: Books, papers, publications, and exhibits 48 hours~~

~~(e) Category 5: Nonsupervised education; self assessment; self instruction and participation on a hospital medical staff committee dealing with quality patient care or utilization review 36 hours~~

~~(f) Category 6: Full time participation in a graduate training program 150 hours.~~

~~R 338.2373-Categories and period in which credit hours to be earned; clock hour equivalents to credit hours. **Rescinded.**~~

~~Rule 73. (1) A minimum of 50% of the continuing medical education requirement shall be earned in category 1 or category 6.~~

~~(2) One clock hour substantively spent meeting the requirements of category 1, 2, 4, or 5 equals 1 credit hour.~~

~~(3) One clock hour spent as an instructor or as a tutor, or both, equals 2 credit hours.~~

~~R 338.2374-Category 1: Continuing medical activities including medical ethics with accredited sponsorship; tutorial experience; specialty board and recertification. **Rescinded.**~~

~~Rule 74. (1) Continuing medical activities with accredited sponsorship are category 1 activities. The board approves the standards adopted by the committee on continuing medical education accreditation of the Michigan state medical society on December 6, 1984, in accrediting organizations and institutions offering continuing medical education programs, and the board may accept a maximum of 150 credit hours under category 1 for attendance at programs offered by organizations and institutions so accredited as credit toward the licensee's continuing medical education requirement if the programs are designed to further the medical education of licensees. The board may deny approval of programs offered by institutions and organizations approved by the Michigan state medical society if it appears to the~~

board that the programs 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 medicine.

~~(2) The board approves and adopts the standards adopted by the accreditation council for continuing medical education on October 29, 1982, in accrediting organizations and institutions offering continuing medical education programs, and the board may accept a maximum of 150 credit hours for attendance at those programs offered by organizations and institutions so accredited as credit toward the licensee's continuing medical education requirement if the programs are designed to further the medical education of licensees. The board may deny approval of programs offered by institutions and organizations approved by the liaison committee on continuing medical education if it appears to the board that the programs 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 medicine.~~

~~(3) Receiving tutorial experience is a category 1 activity. A maximum of 150 credit hours may be earned during the 3-year period immediately preceding the application for being tutored in a hospital or institution. Notwithstanding any additional requirement of these rules, the board will not give credit for being tutored unless information on the tutorial program and the qualifications of the tutor, as well as any other data requested by the board, is first submitted to the board to establish the quality of the tutorial program and the board approves the tutorial program before the commencement thereof.~~

~~(4) Specialty board certification and recertification are category 1 activities. A maximum of 50 credit hours may be earned for taking and passing a specialty board recertification or certification examination approved by the board. Credit may be earned only during the year in which the licensee is advised that he or she passed the certification or recertification examination.~~

~~R 338.2375-Category 2: Continuing medical activities with nonaccredited sponsorship. **Rescinded.**~~

~~Rule 75. Category 2 activities consist of continuing medical activities with nonaccredited sponsorship. A maximum of 36 credit hours during the 3-year period may be earned by attendance at continuing medical education programs offered by organizations or institutions that are not approved under category 1 if the program is submitted to the board to establish the quality of the program, and if the board approves the program in accordance with R 338.2380.~~

~~R 338.2376-Category 3: Tutoring medical physicians under category 1; teaching medical physicians; teaching the allied health services. **Rescinded.**~~

~~Rule 76. (1) Tutoring medical physicians under category 1 is a category 3 activity. A maximum of 48 credit hours may be earned in the 3-year period preceding the application for tutoring medical physicians in a tutorial program approved by the board pursuant to the provisions of R 338.2374(3).~~

~~(2) Teaching medical physicians and teaching the allied health services are category 3 activities. A maximum of 48 credit hours may be earned in the 3-year period preceding the application for serving as an instructor of medical students, house staff, or other physicians or allied health professionals in a hospital or institution with a postgraduate clinical training program that is approved by the board pursuant to the provisions of R 338.2313, if the hospital~~

or institution has approved the instruction. A maximum of 48 credit hours may be similarly obtained in the 3-year period preceding the application in a hospital or institution that does not have a postgraduate clinical training program that is approved by the board if the sponsor of the program first submits such information as the board determines to be necessary to establish the quality of the instructional programs approved by that hospital or institution.

**R 338.2377-Category 4: Books, papers, publications, and exhibits. Rescinded.**

**Rule 77.** (1) ~~Category 4 activities comprise books, papers, publications, and exhibits. A maximum of 48 credit hours in the 3-year period may be earned under this category, with specific maximum credits indicated in the subcategories described below. Credit may be earned only during the year of presentation or publication.~~

~~(2) A maximum of 24 credit hours in the 3-year period may be earned for preparation and initial presentation of a scientific exhibit at a professional meeting.~~

~~(3) A maximum of 24 credit hours in the 3-year period may be earned for preparation and initial presentation of a formal original scientific paper before a professional meeting.~~

~~(4) A maximum of 24 credit hours in the 3-year period may be earned for preparation and initial publication of an original scientific article or paper, or a chapter in a book, or a portion of a chapter in a book, that is authored and published in a journal or other periodical publication listed in "Index Medicus," or that is published by a medical publisher recognized by the board.~~

**R 338.2378-Category 5: Nonsupervised education; self-assessment; self-instruction; participation on a hospital staff committee dealing with quality patient care or utilization review. Rescinded.**

**Rule 78.** (1) ~~Nonsupervised learning is a category 5 activity. A maximum of 36 credit hours in the 3-year period may be earned under this category, with specific maximum credit hours indicated under the subcategories described below. Credit may be earned only for the year in which the study, committee, or review activity occurred.~~

~~(2) Self-assessment is a category 5 activity. A maximum of 18 credit hours in the 3-year period may be earned for completion of a multi-media program if sufficient information regarding the program is approved by the board.~~

~~(3) Self-instruction is a category 5 activity. A maximum of 18 credit hours in the 3-year period may be earned for the independent reading of scientific journals listed in "Index Medicus."~~

~~(4) Participation on a hospital staff committee dealing with quality patient care or utilization review, or both, are category 5 activities. A maximum of 18 credit hours in the 3-year period may be earned for participation on a hospital staff committee dealing with quality patient care or utilization review.~~

**R 338.2379-Category 6: Full-time participation in postgraduate clinical training program. Rescinded.**

**Rule 79.** ~~Full-time participation in a postgraduate clinical training program is a category 6 activity. A maximum of 50 credit hours per year may be earned for satisfactorily participating, in the 3-year period immediately preceding the application, in a postgraduate clinical training program in a hospital or institution that is approved by the board pursuant to the provisions of R 338.2313. A minimum of 5 months of participation per year is required for 50 hours of credit.~~

~~R 338.2380-Requests for approval of continuing medical education credit; monitoring of programs. **Rescinded.**~~

~~Rule 80. (1) A person who seeks board approval of continuing medical education credit pursuant to these rules shall request forms and instructions from the department.~~

~~(2) The board shall not consider a request for approval until such time as the information indicated in the forms and instructions is submitted.~~

~~(3) The board shall deny a request for approval if it appears that the request fails to demonstrate compliance with the legislative intent to further educate licensees on subjects related to the practice of medicine.~~

~~(4) All continuing medical education programs may be personally monitored by the board or its authorized agent.~~

~~R 338.2381-Certification of compliance; additional evidence. **Rescinded.**~~

~~Rule 81. (1) By submitting an application for license renewal, a licensee certifies that he or she has complied with the continuing medical education requirement.~~

~~(2) The board may require an applicant or licensee to submit evidence to demonstrate compliance with the continuing medical education requirement. It is the responsibility of an applicant or licensee to maintain evidence of his or her compliance with the continuing medical education requirement for a period of 4 years from the date of application. Failure to provide such evidence creates a rebuttable presumption that the licensee has made a false and fraudulent statement in applying for a license to practice medicine.~~

~~R 338.2382-Availability of adopted standards. **Rescinded.**~~

~~Rule 82. (1) The standards adopted by the committee on continuing medical education accreditation of the Michigan state medical society on December 6, 1984, are available for inspection at the offices of the Michigan Board of Medicine, P.O. Box 30018, Lansing, Michigan 48909. Copies may be obtained, at no cost, from either the office of the Michigan board of medicine or the Committee on Continuing Medical Education Accreditation, Michigan State Medical Society, 120 East Saginaw, East Lansing, Michigan 48823.~~

~~(2) The standards adopted by the accreditation council for continuing medical education on October 29, 1982, are available for inspection at the offices of the Michigan board of medicine. Copies may be obtained, at no cost, from either the offices of the Michigan board of medicine or the Accreditation Council for Continuing Medical Education, P.O. Box 245, Lake Bluff, Illinois 60044.~~

## **PART 1. GENERAL PROVISIONS**

**R 338.2401 Definitions.**

**Rule 101. As used in these rules:**

(1) “Board” means the board of medicine created in section 17021 of the code, MCL 333.17021.

(2) “Code” means 1978 PA 368, MCL 333.1101 to 333.25211

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

**R 338.2403 English language requirement.**

**Rule 103.** An applicant for a medical license or an educational limited medical license whose 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, the applicant shall establish that he or she obtained a total score of not less than 80 on the test of English as a foreign language internet-based test (TOEFL-IBT) administered by the educational testing service.

**R 338.2405 Name of practitioner; display name.**

**Rule 105.** A licensee shall not engage in the practice of medicine under a personal name other than the name under which he or she is licensed by the board.

**Rule 338.2409 Delegation to physician’s assistants; written authorization; requirements.**

**Rule 109.** (1) A physician who supervises a physician’s assistant under sections 17048 and 17049 of the code, MCL 333.17048 and 333.17049, shall establish a written authorization that delegates to the physician’s assistant the performance of medical care services or the prescribing of schedule 2 to 5 controlled substances, or both. The written authorization shall contain all of the following information:

- (a) The name, license number, and signature of the supervising physician.
- (b) The name, license number, and signature of the physician’s assistant.
- (c) The limitations or exceptions to the delegation of any medical care services or prescription of scheduled 2 to 5 controlled substances.
- (d) The effective date of delegation.

(2) The supervising physician shall review and update a written authorization prior to the renewal of the physician’s assistant’s license or in the interim as needed. A supervising physician shall note the review date on the authorization.

(3) The supervising physician shall maintain the written authorization at the supervising physician’s primary place of practice.

(4) The supervising physician shall provide a copy of the signed, written authorization to the physician’s assistant.

(5) The supervising physician shall ensure that an amendment to the written authorization is in compliance with subrules (1), (2), (3), and (4) of this rule.

(6) A supervising physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.

**Rule 338.2411 Delegation of prescribing controlled substances to nurse practitioner or nurse midwife; limitation.**

**Rule 111. (1) A physician may delegate the prescription of controlled substances listed in schedules 2 to 5 to a registered nurse who holds a specialty certification under section 17210 of the code, MCL 333.17210, with the exception of a nurse anesthetist, if the supervising physician establishes a written authorization that contains all of the following information:**

- (a) The name, license number, and signature of the supervising physician.**
- (b) The name, license number, and signature of the nurse practitioner or nurse midwife.**
- (c) The limitations or exceptions to the delegation.**
- (d) The effective date of the delegation.**

**(2) The supervising physician shall review and update a written authorization on an annual basis from the original date or the date of amendment, if amended. The supervising physician shall note the review date on the written authorization.**

**(3) The supervising physician shall maintain a written authorization at the supervising physician's primary place of practice.**

**(4) The supervising physician shall provide a copy of the signed, written authorization to the nurse practitioner or nurse midwife.**

**(5) The supervising physician shall ensure that an amendment to the written authorization is in compliance with subrules (1), (2), (3), and (4) of this rule.**

**(6) A supervising physician shall not authorize a nurse practitioner or a nurse midwife to issue a prescription for a schedule 2 controlled substance with a quantity greater than a 30-day supply.**

**(7) A supervising physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.**

**R 338.2413 Training standards for identifying victims of human trafficking; requirements.**

**Rule 113. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or licensed shall complete training in identifying victims of human trafficking that meets the following standards:**

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

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

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

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

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

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

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

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

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

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

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

(i) Teleconference or webinar.

(ii) Online presentation.

(iii) Live presentation.

(iv) Printed or electronic media.

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

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

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

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

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

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to license renewals beginning with the first renewal cycle after the promulgation of this rule and for initial licenses issued 5 or more years after the promulgation of this rule.

## PART 2. LICENSES

**R 338.2421 Accreditation standards for approval of medical schools and medical residency programs.**

**Rule 121.** (1) The board approves and adopts by reference the standards for accrediting medical schools developed and adopted by the Liaison Committee on Medical Education, 2450 N Street NW, Washington D.C. 20037, set forth in the publication entitled "Functions and Structures of a Medical School", June 2013 edition, which is available at no cost on the committee's website at: [www.lcme.org](http://www.lcme.org). The board shall consider any medical school accredited by the liaison committee on medical education approved by the board.

(2) The board approves and adopts by reference the standards for approval of a postgraduate training program developed and adopted by the Accreditation Council for Graduate Medical Education, Suite 2000, 515 North State Street, Chicago, IL 60654, effective January 1, 2014, and are available at no cost on the council's website at: [www.acgme.org/acgme](http://www.acgme.org/acgme). The board shall consider any medical post graduate training program accredited by the acgme approved by the board.

(3) The board approves and adopts by reference the standards for approval of a resident training program by the College of Family Physicians of Canada, 2630 Skymark Avenue, Mississauga, Ontario, Canada L4W 5A4, set forth in the publication entitled "Specific Standards for Family Medicine Training Programs Accredited by the College of

Family Physicians of Canada,” 2013 edition available at no cost from the college’s website at: [http://www.cfpc.ca/Residency Program Accreditation](http://www.cfpc.ca/Residency_Program_Accreditation). The board shall consider any residency program accredited by the college of family physicians of Canada approved by the board.

(4) The board approves and adopts by reference the standards for approval of a resident training program by the Royal College of Physicians and Surgeons of Canada, 774 Echo Drive, Ottawa, Ontario, Canada K1S 5N8 set forth in the publication entitled “General Standards of Accreditation,” June 2013 edition, available at no cost from the college’s website: <http://www.royalcollege.ca/portal/page/portal/rc/credentials>. The board shall consider any residency program accredited by the royal college of physicians and surgeons as approved by the board.

(5) The board approves and adopts by reference the standards for approval of a resident training program by the Canadian Medical Association’s Conjoint Accreditation Services, 1867 Alta Vista Drive, Ottawa, Ontario, Canada K 1G 5W8, set forth in the publication entitled “Requirements for Accreditation,” 2014 edition, available at no cost from the association’s website at: <http://www.cma.ca/learning/conjointaccreditation>. The board shall consider any residency program accredited by the conjoint accreditation service to be approved by the board.

(6) Copies of the standards and criteria adopted by reference in subrules (1), (2), (3), (4), and (5) of this rule are available for inspection and distribution at cost from the Board of Medicine, Bureau of Health Care Services, Department of Licensing and Regulatory Affairs, 611 W. Ottawa, P.O. Box 30670, Lansing, MI 48909.

**Rule 338.2423 Medical doctor; license requirements; United States and Canadian graduates.**

**Rule 123.** An applicant for a medical license who graduated from a medical school in the United States, its territories, or the Dominion of Canada 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, the applicant shall meet all of the following requirements:

(a) The applicant shall possess a degree from a medical school that meets the standards set forth in R 338.2421(1).

(b) The applicant shall have passed all components of the licensure examination for medical doctors adopted by the board under R 338.2431.

(c) The applicant shall have completed a minimum of 2 years postgraduate clinical training in a program that meets the requirements of R 333.2421(2), (3), (4), or (5). A certificate of completion of the postgraduate training may be submitted to the department 15 days prior to the scheduled date of completion.

**R 338.2425 Licensure; foreign graduates; qualifications.**

**Rule 125.** To establish eligibility for licensure as a medical doctor, an applicant who graduated from a medical school located outside the United States, its territories, or the Dominion of Canada, the applicant shall complete the following requirements:

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

**(b) Submit evidence of certification by the educational commission on foreign medical graduates directly to the department.**

**(c) Successfully have passed part 3 of the United States medical licensure examination adopted in R 338.2431(1)(c).**

**(d) Complete two years of postgraduate training in a program that satisfies R 338.2421(2), (3), (4) or (5).**

**(e) Demonstrate a working knowledge of the English language if the applicant's educational program was taught in a language other than English. To demonstrate a working knowledge of the English language, the applicant shall establish that he or she meets the requirements in R 338.2403.**

#### **R 338.2427 Licensure by endorsement.**

**Rule 127. (1) An applicant for a Michigan medical license by endorsement shall submit the required fee and a completed application on a form provided by the department. An applicant who satisfies the requirements of the code and this rule is presumed to meet the requirements of section 16186(1)(a) and (b) of the code, MCL 333.16186(1)(a) and (b).**

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

**(a) Has first been licensed in another state to actively engage in the practice of medicine for 10 years before the date of the filing the application for a Michigan license.**

**(b) Has been licensed in another state, has completed 3 years of post-graduate training, and has passed all components of the United States medical licensure examination adopted in R 338.2431.**

**(3) An applicant's license shall be verified by the licensing agency of any state of the United States in which the applicant holds a current license or has ever held a license as a medical doctor. Verification includes, but is not limited to, showing proof that the applicant's license is in good standing and, if applicable, any disciplinary action taken or pending against the applicant.**

#### **R 338.2429 Educational limited license.**

**Rule 129. (1) An individual not eligible for a Michigan medical license shall obtain an educational limited license before engaging in postgraduate training.**

**(2) An applicant for an educational limited license who is from a medical school located in the United States, its territories, or the Dominion of Canada, in addition to meeting the requirements of the code and these rules, shall satisfy all 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 a medical school that meets the requirements of R 338.2421(1) verifying that the applicant has graduated or is expected to graduate in 3 months of the date of the application.**

**(c) Have documentation provided directly to the department verifying that the applicant has been accepted into a post graduate training program that meets the requirements of R 338.2421(2).**

**(3) An applicant for an educational limited license who is from a medical school located outside the United States, its territories, or the Dominion of Canada, in addition to meeting the requirements of the code and these rules, shall satisfy all of the following:**

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

(b) Have certification provided directly from the education commission on foreign graduates verifying that the applicant has satisfied both of the following requirements:

(i) Graduated from a medical school listed in the international medical education directory.

(ii) Successfully completed all components of the examination adopted in R 338.2431(1).

(c) Have documentation provided directly to the department verifying that the applicant has been accepted into a postgraduate training program that meets the requirements of R 338.2421(2).

(d) That the applicant has working knowledge of the English language if the applicant's education program was taught in a language other than English. To demonstrate a working knowledge of the English language, the applicant shall establish that he or she meets the requirements in R 338.2403.

(4) Pursuant to section 17012(2) of the code, MCL 333.17012(2), an educational limited license may be renewed not more than 5 years.

**R 338.2431 Examination; adoption; passing scores.**

**Rule 131. (1) The board adopts the United States Medical License Examination (USMLE) developed and administered by the Federation of State Medical Boards (FSMB) which consists of the following components:**

(a) USMLE – part 1.

(b) USMLE – part 2.

(c) USMLE – part 3.

(2) The passing score for each component of the USMLE accepted for licensure shall be the passing score established by the FSMB.

**R 338.2433 Examination eligibility; limitation on attempts.**

**Rule 133. (1) To be eligible to sit for any component of the USMLE adopted in R 338.2431, an applicant shall satisfy the requirements of the FSMB.**

(2) An applicant shall make not more than 3 attempts to pass any part of the USMLE.

(3) An applicant shall successfully pass all components of the USMLE within 7 years from the date that he or she first passed any component of the USMLE.

(4) If an applicant fails to pass the USMLE-part 3 within 4 years of first sitting for the USMLE-part 3, he or she shall complete 1 year of postgraduate training that meets the standards adopted by reference in R 338.2421(2), (3), (4), or (5) before again sitting for the USMLE-part 3.

**R 338.2435 Clinical academic limited license.**

**Rule 135. (1) An applicant for a clinical academic limited license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, the applicant shall satisfy both the following requirements:**

**(a) Have graduated from a medical school that satisfies either of the following requirements:**

**(i) Meets the standards set forth in R 338.2421(1).**

**(ii) Is certified by the Educational Commission on Foreign Medical Graduates (ECFMG).**

**(b) Be appointed to a teaching or research position in an academic institution as defined in section 17001(1)(a) of the code, MCL 333.17001(1)(a).**

**(2) An applicant whose program was taught in a language other than English shall demonstrate a working knowledge of the English language. To demonstrate a working knowledge of the English language, the applicant shall establish that he or she meets the requirements in R 338.2403.**

### **R 338.2437 Relicensure.**

**Rule 137. (1) An applicant whose Michigan medical license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201(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 accumulating not less than 150 hours of continuing education that meets the requirements of R 338.2443 during the 3 years immediately preceding the date of the application for relicensure.**

**(2) An applicant whose Michigan medical license has been lapsed for 3 years but less than 5 years shall satisfy the requirements of R 338.2437(1) and any of the following requirements:**

**(a) Presents evidence to the department that he or she was actively licensed as a medical doctor in another state at any time during the 3-year period immediately preceding the date of application.**

**(b) Takes and passes the Special Purpose Examination (SPEX) offered by the FSMB. The passing score shall be the score established by the FSMB for passing.**

**(c) Successfully completes a postgraduate training program that satisfies the requirements of R 338.2421(2), (3), (4), or (5).**

**(d) Successfully completes a physician re-entry program that satisfies either of the following requirements:**

**(i) Accredited by the coalition for physician enhancement.**

**(ii) Affiliated with a medical school that satisfies the requirements of R 338.2421(1).**

**(3) An applicant whose Michigan medical license has been lapsed for 5 years or more shall satisfy the requirements of R 338.2437(1) and any of the following requirements:**

**(a) Presents evidence to the department that he or she was actively licensed as a medical doctor in another state at any time during the 3-year time period immediately preceding the date of application.**

**(b) Successfully completes a post-graduate training program that satisfies the requirements of R 338.2421(2), (3), (4), or (5).**

**(c) Successfully completes a physician re-entry program that satisfies either of the following requirements:**

**(i) Accredited by the coalition for physician enhancement.**

**(ii) Affiliated with a medical school that satisfies the requirements of R 338.2421(1).**

**(4) If required to complete the requirements of subrule (2)(c), (2)(d), (3)(b), or 3(c) of this rule, the applicant may obtain an educational limited license for the sole purpose of completing that training.**

**(5) An applicant with an educational limited license may be relicensed under section 16201(3) or (4) of the code, MCL 333.16201(3) or (4), if he or she complies with subrule (1) of this rule and R 338.2429.**

**(6) An applicant shall have his or her license verified by the licensing agency of any state of the United States in which the applicant holds or has ever held a license to practice as a medical doctor. Verification shall include information the license is in good standing and, if applicable, the record of any disciplinary action taken or pending against the applicant.**

### **PART 3. CONTINUING EDUCATION**

#### **Rule 338.2441 License renewals.**

**Rule 141. (1) This part applies to an application for renewal of a medical license under section 17031 of the code, MCL 333.17031 and a medical special volunteer license under section 16184 of the code, MCL 333.16184.**

**(2) An applicant for license renewal who has been licensed in the 3-year period immediately preceding the application for renewal shall accumulate a minimum of 150 hours of continuing education in activities approved by the board under R 338.2443 during the 3 years immediately preceding the application for renewal.**

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

**(4) The department may select and audit a sample of licensees who have renewed their license and request proof of compliance with subrule (2). If audited, a licensee shall submit documentation as specified in R 338.2443.**

#### **Rule 338.2443 Acceptable continuing education; requirements; limitations.**

**Rule 143. (1) The 150 hours of continuing education required pursuant to R 338.2441 shall comply with the following, as applicable:**

**(a) Credit for a continuing education program or activity that is identical or substantially identical to a program or activity for which the licensee has already earned credit during the renewal period shall not be granted.**

**(b) A minimum of 1 hour of continuing education shall be earned in the area of medical ethics.**

**(c) Beginning 1 year after the effective date of these rules, a minimum of 3 hours of continuing education shall be earned in the area of pain and symptom management pursuant to section 17033(2) of the code, MCL 333.17033(2). Continuing education hours in pain and symptom management may include, but are not limited to, any of the following:**

**(i) Public health burden of pain.**

**(ii) Ethics and health policy related to pain.**

- (iii) Michigan pain and controlled substance laws.
  - (iv) Pain definitions.
  - (v) Basic sciences related to pain including pharmacology.
  - (vi) Clinical sciences related to pain.
  - (vii) Specific pain conditions.
  - (viii) Clinical physician communication related to pain.
  - (ix) Management of pain, including evaluation and treatment and non-pharmacological and pharmacological management.
  - (x) Ensuring quality pain care.
  - (xi) Michigan programs and resources relevant to pain.
- (d) A minimum of 75 continuing education credits shall be obtained through category 1 programs listed in subrule (2) of this rule.
- (2) The board shall consider any of the following as acceptable category 1 continuing education:

	Activity and Proof of Completion	Number of Continuing Education Hours granted/permitted for activity
a	<p>Attendance at or participation in a continuing education program or activity related to the practice of medicine, which includes but is not limited to, live in-person programs, interactive or monitored teleconference, audio-conference, or web-based programs, online programs, and journal articles with a self-study component or other self-study programs approved or offered by any of the following:</p> <ul style="list-style-type: none"> <li>• American Medical Association</li> <li>• Michigan State Medical Society</li> <li>• Accreditation Council for Continuing Medical Education</li> <li>• American Osteopathic Association.</li> <li>• Michigan Osteopathic Association.</li> </ul> <p>If audited, the licensee shall submit a copy of the letter or certificate of completion showing the licensee’s name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or the activity completed.</p>	<p>The number of continuing education hours for a specific program or activity shall be the number of hours approved by the sponsor or the approving organization for the specific program. A maximum of 150 hours of continuing education may be earned for this activity during the renewal period.</p>

b	<p><b>Taking and passing a specialty board certification or recertification examination for a board recognized by the American Board of Medical Specialties.</b></p> <p><b>If audited, the licensee shall provide evidence from the specialty board of the successful passing of the examination.</b></p>	<p><b>Fifty hours of continuing education credit shall be granted for each specialty board certification or recertification examination successfully passed during the renewal period. A maximum of 50 hours of continuing education may be earned for this activity in each renewal period.</b></p>
c	<p><b>Successfully completing an activity that is required for maintenance of a specialty certification for a board recognized by the American Board of Medical Specialties that does not meet the requirements of subdivision (a) or (b) of this rule.</b></p> <p><b>If audited, the licensee shall provide proof from the specialty board that the activity was required for maintenance of certification, that the activity was successfully completed and the date of completion.</b></p>	<p><b>One hour of continuing education shall be granted for every 60 minutes spent on the activity. A maximum of 30 hours may be earned for this activity in each renewal period.</b></p>
d	<p><b>Participation in a clinical training program that satisfies any of the requirements of R 338.2421(2), (3), (4) or (5) or is accredited by a board recognized by the American Board of Medical Specialties. To receive credit, the licensee shall be enrolled for a minimum of 5 months in a 12-month period.</b></p> <p><b>If audited, the licensee shall submit a letter from the program director verifying the licensee participated in the program.</b></p>	<p><b>Fifty hours of continuing education credit per year may be granted for this activity. A maximum of 150 hours of continuing education credit shall be granted per a renewal period.</b></p>

**(3) The board shall consider any of the following as acceptable category 2 continuing education:**

	<b>Activity and Proof of Completion</b>	<b>Number of Continuing Education Hours granted/permitted for activity</b>
a	<p><b>Serving as a clinical instructor for medical students engaged in a post-graduate training program that satisfies requirements of R 338.2421(2), (3), (4), or (5).</b></p>	<p><b>Two hours of continuing education shall be granted for each 50 to 60 minutes of scheduled instruction. Additional credit for preparation of a lecture shall not be granted. A maximum of 48 hours of continuing education may be earned for</b></p>

	<p>To receive credit, the clinical instructorship shall not be the licensee’s primary employment function.</p> <p>If audited, the licensee shall submit proof of scheduled instructional hours and a letter from the program director verifying the licensee’s role.</p>	<p>this activity in each renewal period.</p>
b	<p>Initial presentation of a scientific exhibit, poster, or paper to a professional medical organization.</p> <p>If audited, the licensee shall submit a copy of the document presented with evidence of presentation or a letter from the program sponsor verifying the date of the presentation.</p>	<p>Two hours of continuing education shall be granted for each presentation. No additional credit shall be granted for preparation of the presentation. A maximum of 24 hours of continuing education may be earned in this activity in each renewal period. Pursuant to R 338.2443(1)(a), credit for a presentation shall be granted only once per renewal period.</p>
c	<p>Publication of a scientific article relating to the practice of medicine in a peer-reviewed journal or periodical.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter and documentation of the peer-review process.</p>	<p>Six hours of continuing education shall be granted for serving as the primary author. Three hours of continuing education shall be granted for serving as a secondary author. A maximum of 24 hours of continuing education may be earned for this activity in each renewal period. Pursuant to R 338.2443(1)(a), credit for an article shall be granted once per renewal period.</p>
d	<p>Initial publication of a chapter or a portion of a chapter related to the practice of medicine in either of the following:</p> <ul style="list-style-type: none"> <li>• A professional health care textbook.</li> <li>• A peer-reviewed textbook.</li> </ul> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>Five hours of continuing education shall be granted for serving as the primary author. Two hours of continuing education shall be granted for serving as a secondary author. A maximum of 24 hours of continuing education may be earned for this activity in each renewal period. Pursuant to R 338.2443(1)(a), credit for publication shall be granted once per renewal period.</p>
e	<p>Participating on any of the following:</p> <ul style="list-style-type: none"> <li>• A peer review committee dealing with quality of patient care as it relates to the practice of medicine.</li> <li>• A committee dealing with</li> </ul>	<p>Eighteen hours of continuing education shall be granted for participating on a committee. A maximum of 18 hours of continuing education may be earned for this activity in each renewal period.</p>

	<p><b>utilization review as it relates to the practice of medicine.</b></p> <ul style="list-style-type: none"> <li>• <b>A health care organization committee dealing with patient care issues related to the practice of medicine.</b></li> <li>• <b>A national or state committee, board, council, or association related to the practice of medicine.</b></li> </ul> <p><b>Participation in a committee, board, council, or association is considered acceptable by the board if it enhances the participant’s knowledge and understanding of the field of medicine. If audited, the licensee shall submit a letter from an organization official verifying the licensee’s participation in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.</b></p>	
<p><b>f</b></p>	<p><b>Until 3 years after the effective date of this rule, attendance at or participation in a continuing education program that had been approved by the board prior to the effective date of this rule but does not satisfy the requirements of subrule (2)(a) of this rule.</b></p> <p><b>If audited, the licensee shall submit a copy of the letter or certificate of completion showing the licensee’s name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or the activity was completed.</b></p>	<p><b>The number of continuing education hours for a specific program or activity shall be the number of hours approved by the board. A maximum of 36 hours of continuing education may be earned for this activity.</b></p>
<p><b>g</b></p>	<p><b>Independently reading a peer-reviewed journal that does not satisfy the requirements of subrule (2)(a) of this rule. The reading shall have been completed prior to the effective date of</b></p>	<p><b>Two hours of continuing education credit shall be granted for each article read. A maximum of 18 hours of continuing education may be earned for this activity.</b></p>

	<p><b>this rule.</b></p> <p><b>If audited, a licensee shall submit a bibliography listing the journal, article, authors, publication date, and date read.</b></p>	
<p><b>h</b></p>	<p><b>Prior to the effective date of this rule, completing a multi-media self-assessment program that does not meet the requirements of subrule (2)(a) of this rule. The self-assessment program shall improve the licensee’s knowledge and understanding of the practice of medicine.</b></p> <p><b>If audited, the licensee shall submit a certificate of self-assessment provided by the program sponsor.</b></p>	<p><b>The number of continuing education hours shall be the number of hours approved by the activity sponsor. A maximum of 18 hours of continuing education credit may be earned for this activity.</b></p>

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**NOTICE OF PUBLIC HEARING**

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**Department of Licensing and Regulatory Affairs  
Bureau of Professional Licensing  
NOTICE OF PUBLIC HEARING  
WEDNESDAY, MARCH 23, 2016  
9:00am – 11:00am**

Location: G. Mennen Williams Building Auditorium  
525 W. Ottawa Street, Lansing, Michigan

The hearing is held to receive public comments on the following administrative rules:

**Board of Social Work (ORR # 2014 -157 LR)**

**Authority:** MCL 333.16145; MCL 333.16148; MCL 333.18516; and MCL 333.18518

**Overview:** The proposed rules reorganize the Board of Social Work into logical sequence with new rule numbers. The rules expand continuing education opportunities and clarify the requirements for obtaining a license at each designation level. Licensees are required to complete training in identifying victims of human trafficking.

**Board of Medicine (ORR # 2013-114 LR)**

**Board of Osteopathic Medicine and Surgery (ORR #2014-001 LR & 2014-002 LR)**

**Authority:** MCL 333.16145; MCL 333.16148; MCL 333.16204; MCL 333.16215; MCL 333.17033; MCL 333.17048; MCL 333.17533; and MCL 333.17548.

**Overview:** The rules update the adopted standards to the most recent versions. Other updates include changes to the names of the Bureau and testing entities. The proposed rules reorganize the rules into a logical format. The current osteopathic medicine and surgery continuing education rules, which exist as a separate rule set, are rescinded and incorporated into the continuing education requirements of the Osteopathic Medicine and Surgery's general rules. The continuing education requirements for both the Board of Medicine and Board of Osteopathic Medicine and Surgery expand the types of activities for which continuing education is granted and requires additional continuing education in the area of pain and symptom management. Licensees are required to complete training in identifying victims of human trafficking. The rules also make changes to the delegation requirements for physician assistants and nurse practitioners.

The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules. Comments on the proposed rules may be presented in person at the public hearing. Written comments will also be accepted until 5:00 p.m. on March 25, 2016, at the following address or e-mail address:

Department of Licensing and Regulatory Affairs  
Bureau of Professional Licensing– Boards and Committees Section  
P.O. Box 30670  
Lansing, MI 48909-8170  
Attention: Policy Analyst    Email: [BPL-BoardSupport@michigan.gov](mailto:BPL-BoardSupport@michigan.gov)

A copy of the proposed rules may be obtained by contacting (517) 373-8068 or at the email address noted above. Electronic copies also may be obtained at the following link:

[http://w3.lara.state.mi.us/orr/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level\\_1=Bureau+of+Professional+Licensing](http://w3.lara.state.mi.us/orr/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level_1=Bureau+of+Professional+Licensing)

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations (such as materials in alternative format) in order to participate in the meeting should call (517) 241-7500.

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**PROPOSED ADMINISTRATIVE RULES**

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OSTEOPATHIC MEDICINE AND SURGERY - GENERAL RULES

Draft October 23, 2015

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under Section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, **16148**, 16204, ~~17501~~ **17533**, and 17548 of 1978 PA 368, MCL 333.16145, **333.16148**, 333.16204, ~~333.17501~~ **333.17533**, and 333.17548 and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2011-4, MCL 330.3101, 445.2001, 445.2011, and 445.2030)

R 338.111, R 338.113, R 338.115, R 338.117, R 338.119, R 338.120, R 338.121, R 338.123, R 338.125, R 338.127, R 338.129, R 338.131, R 338.133, R 338.141, and R 338.143 are added to the Michigan Administrative Code, and R 338.101, R 338.102, R 338.103, R 338.105, R 338.106, R 338.107, R 338.107a, R 338.108a, R 338.108b, and R 338.109a of the Code are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.101 ~~Definitions.~~ **Rescinded.**

~~Rule 1. As used in these rules:~~

- ~~(a) "Board" means the board of osteopathic 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.~~

R 338.102 ~~Licensure by examination.~~ **Rescinded.**

~~Rule 2. (1) 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 thereto, an applicant for licensure by examination shall meet all the requirements of this rule.~~

~~(2) The applicant shall have completed the requirements for a degree in osteopathic medicine from a school of osteopathic medicine approved by the board.~~

~~(3) The applicant shall have satisfactorily completed 1 year of postgraduate clinical training in an internship program approved by the board in a board approved hospital or institution. Certification of satisfactory completion of postgraduate clinical training shall be accepted by the board not more than 15 days before completion of the training.~~

~~(4) The applicant shall have passed all 3 parts of the examination conducted and scored by the national board of osteopathic medical examiners, inc.~~

**R 338.103 Examination; required passing score. Rescinded.**

~~Rule 3. The board approves and adopts the examination developed and scored by the national board of osteopathic medical examiners, inc. A passing score on the examination shall be a converted score of not less than 75 on each part of the examination.~~

**R 338.105 Licensure by endorsement. Rescinded.**

~~Rule 5. (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 thereto, an applicant for licensure by endorsement who satisfies all of the requirements of this rule shall be deemed to meet the requirements of section 16186(1)(a) and (d) of the code.~~

~~(2) An applicant shall have completed the requirements for a degree in osteopathic medicine from a school of osteopathic medicine approved by the board.~~

~~(3) An applicant shall have satisfactorily completed 1 year of postgraduate clinical training in an internship program approved by the board in a board approved hospital or institution.~~

~~(4) An applicant shall either have been licensed in another state and engaged in the practice of osteopathic medicine for a minimum of 5 years before the date of filing an application for Michigan licensure or the applicant shall have been licensed in another state after passing an examination which tested the applicant on subjects substantially equivalent to subjects tested in this state in the same year.~~

**R 338.106 Standards for approving schools of osteopathic medicine, postgraduate clinical training programs, and hospitals and institutions; adoption by reference. Rescinded.**

~~Rule 6. (1) The board approves and adopts by reference the standards for accrediting schools of osteopathic medicine adopted by the American osteopathic association in July, 1987, entitled "Accreditation Policies and Procedures for Osteopathic Medicine." The board shall consider any school of osteopathic medicine that is accredited by the American osteopathic association as a school approved by the board. A school of osteopathic medicine that is not accredited by the American osteopathic association, but that has standards which are substantially equivalent to the standards adopted by the American osteopathic association in July, 1987, shall be designated by the board as an approved school of osteopathic medicine.~~

~~(2) The board approves and adopts by reference the standards for approving postgraduate clinical training programs adopted by the committee on colleges of the American osteopathic association in July, 1987, entitled "Manual of Policies and Procedures for Intern Training Programs." The board shall consider any postgraduate clinical training program that is approved by the American osteopathic association as a school approved by the board. A postgraduate clinical training program that is not approved by the American osteopathic association, but that has standards which are substantially equivalent to the standards adopted by the American osteopathic association in July, 1987, shall be designated by the board as an approved postgraduate clinical training program.~~

~~(3) The board approves and adopts by reference the standards for accrediting hospitals and institutions adopted by the American osteopathic association, effective January 1, 1988, entitled "Accreditation Requirements for Acute Care Hospitals."~~

~~The board shall consider any hospital or institution that is accredited by the American osteopathic association as a hospital or institution approved by the board. A hospital or institution that is not accredited by the American osteopathic association, but that has standards which are substantially equivalent to the standards adopted by the American osteopathic association effective January 1, 1988, shall be designated by the board as an approved hospital or institution.~~

~~(4) Notwithstanding the provisions of subrules (1) to (3) of this rule, the board shall deny approval of a school of osteopathic medicine that is accredited by the American osteopathic association, shall deny approval of a postgraduate clinical training program that is approved by the American osteopathic association, or shall deny approval of a hospital or institution that is accredited by the American osteopathic association if the board finds that the school of osteopathic medicine, postgraduate clinical training program, or hospital or institution so approved fails to demonstrate an intent to further educate persons in the practice of osteopathic medicine.~~

**R 338.107 Availability of standards. Rescinded.**

~~Rule 7. The standards for accrediting schools of osteopathic medicine entitled "Accreditation Policies and Procedures for Colleges of Osteopathic Medicine," the standards for accrediting hospitals and institutions entitled "Accreditation Requirements of the American Osteopathic Association," and the standards for approving postgraduate clinical training programs entitled "Manual of Policies and Procedures for Intern Training Programs," which were adopted by the American osteopathic association in July, 1987, are available for inspection at the offices of the board. Copies of the standards may be obtained upon request from the Board of Osteopathic Medicine and Surgery, 611 W. Ottawa, Lansing, Michigan 48933, or from the American Osteopathic Association, 212 East Ohio Street, Chicago, Illinois 60611, at no cost.~~

**R 338.107a Educational limited licenses. Rescinded.**

~~Rule 7a. (1) An educational limited license authorizes the holder thereof to engage in the practice of osteopathic medicine as part of a postgraduate educational training 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.~~

~~(3) In addition to meeting the requirements of the code and the administrative rules promulgated pursuant thereto, an applicant for an educational limited license shall meet both of the following requirements:~~

~~(a) The applicant shall have completed the requirements for a degree in osteopathic medicine from a school of osteopathic medicine approved by the board.~~

~~(b) The applicant shall have been admitted to or completed a 1-year training program approved by the board that is offered at a board approved hospital or institution.~~

**R 338.108a Delegation to physician's assistants; written authorization; requirements. Rescinded.**

~~Rule 8a. (1) A physician who supervises a physician's assistant under sections 17548 and 17549 of the code shall establish a written authorization that delegates to a physician's assistant the performance of medical care services or the prescribing of schedule 2 to 5 controlled substances, or both. The written authorization shall contain all of the following information:~~

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

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

~~(c) The limitations or exceptions to the delegation of any medical care services or prescription of schedule 2 to 5 controlled substances.~~

~~(d) The effective date of the delegation.~~

~~(2) A delegating physician 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 physician shall note the review date on the written authorization.~~

~~(3) A delegating physician shall maintain a written authorization in each separate location of the physician's office where the delegation occurs.~~

~~(4) A delegating physician shall ensure that an amendment to the written authorization is in compliance with subrule (1)(a) to (d) of this rule.~~

~~(5) A delegating physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.~~

**R 338.108b Delegation of prescribing of controlled substances to nurse practitioners or nurse midwives; limitation. Rescinded.**

~~Rule 8b. (1) A physician may delegate the prescription of controlled substances listed in schedules 3 to 5 to a registered nurse who holds specialty certification under section 17210 of the code, with the exception of a nurse anesthetist, if the delegating physician establishes a written authorization that contains all of the following information:~~

~~(a) The name, license number, and signature of the delegating physician.~~

~~(b) The name, license number, and signature of the nurse practitioner or nurse midwife.~~

~~(c) The limitations or exceptions to the delegation.~~

~~(d) The effective date of the delegation.~~

~~(2) A delegating physician shall review and update a written authorization on an annual basis from the original date or the date of amendment, if amended. A delegating physician shall note the review date on the written authorization.~~

~~(3) A delegating physician shall maintain a written authorization in each separate location of the physician's office where the delegation occurs.~~

~~(4) A delegating physician shall ensure that an amendment to the written authorization is in compliance with subrule (1)(a) to (d) of this rule.~~

~~(5) A delegating physician may delegate the prescription of schedule 2 controlled substances only if all of the following conditions are met:~~

~~(a) The delegating physician and nurse practitioner or nurse midwife are practicing within a health facility as defined in section 20106(d), (g), or (i) of the code; specifically, freestanding surgical outpatient facilities, hospitals, and hospices.~~

~~(b) The patient is located within the facility described in subdivision (a) of this subrule.~~

~~(c) The delegation is in compliance with this rule.~~

~~(6) A delegating physician may not delegate the prescription of schedule 2 controlled substances issued for the discharge of a patient for a quantity for more than a 7 day period.~~

~~(7) A delegating physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.~~

**R 338.109a Assessment of fines. Rescinded.**

~~Rule 9a. 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 board 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 board.~~
- ~~(b) The willfulness of the conduct found to be part of the violation determined by the board.~~
- ~~(c) The public harm, actual or potential, caused by the violation found by the board.~~
- ~~(d) The cost incurred in investigating and proceeding against the licensee.~~

## **PART 1. GENERAL PROVISIONS**

### **R 338.111 Definitions.**

**Rule 11. As used in these rules:**

- (a) "Board" means the Michigan board of osteopathic medicine and surgery created in section 17521 of the code, MCL 333.17521.**
- (b) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211.**
- (c) "Department" means the department of licensing and regulatory affairs.**

### **R 338.113 Name of practitioner; display of name.**

**Rule 13. A person shall not engage in the practice of osteopathic medicine and surgery under a personal name other than the name under which he or she is licensed.**

### **R 338.115 Code of ethics.**

**Rule 15. (1) The standards of the American Osteopathic Association, 142 E. Ontario St., Chicago, IL 60611-2864 set forth in the "Code of Ethics" dated April 24, 2014, are adopted by reference in these rules. The code of ethics may be obtained at no cost from the association's website at: <http://www.osteopathic.org/inside-aoa/about/leadership/Pages/aoa-code-of-ethics.aspx>.**

**(2) A licensee shall not violate the code of ethics.**

**(3) Copies of the adopted standards referenced in subrule (1) of this rule are available for inspection and distribution at cost from the Board of Osteopathic Medicine and Surgery, Bureau of Health Care Services, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.**

### **R 338.117 Delegation to physician's assistants; written authorization requirements.**

**Rule 17. A physician who supervises a physician's assistant under sections 17548 and 17549 of the code, MCL 333.17548 and 333.17549, shall establish a written authorization that delegates to the physician's assistant the performance of medical care services or the prescribing of schedule 2 to 5 controlled substances, or both. The written authorization shall contain all of the following:**

- (a) The name, license number, and signature of the supervising physician.**
- (b) The name, license number, and signature of the physician's assistant.**
- (c) The limitations or exceptions to the delegation of any medical care services or prescription of schedule 2 to 5 controlled substances.**
- (d) The effective date of the delegation.**

(2) The supervising physician shall review and update the written authorization prior to the renewal of the physician's assistant's license or in the interim as needed. A supervising physician shall note the review date on the written authorization.

(3) A supervising physician shall ensure that an amendment to the written authorization is in compliance with subrule (1) of this rule.

(4) A supervising physician shall maintain the signed, written authorization at the supervising physician's principal place of practice.

(5) The supervising physician shall provide a copy of the signed, written authorization to the physician's assistant.

(6) A supervising physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.

**R 338.119 Delegation of prescribing controlled substances to nurse practitioners or nurse midwives; limitation.**

**Rule 19. (1) A physician may delegate the prescription of controlled substances listed in schedules 2 to 5 to a registered nurse who holds specialty certification under section 17210 of the code, MCL 333.17210, with the exception of a nurse anesthetist, if the delegating physician establishes a written authorization that contains all of the following information:**

(a) The name, license number, and signature of the delegating physician.

(b) The name, license number, and signature of the nurse practitioner or nurse midwife.

(c) The limitations or exceptions to the delegation.

(d) The effective date of the delegation.

(2) A delegating physician shall review and update a written authorization on an annual basis from the original date or the date of amendment, if amended. A delegating physician shall note the review date on the written authorization.

(3) The delegating physician shall ensure that an amendment to the written authorization is in compliance with subrule (1) of this rule.

(4) A delegating physician shall maintain the signed, written authorization at the delegating physician's primary place of practice.

(5) The delegating physician shall provide a copy of the signed, written authorization to the nurse practitioner or nurse midwife.

(6) A delegating physician shall not authorize a nurse practitioner or a nurse midwife to issue a prescription for a schedule 2 controlled substance with a quantity greater than a 30-day supply.

(7) A delegating physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.

**R 338.120 Training standards for identifying victims of human trafficking; requirements.**

**Rule 20. (1) Pursuant to section 16148 of the code, MCL 333.16148, a licensed physician or licensure applicant shall complete training in identifying victims of human trafficking that meets the following standards:**

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

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

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

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

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

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

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

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

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

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

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

(i) Teleconference or webinar.

(ii) Online presentation.

(iii) Live presentation.

(iv) Printed or electronic media.

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

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

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

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

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

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to license renewals beginning with the first renewal cycle after the promulgation of this rule and for initial licenses issued 5 or more years after the promulgation of this rule.

## PART 2. LICENSES

R 338.121 Accreditation standards for approval of osteopathic medical schools, postgraduate training programs, and institutions; adoption by reference.

Rule 21. (1) The board approves and adopts by reference the standards for accrediting osteopathic medical schools developed and adopted by the American Osteopathic Association Commission on Osteopathic College Accreditation, 212 East Ohio Street, Chicago, IL 60611, as set forth in the publication entitled "Accreditation of Colleges of Osteopathic Medicine: COM Accreditation Standards and Procedures" effective July 1, 2014, which is available at no cost on the association's website at: [www.osteopathic.org](http://www.osteopathic.org). The board shall consider any osteopathic school of medicine

accredited by the commission on osteopathic college accreditation approved by the board.

(2) The board approves and adopts by reference the standards of the American Osteopathic Association Council on Postdoctoral Training, 212 East Ohio Street, Chicago, IL 60611, as set forth in the publication entitled “The Basic Documents for Postdoctoral Training” effective July 1, 2014, which is available at no cost on the association’s website at: [www.osteopathic.org](http://www.osteopathic.org). The board shall consider any osteopathic postgraduate training program accredited by the American osteopathic association council on postdoctoral training approved by the board.

(3) The board approves and adopts by reference the standards of the American Osteopathic Association Council on Osteopathic Postdoctoral Training Institutions, 212 East Ohio Street, Chicago, IL 60611, as set forth in the publication entitled “OPTI Accreditation Handbook” effective March 2014, which is available at no cost on the association’s website at: [www.osteopathic.org](http://www.osteopathic.org). The board shall consider any osteopathic institution accredited by the American osteopathic association council on osteopathic postdoctoral training institutions as approved by the board.

(4) The board approves and adopts by reference the standards for the approval of a postgraduate training program developed and adopted by the Accreditation Council for Graduate Medical Education, Suite 2000, 515 North State Street, Chicago, IL 60654, effective January 1, 2014, which are available at no cost on the council’s website at: [www.acgme.org/acgmeweb](http://www.acgme.org/acgmeweb). The board shall consider any medical postgraduate training program accredited on or after July 1, 2015, by the accreditation council for graduate medical education as approved by the board.

(5) Copies of the standards and criteria are available for inspection and distribution at cost at the Board of Osteopathic Medicine and Surgery, Bureau of Health Care Services, Licensing and Regulatory Affairs, 611 W. Ottawa Street, P.O. Box 30670, Lansing, Michigan, 48909.

#### **R 338.123 Licensure by examination.**

**Rule 23.** An applicant for licensure by examination 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, an applicant for licensure by examination shall meet all of the following requirements:

(a) The applicant shall have completed the requirements for a degree in osteopathic medicine from a school of osteopathic medicine approved by the board in R 338.121(1).

(b) The applicant shall have satisfactorily completed 1 year of postgraduate clinical training that satisfies either of the following requirements:

(i) A postgraduate training program that satisfies the requirements of R 338.121(2) at a training institution that satisfies the requirements of R 338.121(3).

(ii) A postgraduate training program approved by the board in R 338.121(4).

(c) Certification of satisfactory completion of postgraduate clinical training under sub-division (b)(i) and (ii) of this rule shall be accepted by the board not more than 30 days before completion of the first year of training.

(d) The applicant shall have passed all parts of the examination conducted and scored by the national board of osteopathic medical examiners as set forth in R 338.129.

**R 338.125 Licensure by endorsement.**

**Rule 25. (1)** An applicant for an osteopathic medicine and surgery license shall submit the required fee on a completed application form provided by the department. An applicant who satisfies the requirements of the code and this rule is presumed to meet the requirements of sections 16186(1)(a) and (d) of the code, MCL 333.16186(1)(a) and (d).

(2) An applicant for an osteopathic medicine and surgery license shall meet either of the following requirements:

(a) Has first been licensed in another state to actively engage in the practice of osteopathic medicine and surgery for at least 5 years before the filing of an application.

(b) Has been licensed in another state and has passed all components of the national board of osteopathic medicine examination adopted in R 338.129.

(3) An applicant's license shall be verified by the licensing agency of any state of the United States in which the applicant holds a current license or has ever held a license as an osteopathic physician. Verification includes, but is not limited to, showing proof that the applicant's license is in good standing and, if applicable, any disciplinary action taken or pending against the applicant.

**R 338.127 Educational limited license.**

**Rule 27. (1)** An individual not eligible for a Michigan osteopathic medicine and surgery license must obtain an educational limited license before engaging in postgraduate training.

(2) An applicant for an educational limited license, in addition to meeting the requirements of the code and these rules shall satisfy all 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 osteopathic medical school that meets the requirements of R 338.121(1) verifying that the applicant has graduated or is expected to graduate in 3 months.

(c) Have documentation provided directly to the department verifying that the applicant has been accepted into a postgraduate training program that meets the requirements of R 338.121(2) or (4).

(3) Pursuant to section 17512(2) of the code, MCL 333.17512(2), an educational limited license may be renewed no more than 5 times.

**R 338.129 Examination; required passing score.**

**Rule 29. (1)** The board adopts the comprehensive osteopathic medical licensing examination (comlex) developed and administered by the national board of osteopathic medical examiners (nbome).

(2) The passing score for each component of the complex accepted for licensure shall be the passing score established by the nbome.

**R 338.131 Examination eligibility.**

Rule 31. (1) To be eligible to sit for any component of the comprehensive medical licensure examination (complex) adopted in R 338.129, an applicant shall satisfy the requirements of the national board of osteopathic medical examiners.

(2) An applicant shall make no more than 6 attempts to pass any part of the complex.

(3) An applicant shall successfully pass all components of the complex within 7 years from the date that he or she first passed any component of the complex.

**R 338.133 Relicensure requirements.**

Rule 33. (1) An applicant whose Michigan osteopathic medicine and surgery license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3), MCL 333.16201(3), of the code if the applicant meets both of the following requirements:

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

(b) Submits proof of completing not less than 150 hours of continuing education that satisfies the requirements of R 338.141.

(2) An applicant whose Michigan osteopathic medicine and surgery license has been lapsed for more than 3 years but less than 5 years shall meet the requirements of subrule (1) of this rule and any of the following requirements:

(a) Presents evidence to the department that he or she was actively licensed as an osteopathic physician in another state at any time during the 3-year period immediately preceding the date of application.

(b) Takes and passes the comprehensive osteopathic medical variable-purpose examination (convex) offered by the national board of osteopathic medical examiners (nbome). The passing score shall be the score established by the nbome for passing.

(c) Successfully completes a postgraduate training program that satisfies the requirements of R 338.121(2) or (4).

(d) Successfully completes a physician re-entry program that is accredited by the coalition for physician enhancement.

(3) An applicant whose Michigan license has been lapsed for 5 years or more shall satisfy the requirements of subrule (1) of this rule and either of the following requirements:

(a) Presents evidence to the department that he or she was actively licensed as an osteopathic physician in another state at any time during the 3-year time period immediately preceding the date of application.

(b) Successfully completes both of the following requirements:

(i) Takes and passes the convex offered by the nbome. The passing score shall be the score established by the nbome for passing.

(ii) Successfully completes either of the following training options:

(A) A post-graduate training program that satisfies the requirements of R 338.121(2) or (4).

(B) A physician re-entry program that is accredited by the coalition for physician enhancement.

(4) If required to complete the requirements of subrules (2)(c), (2)(d), or (3)(b) of this rule, the applicant may obtain a limited license for the sole purpose of completing the required training.

(5) An applicant shall have his or her license verified by the licensing agency of any state of the United States in which the applicant holds or has ever held a license to practice osteopathic medicine. Verification shall include information that the license is in good standing and, if applicable, the record of any disciplinary action taken or pending against the applicant.

### PART 3. CONTINUING EDUCATION

R 338.141 Continuing education as condition of license renewal.

Rule 41. (1) This part applies to an application for renewal of an osteopathic medicine and surgery license under section 17531 of the code, MCL 333.17531, and an osteopathic medicine and surgery volunteer license under section 16184 of the code, MCL 333.16184.

(2) An applicant for license renewal who has been licensed in the 3-year period immediately preceding the application for renewal shall accumulate a minimum of 150 hours of continuing education in activities approved by the board under these rules during the 3 years immediately preceding the application for renewal.

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

(4) The department may select and audit a sample of licensees who have renewed their license and request proof of compliance with subrule (2) of this rule. If audited, a licensee shall submit documentation as specified in R 338.143.

R 338.143 Acceptable continuing education requirements and limitations.

Rule 43. (1) The 150 hours of continuing education required pursuant to R 338.141 shall comply with the following, as applicable:

(a) Credit for a continuing education program or activity that is identical or substantially identical to a program or activity for which the licensee has already earned credit during the renewal period shall not be granted.

(b) Beginning 1 year or more after the effective date of these rules, a minimum of 3 hours of continuing education must be earned in the area of pain and symptom management pursuant to section 17533(2) of the code, MCL 333.17533(2). Continuing education hours in pain and symptom management may include, but are not limited to, public health burden of pain; ethics and health policy related to pain; Michigan pain and controlled substance laws; pain definitions; basic sciences related to pain

including pharmacology; clinical sciences related to pain; communication related to pain; management of pain, including evaluation and quality pain care; or Michigan programs and resources relevant to pain.

(c) A minimum of 60 continuing education credits must be earned through category 1 programs listed in subrule (2) of this rule.

(2) The board shall consider any of the following as acceptable category 1 continuing education:

	Activity and Proof of Completion	Number of continuing education hours permitted for each activity
a	<p>Attendance at or participating in a continuing education program or activity related to the practice of osteopathic medicine which includes, but is not limited to, live, in-person programs; and journal articles with a self-study component, interactive or monitored teleconference; audio conference, web-based programs; or online programs approved or offered by any of the following:</p> <ul style="list-style-type: none"> <li>• Committee on continuing education of the American osteopathic association for evaluating osteopathic continuing education standards.</li> <li>• Michigan Osteopathic Association</li> </ul> <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee’s name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program or activity was completed.</p>	<p>The number of continuing education hours for a specific program or activity is the number of hours assigned by the sponsoring organization for the specific program or activity. A minimum of 40 hours of continuing education shall be earned in this activity. A maximum of 150 hours of continuing education may be earned for this activity in each renewal period.</p>
b	<p>Attendance at or participating in a continuing education program or activity related to the practice of osteopathic medicine which includes, but is not limited to, live, in-person</p>	<p>The number of continuing education hours for a specific program or activity is the number of hours assigned by the sponsoring organization for the specific</p>

	<p>programs; and journal articles with a self-study component, interactive or monitored teleconference; audio conference; web-based programs; or online programs approved or offered by any of the following:</p> <ul style="list-style-type: none"> <li>• American medical association</li> <li>• Accreditation council for continuing medical education</li> <li>• Michigan state medical society.</li> </ul> <p>If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee’s name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program or activity was completed.</p>	<p>program or activity. A maximum of 110 hours of continuing education may be earned for this activity in a renewal period.</p>
<p>c</p>	<p>Taking or passing a specialty board certification or recertification examination for a specialty board recognized by the American osteopathic association or the American board of medical specialties.</p> <p>If audited, the licensee shall provide evidence from the specialty board of the successful passing of the examination.</p>	<p>Fifty hours of continuing education credit shall be granted for each specialty board certification or recertification examination successfully passed during the renewal period. A maximum of 50 hours of continuing education credit may be earned for this activity in each renewal period.</p>
<p>d</p>	<p>Successfully completing an activity that is required for maintenance of a specialty certification for a specialty board recognized by the American osteopathic association that does not meet the requirements of (2)(a) or (2)(c).</p> <p>If audited, the licensee shall provide proof from the specialty board that the activity was required for</p>	<p>One hour of continuing education shall be granted for every 60 minutes spent on the activity. A maximum of 30 hours may be earned for this activity in each renewal period.</p>

	<p><b>maintenance of certification, that the activity was successfully completed, and the date of completion.</b></p>	
e	<p><b>Serving as a teacher, lecturer, preceptor, or moderator-participant in a medical education or training program that meets the standards adopted by the board in R 338.131.</b></p> <p><b>If audited, the licensee shall submit a letter from the program director verifying the licensee’s role, length of lecture or lectures, and the date on which the lecture or lectures were held.</b></p>	<p><b>Two hours of continuing education shall be granted for each scheduled lecture or clinical consultation. Additional credit for preparation of the lecture shall not be granted. A maximum of 90 hours of continuing education may be earned for this activity in each renewal period.</b></p>
f	<p><b>Conducting a formal inspection of an osteopath medical education or training program that meets the standards adopted by the Board in R 338.131 or conducting clinical examinations of osteopathic specialty boards recognized by the American osteopathic association.</b></p> <p><b>If audited, the licensee shall submit documentation from the accrediting organization verifying the licensee’s role and participation in the inspection.</b></p>	<p><b>Five hours of continuing education shall be granted per an inspection. A maximum of 90 hours of continuing education may be earned in this activity in each renewal period.</b></p>
g	<p><b>Participating in any of the following:</b></p> <ul style="list-style-type: none"> <li><b>• A peer review committee dealing with quality patient care as it relates to the practice of osteopathic medicine and surgery.</b></li> <li><b>• A committee dealing with utilization review as it relates to the practice of osteopathic medicine.</b></li> <li><b>• A health care organization committee with patient care issues related to the practice of osteopathic medicine.</b></li> </ul>	<p><b>Fifteen hours per each committee per year shall be granted. A maximum of 90 hours of continuing education credit shall be earned for this activity in each renewal period.</b></p>

	<ul style="list-style-type: none"> <li>• A national or state committee, board, council, or association related to the practice of osteopathic medicine.</li> </ul> <p>A committee, board, council, or association is considered acceptable by the board if it enhances the participant’s knowledge and understanding of the practice of osteopathic medicine. If audited, the licensee shall submit a letter from an organization official verifying the licensee’s participation in at least 50% of the regularly scheduled meetings.</p>	
h	<p>Providing individual supervision for a disciplinary limited osteopathic physician.</p> <p>If audited, the licensee shall submit an affidavit from the disciplinary limited osteopathic physician who received the supervision. The affidavit shall attest to the licensee’s role as supervisor and the number of hours spent providing supervision to the disciplinary limited osteopathic physician.</p>	<p>One hour of continuing education shall be granted for each 60 minutes spent consulting or reviewing the disciplined licensee’s work. A maximum of 50 hours of continuing education shall be granted for this activity per renewal period.</p>
i	<p>Participating in a post-graduate training program that satisfies the requirements of R 338.131(2) or (4). To receive credit the licensee must be enrolled in the program a minimum of 5 months per year.</p> <p>If audited, the licensee shall submit a letter from the program director verifying the dates that the licensee was enrolled in the program.</p>	<p>Fifty continuing education credits per year shall be granted. A maximum of 150 credits per renewal period may be earned for this activity in each renewal period.</p>
j	<p>Publication of a scientific article relating to the practice of osteopathic medicine in a peer-reviewed journal or periodical.</p> <p>If audited, the licensee shall submit a</p>	<p>Ten hours of continuing education shall be granted for serving as the primary author. Five hours of continuing education shall be granted for serving as a secondary author. Pursuant to R 338.143(1)(a),</p>

	copy of the publication that identifies the licensee as the author or a publication acceptance letter and documentation	credit for an article shall be granted only once per renewal period. A maximum of 90 hours of continuing education shall be earned for this activity in a renewal period.
k	<p>Initial publication of a chapter or a portion of a chapter related to the practice of osteopathic medicine in either of the following:</p> <ul style="list-style-type: none"> <li>• A professional health care textbook.</li> <li>• A peer-reviewed text book.</li> </ul> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	Ten hours of continuing education shall be granted for serving as the primary author. Five hours of continuing education shall be granted for serving as a secondary author. A maximum of 90 hours shall be granted for this activity in each renewal period. Pursuant to R 338.143(1)(a), credit for publication shall be granted once per renewal period.
l	<p>Until 3 years after the effective date of this rule, attendance at or participation in a continuing education activity that had been approved by the Board prior to the effective date of this rule but does not satisfy the requirements of subrule (2)(a) or (b).</p> <p>If audited, the licensee shall submit a copy of the letter or certificate of completion showing the licensee's name, number of continuing education hours earned, sponsor name, and the date on which the program was held or the activity completed.</p>	The number of continuing education hours for a specific program or activity shall be the number of hours previously approved by the board. A maximum of 90 hours of continuing education may be earned for this activity.

**(3) Category 2 activities are as follows:**

	Activity and Proof of Completion	Number of continuing education hours permitted for each activity
a	<p>Independently reading a peer-reviewed journal that does not satisfy the requirement of subrule (2)(a). The reading shall have been completed prior to the effective date of this rule.</p> <p>If audited, the licensee shall submit a signed document, listing the journals</p>	Three hours of continuing education shall be granted for each journal article read. A maximum of 90 hours of continuing education credit may be earned for this activity in each renewal period. Pursuant to R 338.143(1)(a), credit for the same article appearing in different

	<p>read, including title, publisher, volume number, article read, and the authors.</p>	<p>journals shall be granted once per renewal period.</p>
b	<p>Initial presentation of a scientific exhibit, poster, or paper to a professional osteopathic medicine organization.</p> <p>If audited, the licensee shall submit a copy of the document presented with evidence of the presentation or a letter from the program sponsor verifying the date of presentation.</p>	<p>Ten hours of continuing education shall be granted for each presentation. No additional credit shall be granted for preparation of the presentation. A maximum of 90 hours may be earned in this activity in each renewal period. Pursuant to R 338.143(1)(a), credit for a presentation shall be granted once per renewal period.</p>
c	<p>Completing a multimedia self-assessment that does not meet the requirements of subrule (2)(a) prior to the effective date of this rule. The self-assessment shall improve the licensee’s knowledge and understanding of the practice of osteopathic medicine.</p> <p>If audited, the licensee shall submit a certificate of self-assessment provided by the program sponsor.</p>	<p>The number of continuing education hours shall be the number of hours approved by the self-assessment sponsor. A maximum of 90 hours of continuing education may be earned for this activity.</p>

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**NOTICE OF PUBLIC HEARING**

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**Department of Licensing and Regulatory Affairs  
Bureau of Professional Licensing  
NOTICE OF PUBLIC HEARING  
WEDNESDAY, MARCH 23, 2016  
9:00am – 11:00am**

Location: G. Mennen Williams Building Auditorium  
525 W. Ottawa Street, Lansing, Michigan

The hearing is held to receive public comments on the following administrative rules:

**Board of Social Work (ORR # 2014 -157 LR)**

**Authority:** MCL 333.16145; MCL 333.16148; MCL 333.18516; and MCL 333.18518

**Overview:** The proposed rules reorganize the Board of Social Work into logical sequence with new rule numbers. The rules expand continuing education opportunities and clarify the requirements for obtaining a license at each designation level. Licensees are required to complete training in identifying victims of human trafficking.

**Board of Medicine (ORR # 2013-114 LR)**

**Board of Osteopathic Medicine and Surgery (ORR #2014-001 LR & 2014-002 LR)**

**Authority:** MCL 333.16145; MCL 333.16148; MCL 333.16204; MCL 333.16215; MCL 333.17033; MCL 333.17048; MCL 333.17533; and MCL 333.17548.

**Overview:** The rules update the adopted standards to the most recent versions. Other updates include changes to the names of the Bureau and testing entities. The proposed rules reorganize the rules into a logical format. The current osteopathic medicine and surgery continuing education rules, which exist as a separate rule set, are rescinded and incorporated into the continuing education requirements of the Osteopathic Medicine and Surgery's general rules. The continuing education requirements for both the Board of Medicine and Board of Osteopathic Medicine and Surgery expand the types of activities for which continuing education is granted and requires additional continuing education in the area of pain and symptom management. Licensees are required to complete training in identifying victims of human trafficking. The rules also make changes to the delegation requirements for physician assistants and nurse practitioners.

The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules. Comments on the proposed rules may be presented in person at the public hearing. Written comments will also be accepted until 5:00 p.m. on March 25, 2016, at the following address or e-mail address:

Department of Licensing and Regulatory Affairs  
Bureau of Professional Licensing– Boards and Committees Section  
P.O. Box 30670  
Lansing, MI 48909-8170  
Attention: Policy Analyst    Email: [BPL-BoardSupport@michigan.gov](mailto:BPL-BoardSupport@michigan.gov)

A copy of the proposed rules may be obtained by contacting (517) 373-8068 or at the email address noted above. Electronic copies also may be obtained at the following link:

[http://w3.lara.state.mi.us/orr/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level\\_1=Bureau+of+Professional+Licensing](http://w3.lara.state.mi.us/orr/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level_1=Bureau+of+Professional+Licensing)

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations (such as materials in alternative format) in order to participate in the meeting should call (517) 241-7500.

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**PROPOSED ADMINISTRATIVE RULES**

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**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES LICENSING AND  
REGULATORY AFFAIRS**

**OFFICE OF HEALTH SERVICES DIRECTOR'S OFFICE**

**BOARD OF OSTEOPATHIC MEDICINE AND SURGERY**

**CONTINUING EDUCATION**

September 10, 2014

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the ~~board of osteopathic medicine and surgery~~ **director of the department of licensing and regulatory affairs** by sections 16145, 16204, and 17533 of Act No. 368 of the Public Acts of 1978, as amended, being S333.16145 of the Michigan Compiled Laws of 1978 PA 368, MCL 333.16145, 333.16204, and 333.17533 and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2011-4, MCL 330.3101, 445.2001, 445.2011, and 445.2030)

R 338.91, R 338.92, R 338.94, R 338.95, R 338.96, R 338.97, R 338.98, and R 338.99 are rescinded from the Michigan Administrative Code as follows:

**R 338.91 Definitions. Rescinded.**

**Rule 1.** As used in these rules:

- (a) "Board" means the Michigan board of osteopathic medicine and surgery.
- (b) "Code" means Act No. 368 of the Public Acts of 1978, as amended, being S333.1101 et seq. of the Michigan Compiled Laws.
- (c) "Credit hour" or "hour" means 60 minutes of instruction in a course or program approved by the board.

**R 338.92 Continuing education as condition for license renewal or relicensure. Rescinded.**

**Rule 2.** An applicant for renewal of a license to practice osteopathic medicine and surgery who held the license for the 3-year period immediately preceding the expiration date of the license or an applicant for relicensure pursuant to the provisions of section

~~16201(3) of the code shall have completed, in the 3 year period immediately preceding the application, 150 hours of continuing education in courses or programs approved by the board. In place of the examination requirements established in section 16201(4) of the code, an applicant for relicensure pursuant to the provisions of section 16201(4) of the code shall have earned, within the 3 year period immediately preceding the application, 150 hours of continuing education in courses or programs approved by the board.~~

~~R 338.94 Categories and subcategories of programs and courses approved by board; maximum credit hours permissible. **Rescinded.**~~

~~Rule 4. (1) Programs and courses approved by the board shall be of 3 categories.~~

~~(2) Category 1 programs shall consist of programs that meet the standards, requirements, guidelines, and procedures adopted by the board in R 338.98(1). Category 1 programs, and the maximum number of credit hours that may be earned in each subcategory of category 1 programs, are as follows:~~

~~(a) Formal osteopathic educational programs – 150 hours.~~

~~(b) Scientific papers and publications – 90 hours at 10 hours per publication.~~

~~(c) Osteopathic medical teaching – 90 hours.~~

~~(d) Formal inspection of an osteopathic medical educational program – 90 hours at 5 hours per inspection.~~

~~(e) Peer review activities in an osteopathic medical institution – 90 hours.~~

~~(3) Category 2 programs, and the maximum number of credit hours that may be earned in each subcategory of category 2 programs, are as follows:~~

~~(a) Peer review activities in an allopathic medical institution – 90 hours.~~

~~(b) Home study – 90 hours.~~

~~(c) Scientific exhibits – 90 hours maximum at 10 hours per exhibit.~~

~~(d) Formal nonosteopathic programs approved by the board pursuant to the provisions of R 338.98(2) which do not include osteopathic principles and practice – 90 hours.~~

~~(4) Category 3 programs shall consist of postgraduate clinical training programs approved by the board pursuant to the provisions of R 338.106(2). A maximum of 50 hours per year shall be permitted for participation as a full-time student for not less than 5 months per year.~~

~~R 338.95 Category 1 programs; scope. **Rescinded.**~~

~~Rule 5. Category 1 programs, as specified in R 338.94, consist of the following:~~

~~(a) Formal osteopathic educational programs. This subcategory consists of formal educational programs which are offered by osteopathic institutions and organizations which cover subjects involving the concepts and principles of osteopathic medicine or which cover studies and treatment techniques evolving from the clinical experience of osteopathic hospitals and care facilities.~~

~~(b) Scientific papers and publications. This subcategory consists of the development and presentation of scientific papers and electronic communication programs intended for physician education.~~

~~(c) Osteopathic medical teaching. This subcategory consists of participation as a teacher, lecturer, preceptor, or moderator participant in a medical education program approved by the board. Such teaching includes classes in colleges of osteopathic medicine and lecturing to hospital interns, residents, and staff.~~

~~(d) Formal inspection of an osteopathic medical education program. This subcategory consists of participation in inspection programs of osteopathic hospitals and conducting clinical examinations of osteopathic specialty certification boards.~~

~~(e) Peer review activities in osteopathic medical institutions. This subcategory consists of participation in hospital committees and departmental conferences concerned with the review and evaluation of patient care in osteopathic medical hospitals and colleges or participation on professional standards review organizations.~~

**R 338.96 Category 2 programs; scope. Rescinded.**

~~Rule 6. Category 2 programs, as specified in R 338.94, consist of the following:~~

~~(a) Peer review activities in allopathic medical institutions. This subcategory consists of participation in hospital committees and departmental conferences concerned with the review and evaluation of patient care in allopathic medical hospitals and colleges and also includes serving on professional standards review organizations (PSRO).~~

~~(b) Home study. This subcategory consists of reading journals published by osteopathic organizations or other scientific journals listed in "Index Medicus" or completion of mediated physician education programs in audio cassette, video cassette, or computer-assisted format.~~

~~(c) Scientific exhibits. This subcategory consists of the preparation and personal presentation of an exhibit related to the practice of osteopathic medicine at a county, regional, state, or national professional meeting.~~

~~(d) Formal nonosteopathic programs. This subcategory consists of formal educational programs which do not include the application of osteopathic principles and practice. The subject matter of the programs shall relate to the practice of osteopathic medicine and surgery, which includes all of the following disciplines taught in all departments of a hospital:~~

~~(i) Internal medicine.~~

~~(ii) General practice.~~

~~(iii) General surgery.~~

~~(iv) Obstetrics.~~

~~(v) Gynecology.~~

~~(vi) Pediatrics.~~

~~(vii) Pathology.~~

~~(viii) Radiology.~~

~~(ix) Outpatient or emergency care, including the functions of community health services.~~

~~R 338.97 Minimum and maximum credit hours. **Rescinded.**~~

~~Rule 7. (1) A minimum of 60 credit hours of the total 150 credit hours of the continuing education requirement shall be earned in the programs, or a combination of the programs, specified as category 1 or category 3 programs in R 338.94.~~

~~(2) A maximum of 150 credit hours may, at the option of the applicant or licensee, be earned in the programs specified as category 1 or category 3 programs in R 338.94.~~

~~R 338.98 Approval standards; adoption by reference; nonosteopathic program standards. **Rescinded.**~~

~~Rule 8. (1) The board approves and adopts the standards, requirements, guidelines, and procedures adopted in January, 1989, by the committee on continuing medical education of the American osteopathic association for evaluating osteopathic continuing education. The standards, requirements, guidelines, and procedures herein adopted are available for inspection at the office of the board of osteopathic medicine and surgery. Copies may be obtained, at no cost, from either the Michigan Board of Osteopathic Medicine and Surgery, P.O. Box 30018, Lansing, Michigan 48909, or the Division of CME, American Osteopathic Association, 142 E. Ontario Street, Chicago, Illinois 60611. The board shall consider a program that is approved by the committee on continuing medical education of the American osteopathic association as a category 1 or category 2 continuing education course or program approved by the board.~~

~~(2) The board approves the standards for accrediting sponsors of continuing medical education programs established by the accreditation council for continuing medical education in October, 1982. These standards are available for inspection at the office of the board of osteopathic medicine and surgery. Copies may be obtained, at no cost, from either the Michigan Board of Osteopathic Medicine and Surgery, P.O. Box 30018, Lansing, Michigan 48909, or the Accreditation Council for Continuing Medical Education, P.O. Box 245, Lake Bluff, Illinois 60044. The board shall consider any formal nonosteopathic program which is designated as category 1 by a sponsor that is accredited by the accreditation council for continuing medical education or any of its constituent state medical societies as a category 2 continuing education course or program approved by the board.~~

~~R 338.99 Evidence of compliance with continuing education requirement. **Rescinded.**~~

~~Rule 9. By submitting an application for license renewal, a licensee shall certify that he or she has complied with the continuing medical education requirements set forth in these rules. The board may require an applicant or licensee to submit evidence to demonstrate compliance with the continuing medical education requirements. It is the responsibility of an applicant or licensee to maintain evidence of his or her compliance with the continuing medical education requirements for a period of 4 years from the date of application for license renewal or relicensure.~~

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**NOTICE OF PUBLIC HEARING**

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**Department of Licensing and Regulatory Affairs  
Bureau of Professional Licensing  
NOTICE OF PUBLIC HEARING  
WEDNESDAY, MARCH 23, 2016  
9:00am – 11:00am**

Location: G. Mennen Williams Building Auditorium  
525 W. Ottawa Street, Lansing, Michigan

The hearing is held to receive public comments on the following administrative rules:

**Board of Social Work (ORR # 2014 -157 LR)**

**Authority:** MCL 333.16145; MCL 333.16148; MCL 333.18516; and MCL 333.18518

**Overview:** The proposed rules reorganize the Board of Social Work into logical sequence with new rule numbers. The rules expand continuing education opportunities and clarify the requirements for obtaining a license at each designation level. Licensees are required to complete training in identifying victims of human trafficking.

**Board of Medicine (ORR # 2013-114 LR)**

**Board of Osteopathic Medicine and Surgery (ORR #2014-001 LR & 2014-002 LR)**

**Authority:** MCL 333.16145; MCL 333.16148; MCL 333.16204; MCL 333.16215; MCL 333.17033; MCL 333.17048; MCL 333.17533; and MCL 333.17548.

**Overview:** The rules update the adopted standards to the most recent versions. Other updates include changes to the names of the Bureau and testing entities. The proposed rules reorganize the rules into a logical format. The current osteopathic medicine and surgery continuing education rules, which exist as a separate rule set, are rescinded and incorporated into the continuing education requirements of the Osteopathic Medicine and Surgery's general rules. The continuing education requirements for both the Board of Medicine and Board of Osteopathic Medicine and Surgery expand the types of activities for which continuing education is granted and requires additional continuing education in the area of pain and symptom management. Licensees are required to complete training in identifying victims of human trafficking. The rules also make changes to the delegation requirements for physician assistants and nurse practitioners.

The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules. Comments on the proposed rules may be presented in person at the public hearing. Written comments will also be accepted until 5:00 p.m. on March 25, 2016, at the following address or e-mail address:

Department of Licensing and Regulatory Affairs  
Bureau of Professional Licensing– Boards and Committees Section  
P.O. Box 30670  
Lansing, MI 48909-8170  
Attention: Policy Analyst    Email: [BPL-BoardSupport@michigan.gov](mailto:BPL-BoardSupport@michigan.gov)

A copy of the proposed rules may be obtained by contacting (517) 373-8068 or at the email address noted above. Electronic copies also may be obtained at the following link:

[http://w3.lara.state.mi.us/orr/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level\\_1=Bureau+of+Professional+Licensing](http://w3.lara.state.mi.us/orr/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level_1=Bureau+of+Professional+Licensing)

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations (such as materials in alternative format) in order to participate in the meeting should call (517) 241-7500.

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**PROPOSED ADMINISTRATIVE RULES**

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DEPARTMENT OF ~~COMMUNITY HEALTH LICENSING AND REGULATORY~~  
**AFFAIRS**

DIRECTOR'S OFFICE

SOCIAL WORK - GENERAL RULES

Draft January 25, 2016

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of ~~community health licensing and regulatory affairs~~ by sections 16145, **16148, 18516, and 18518** ~~18501~~ of 1978 PA 368, MCL 333.16145, **333.16148, 333.18516, and 333.18518** ~~333.18501 et seq.~~ and Executive Order Nos. 1996-1, 1996-2, ~~and 2003-018, and 2011-4~~, MCL 330.3101, 445.2001, ~~and 445.2011, and MCL 445.2030~~)

R 338.2921, R 338.2923, R 338.2925, R 338.2927, R 338.2929, R 338.2931, R 338.2933, R 338.2935, R 338.2937, R 338.2939, R 338.2941, R 338.2943, R 338.2945, R 338.2947, R 338.2949, R 338.2951, R 338.2953, R 338.2955, R 338.2957, R 338.2961, R 338.2963, and R 338.2965 are added to the Michigan Administrative Code and R 338.2901, R 338.2906, R 338.2907a, R 338.2907b, R 338.2908e, R 338.2908f, R 338.2908g, R 338.2908h, R 338.2908i, R 338.2908j, R 338.2908k, R 338.2908l, R 338.2908m, R 338.2908n, R 338.2908o, R 338.2909, and R 338.2910 of the Code are rescinded, as follows:

**R 338.2901 Definitions. Rescinded.**

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

~~(a) "Act" means 1978 PA 368, MCL 333.1101 and known as the public health code.~~

~~(b) "Approved supervisor" means a licensed social worker who has met the qualifications to work in that field of practice. Only a licensed master's social worker may act as an approved supervisor for a licensed bachelor's social worker, a licensed master's social worker, a limited licensed bachelor's social worker, and a limited licensed master's social worker. Either a licensed master's social worker or a licensed bachelor's social worker may act as an approved supervisor for a social service technician.~~

~~(c) "Approved provider of continuing education" means an individual, group, professional association, school, institution, organization, or agency approved by the board of social work to conduct educational programs.~~

~~(d) "Bachelor's degree" means a degree awarded by a social work education program that meets the educational standards set forth in R 338.2906.~~

~~(e) "Board" means the board of social work.~~

- (f) "Case management" means a method to plan, provide, evaluate, and monitor services from a variety of resources on behalf of and in collaboration with a client.
- (g) "Client" means the individual, couple, family, group, organization, or community that seeks or receives social work services.
- (i) "Clinical social work practice" means the use of assessment, and treatment, and intervention methods that utilize a specialized and formal interaction between a social worker and an individual, a couple, a family, or a group in which a professional relationship is established. Clinical social work practice may include 1 or more of the following: advocating for care; protecting the vulnerable; providing forensic practice functions; increasing social well-being; providing education, and resources; providing psychotherapy; providing case management for complex and high-risk cases; serving on community committees; and, providing clinical supervision or direction of clinical programs.
- (j) "Consultation" means a problem-solving and/or educational process in which expertise is offered to an individual, group, agency, organization, or community.
- (k) "Continuing education" means education and training that are oriented to maintain, improve, or enhance social work knowledge, values, and skills.
- (l) "Continuing education contact hour" means a 60-minute clock hour of instruction and does not include breaks or meals.
- (m) "Macro social work" means the term in section 18501(g)(ii) of the act and includes, but is not limited to, community organizing; program planning and development; administration of community services or programs; assessment of client needs for macro community programs or services; coordination and/or evaluation of service delivery; advocacy on behalf of persons or groups with unmet service needs; analysis and development of social welfare policy; organizational analysis; and, provision of training about community needs and problems.
- (n) "Master's degree" means a degree awarded by a social work education program that meets the educational standards set forth in R 338.2906.
- (o) "Private practice" means the provision of social work services by a licensed master's social worker who assumes responsibility and accountability for the nature and quality of the services provided to the client in exchange for direct payment or third-party reimbursement.
- (p) "Psychosocial assessment" means a mutual process between a social worker and a client to gather and organize information and to draw inferences from that information to develop a plan of treatment or action that will maximize client strengths and lead toward effective client generated solutions.
- (q) "Psychotherapy" means the assessment, diagnosis, or treatment of mental, emotional, or behavioral disorders, conditions, addictions, or other bio-psychosocial problems and may include the involvement of the intrapsychic, intrapersonal, or psychosocial dynamics of individuals.
- (r) "Under the supervision of a licensed bachelor's or a licensed master's social worker" means an interactional professional relationship between a supervisor and a supervisee that provides evaluation and direction over the supervisee's practice of social work and promotes continued development of the social worker's knowledge, values, skills, and abilities to engage in the practice of social work in an ethical and competent manner.
- (2) As used in section 18507 of the act, "an associate degree in social work at a college approved by the board that includes supervised instructional field experience" means an associate degree from a program that requires completion of not less than 18 semester hours or not less than 27 quarter hours of social work courses and the completion of a social work field placement or internship of not less than 350 hours under the supervision of a licensed bachelor's or licensed master's social worker. This subrule takes effect October 8, 2004.
- (3) As used in section 18507 of the act, "successfully completed 2 years of college" means the

completion of 60 semester or 90 quarter hours of college-level courses, while maintaining a cumulative grade point average of at least 2.0. This subrule takes effect January 1, 2006.

R 338.2906 Educational standards; adoption by reference. **Rescinded.**

~~–Rule 6. (1) The board adopts by reference in these rules the standards of the council on social work education for the accreditation of social work education programs set forth in the publication entitled "Handbook of Accreditation Standards and Procedures," fifth edition, February 2003, which is available for inspection and distribution at cost from the Board of Social Work, Bureau of Health Professions, Michigan Department of Community Health, 611 West Ottawa, Lansing, MI 48909, or from the Council on Social Work Education, 1725 Duke Street, Suite 500, Alexandria, VA 22314-3457 at a cost of \$40.95 as of the time of adoption of these rules. A copy of this publication may be purchased from the council on social work education by calling 1-703-683-8080 or via the council's internet website at <http://www.cswe.org>. Completion of an accredited social work education program at the level required by the act shall be evidence of completion of a program acceptable to the department and approved by the board. Any other program that is submitted by an applicant shall be evaluated by the board to determine the program's equivalence to the standards of an accredited program.~~

~~–(2) The board adopts by reference the recognition standards and criteria of the council for higher education accreditation (chea), effective January 1999, and the procedures and criteria for recognizing postsecondary accrediting agencies of the U.S. department of education, effective July 1, 2000. . Copies of the standards and criteria of the council for higher education accreditation and the U.S. department of education are available for inspection and distribution at cost from the Board of Social Work, Bureau of Health Professions, Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. The chea recognition standards also may be obtained from the Council for Higher Education Accreditation, One Dupont Circle NW, Suite 510, Washington, DC 20036-1110, or from the council's website at <http://www.chea.org> at no cost. The federal recognition criteria may be obtained from the U.S. Department of Education Office of Postsecondary Education, 1990 K Street, NW, Washington, DC 20006 or from the department's website at <http://www.ed.gov/about/offices/list/OPE/index.html> at no cost.~~

~~–(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:~~

~~–(a) The standards of the Middle States Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104, set forth in the document entitled "Characteristics of Excellence in Higher Education: Eligibility Requirements and Standards for Accreditation," 2002 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 time of 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, set forth in the document entitled "Standards for Accreditation," 2001 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," 2003 edition which is available for purchase through the association's website at <http://www.ncahigherlearningcommission.org>, at a cost of \$30.00 as of the time of 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, set forth in the document entitled "Accreditation Handbook," 2003 edition which is available for purchase through the association's website at <http://www.nwccu.org> at a cost of \$20.00 as of the time of adoption of these rules.

–(e) The standards of the Southern Association of Colleges and Schools, Commission on Colleges, 1866 Southern Lane, Decatur, GA 30033, set forth in the document entitled "Principles of Accreditation: Foundation for Quality Enhancement", January 2004 which is available free of charge on the association's website at <http://www.sacscoc.org> or for purchase at a cost of \$12.00 for members and \$24.00 for nonmembers as of the time of 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, set forth in the document entitled "2001 Handbook of Accreditation," which is available free of charge on the commission's website at <http://www.wascweb.org> or for purchase at a cost of \$15.00 for member institutions and \$20.00 for nonmember institutions as of the time of adoption of these rules.

–(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 2003, which is available free of charge on the commission's website at <http://www.wascweb.org>.

R 338.2907a ~~Limited social service technician registration requirements.~~ **Rescinded.**

–Rule 7a. (1) ~~An applicant for a limited social service technician registration shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and administrative rules promulgated under the code, an applicant for the limited social service technician shall meet all of the following requirements:~~

–(a) ~~Successful completion of 2 years of college in any field from an accredited college that complies with the standards in R 338.2906 (2) or (3).~~

–(b) ~~Employment in human services or social services or the submission of documentation that the applicant has been made an offer of employment in the practice of social service work at an agency recognized by the board.~~

~~–(c) Employment includes the application of social work values, ethics, principles, and skills during the practice of human service work and under the supervision of a licensed bachelor's or a licensed master's social worker.~~

~~(2) The limited social service technician registration shall be issued for 1 year and may be renewed only once.~~

**R 338.2907b Social service technician registration requirements. Rescinded.**

~~–Rule 7b. (1) An applicant for social service technician registration shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting and administrative rules promulgated under the code, an applicant for a social service technician registration shall meet 1 of the following requirements:~~

~~–(a) Completion of at least 2,000 hours of social work experience accrued over not less than 1 year and under the supervision of a licensed master's or licensed bachelor's social worker as well as current employment in human services or social services during which social work values, ethics, principles, and skills have been applied.~~

~~–(b) Successful completion of 2 years of college as defined in R 338.2901(3) that included at least 4 courses relevant to human service needs and current employment in human services or social services during which social work values, ethics, principles, and skills have been applied.~~

~~–(c) Successful completion of an associate degree in social work from an accredited college or university that complies with the standards in R 338.2906(1).~~

~~–(2) Qualifying experience for an applicant for registration as a social service technician under section 18507 of the act means the delivery of social work services through any of the following:~~

~~–(a) Interviewing clients to obtain information about a client's situation, providing information about available services, and providing specific assistance to help people utilize community resources.~~

~~–(b) Conducting case finding activities in the community and encouraging and providing linkages to available services.~~

~~–(c) Monitoring a client's compliance with a program's expectations.~~

~~–(d) Providing life skills training.~~

~~–(3) The experience for a social service technician shall comply with section 18507 of the act and the provisions described in subrule (4) of this rule.~~

~~–(4) The experience shall be completed under the supervision of a licensed bachelor's or a licensed master's social worker, or a person who holds the equivalent license, certificate, or registration from the state in which the experience was obtained. The supervisor shall hold his or her license, certificate, or registration in good standing during the period of supervision. The supervision shall consist of all of the following:~~

~~–(a) An applicant shall meet individually and in person with his or her supervisor, or in a group modality, during which active work functions and records of the applicant are reviewed. In cases of extreme hardship where an approved supervisor is not available, an alternative supervision arrangement by a related health practitioner may be approved by the board. Before use of an alternate supervisor, an applicant shall submit a request with a proposed plan and documented willingness by the alternate supervisor. The board shall approve the alternative supervision arrangement before the arrangement is implemented.~~

~~–(b) Supervisory review shall be conducted for at least 4 hours per month.~~

~~–(c) Not more than 2,000 hours of acceptable experience shall be accumulated in any 1 calendar year.~~

~~–(d) Experience shall be verified in writing by the supervisor. If the supervisor is not available, agency staff who are knowledgeable about the individual's work or another person who is knowledgeable about the individual's work, may provide the verification in writing.~~

**R 338.2908e Limited bachelor's social worker license requirements. Rescinded.**

~~–Rule 8e. (1) An applicant for a limited bachelor's social worker license shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and administrative rules promulgated under the code, an applicant for a limited bachelor's license shall meet all of the following requirements:~~

~~–(a) Graduation from a baccalaureate degree program from a school of social work that complies with the standards in R 338.2906 or certification from a school of the applicant's eligibility for graduation.~~

~~–(b) Practice under the supervision of a licensed master's social worker.~~

~~–(c) Compliance with the supervisory requirements in R 338.2908f.~~

~~–(d) Confinement of practice to an agency, health facility, institution, or other entity pre-approved by the board under section 18506 of the act.~~

~~–(2) A limited license shall be issued for 1 year and may be renewed for not more than 6 years.~~

**R 338.2908f Bachelor's social worker license by examination; requirements; graduates of schools in compliance with board standards; limited bachelor's social worker license. Rescinded.**

~~–Rule 8f. (1) An applicant for a bachelor's social worker license by examination shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and administrative rules promulgated under the code, an applicant for a bachelor's social worker license by examination shall meet all of the following requirements:~~

~~–(a) Graduation from a baccalaureate degree program that complies with the standards in R 338.2906.~~

~~–(b) Completion of at least 4,000 hours of post-degree social work experience accrued over not less than 2 years, as required in section 18509 of the act and described in subrules (2) and (3) of this rule.~~

~~–(c) An applicant shall have passed the basic or bachelor's examination as identified in R 338.2908i.~~

~~–(2) Qualifying experience for an applicant for licensure as a bachelor's social worker includes, but is not limited to, any of the following:~~

~~–(a) Social casework assessment, planning, and intervention with individuals, couples, families, or groups to enhance or restore the capacity for social functioning.~~

~~–(b) Case management of health and human services.~~

~~–(c) Providing information about and referring individuals to resources.~~

~~–(d) Planning and collaborating with communities, organizations, or groups to improve their social or health services.~~

~~–(e) Working with clients, as defined in R 338.2901(1)(g), in accessing, coordinating, or developing resources to develop solutions for interpersonal or community problems.~~

~~–(3) Effective September 1, 2005, experience in this state may be earned only in the limited license status. The experience for a bachelor's social worker license shall meet all of the following requirements:~~

- ~~–(a) The experience shall be earned after completion of all the requirements for graduation as verified by the program. The license shall not be issued until graduation from the program is confirmed.~~
- ~~–(b) The experience shall be completed under the supervision of a licensed master's social worker or a person who holds the equivalent license, certificate, or registration from the state in which the experience was obtained. The supervisor shall hold his or her license, certificate, or registration in good standing during the period of supervision.~~
- ~~–(c) The applicant shall meet individually and in person with his or her supervisor, or in a group modality that includes individual contact, during which active work functions and records of the applicant are reviewed. In cases of extreme hardship where an approved supervisor is not available, an alternative supervision arrangement by a related health practitioner may be approved by the board. Before use of an alternate supervisor, the applicant shall submit a request with a proposed plan and documented willingness by the alternate supervisor. The board shall approve the alternative supervision arrangement before the arrangement is implemented.~~
- ~~–(d) Supervisory review shall be conducted for at least 4 hours per month with at least 1 hour being conducted between the applicant and the supervisor on an individual basis.~~
- ~~–(e) Not more than 2,000 hours of acceptable experience shall be accumulated in any 1 calendar year.~~
- ~~–(f) The experience shall be accumulated at not less than 16 hours per week but not more than 40 hours per week.~~
- ~~–(g) The applicant shall function as a licensed bachelor's social worker using generally accepted applications of social work knowledge and techniques acquired during the applicant's education and training.~~

R 338.2908g ~~Limited master's social worker license requirements.~~ **Rescinded.**

~~–Rule 8g. (1) An applicant for a limited master's social worker license shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and administrative rules promulgated under the code, an applicant for a limited license shall meet all of the following requirements:~~

- ~~–(a) Graduation from a master's degree program from an accredited school of social work that complies with the standards in R 338.2906 or certification from the school of the applicant's eligibility for graduation.~~
- ~~–(b) Practice under the supervision of a master's social worker.~~
- ~~–(c) Compliance with the supervision requirements in R 338.2908h.~~
- ~~–(d) Confinement of practice to an agency, health facility, institution, or other entity pre-approved by the board under section 18506 of the act.~~
- ~~–(2) The limited license shall be issued for 1 year and may be renewed for not more than 6 years.~~

R 338.2908h ~~Master's social worker license by examination; requirements; graduates of schools in compliance with board standards; limited master's social worker license.~~ **Rescinded.**

~~–Rule 8h. (1) An applicant for a master's social worker license 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 administrative rules promulgated under the code, an applicant for a master's social worker license by examination shall be issued a license with a designation indicating the practice area in which the applicant earned his or her qualifying experience, such as macro social work, clinical social work practice, or both.~~

~~–(2) An applicant for the license with a macro or administrative designation shall meet all of the following requirements:~~

~~–(a) Graduation from a master's or doctoral degree program from an accredited school of social work that complies with the standards in R 338.2906. The experience shall be earned after completion of all the requirements for graduation as verified by the program. The license shall not be issued until graduation from the program is confirmed.~~

~~–(b) Successful completion of the advanced generalist examination in R 338.2908i. This subdivision takes effect July 1, 2006.~~

~~–(c) Completion of at least 4,000 hours of post-degree social work experience accrued over not less than 2 years, as required in section 18509 of the act and described in subrules (2)(d) and (5) of this rule. Effective September 1, 2005, experience in this state may be earned only in the limited license status.~~

~~–(d) Qualifying experience for the macro designation shall be completed in at least 1 or both of the following areas:~~

~~–(i) Administration, management, and supervision of human service organizations, including the translating of laws and administrative rulings into organizational policy and procedures; collaboration, coordination, mediation, and consultation between and among organizations, disciplines and communities; community organizing and development; research and evaluation; the seeking of social justice through the legislative process or the social action and advocacy processes; the improvement of social conditions through social planning and policy formulations; and, social work education and training.~~

~~–(ii) The advanced application of macro social work processes and systems to improve the social or health services of communities, groups, or organizations through planned interventions. Macro social work services include, but are not limited to, those services specified in R 338.2901(1)(m).~~

~~–(3) An applicant for licensure with a clinical practice designation shall meet all of the following requirements:~~

~~–(a) Graduation from a master's or doctoral degree program from an accredited school of social work that complies with the standards in R 338.2906.~~

~~–(b) Successful completion of the clinical examination.~~

~~–(c) Completion of at least 4,000 hours of post-degree social work experience accrued over not less than 2 years, as required in section 18509 of the act and described in subrules (2)(d) and (5) of this rule.~~

~~–(d) Completion of qualifying experience for the clinical practice designation shall include 1 or more of the activities specified in R 338.2901(1)(i).~~

~~–(4) An applicant for licensure or a licensee may add the second master's level social work specialty designation by completing an additional 2,000 hours of post-degree social work experience, accrued over not less than 1 year, in the second specialty designated area with at least 50 hours of supervisory review.~~

~~–(5) The experience for a master's social worker license shall meet all of the following requirements:~~

~~–(a) The experience shall be completed under the supervision of a Michigan licensed master's social worker or a person who holds the equivalent license, certificate, or registration from the state in which the experience was obtained. The supervisor shall hold his or her license, certificate, or registration in good standing during the period of supervision.~~

~~–(b) The applicant shall meet individually and in person with his or her supervisor, or in a group modality that provides for 50% of the supervision to include individual contact during which active work functions and records of the applicant are reviewed. In cases of extreme hardship~~

~~where an approved supervisor is not available, an alternative supervision arrangement by a related health practitioner may be approved by the board. Before use of an alternate supervisor, the applicant shall submit a request with a proposed plan and documented willingness by the alternate supervisor. The board shall approve the alternative supervision arrangement before the arrangement is implemented.~~

~~–(c) Supervisory review shall be conducted for at least 4 hours per month with at least 1 hour being conducted between the applicant and the supervisor on an individual basis.~~

~~–(d) Not more than 2,000 hours of acceptable experience shall be accumulated in any 1 calendar year.~~

~~–(e) The experience shall be accumulated at not less than 16 hours per week but not more than 40 hours per week.~~

~~–(f) The applicant shall function as a master's social worker using generally accepted applications of social work knowledge and techniques acquired during the applicant's education and training.~~

**R 338.2908i Examination; adoption; passing scores. Rescinded.**

~~–Rule 8i. The board approves and adopts the examinations developed by the association of social work boards, or its successor agency, hereafter referred to as the basic or bachelor's examination; the advanced or the advanced generalist examination; or the clinical examination or an equivalent examination as determined by the board. Applicants shall achieve a passing score on the test required for the level of licensure sought. The passing score on any of the required examinations shall be a converted score of not less than 75.~~

**R 338.2908j Registration or licensure by endorsement. Rescinded.**

~~–Rule 8j. (1) An applicant for registration or licensure by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. An applicant for licensure by endorsement who satisfies all of the requirements of this rule shall be deemed to meet the requirements of section 16186 of the code.~~

~~–(2) An applicant who holds a registration or license from another jurisdiction is eligible for registration or licensure if the requirements were substantially equivalent to the requirements in Michigan.~~

~~–(3) The registration or license, whether currently active or expired, shall be in good standing at the time of application.~~

**R 338.2908k Reregistration of social service technician. Rescinded.**

~~–Rule 8k. (1) An applicant whose registration has lapsed for less than 3 years may be reregistered, as provided under section 16201(3) of the act upon submitting a completed application on a form provided by the department, together with the requisite fee.~~

~~–(2) An applicant whose registration has lapsed for more than 3 years may be reregistered, as provided under section 16201(4) of the act upon submitting a completed application on a form provided by the department, together with the requisite fee and upon submission of documentation that the applicant has been made an offer of employment in the practice of social service work at an agency recognized by the board.~~

**R 338.2908l Relicensure of bachelor's or master's social worker. Rescinded.**

~~–Rule 8l. (1) An applicant whose license has lapsed may be relicensed upon submission of the appropriate application, fee, and documentation of completing 45 hours of approved continuing~~

education within 3 years immediately preceding the application for licensure. If the applicant is registered or licensed in any other state or states, the applicant shall submit documentation that the registration or license is unrestricted and in good standing at the time of application.

**R 338.2908m License renewals and relicensure; continuing education requirements. Rescinded.**

~~–Rule 8m. (1) An applicant for license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license or an applicant for relicensure shall accumulate not less than 45 continuing education contact hours that are approved by the board, under R 338.2908o, during the 3 years preceding an application for renewal or relicensure. At least 5 of the 45 continuing education contact hours in each renewal period shall be in ethics and 1 continuing education contact hour in each renewal period shall be in pain and pain symptom management. Continuing education contact hours in pain and pain symptom management may include, but are not limited to, courses in behavior management, psychology of pain, behavior modification, and stress management.~~

~~–(2) Submission of an application for renewal or relicensure shall constitute the applicant's certification of compliance with the requirements of this rule. A licensed master's or licensed bachelor's social worker shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal or relicensure. Failure to comply with this rule shall be a violation of section 16221(h) of the code.~~

**R 338. 2908n Acceptable continuing education; limitations. Rescinded.**

~~–Rule 8n. (1) The board shall consider any of the following as acceptable continuing education:~~

~~–(a) One continuing education contact hour, without limitation, may be earned for each 60 minutes of attendance at a continuing education program that complies with the standards in R 338.2908o.~~

~~–(b) Three continuing education contact hours may be earned for each 60-minute presentation of a continuing education program that is not a part of the licensee's regular job description that complies with the standards in R 338.2908o. Credit may be earned for the same program only once in each renewal period. A maximum of 15 continuing education contact hours may be earned under this subdivision.~~

~~–(c) Five continuing education contact hours may be earned for each semester credit earned for academic courses related to social work practice offered in an educational program approved by the board under R 338.2908o.~~

~~–(d) Three continuing education contact hours may be earned for each quarter credit earned for academic courses related to social work practice offered in an educational program approved by the board under R 338.2908o.~~

~~–(e) One continuing education contact hour may be granted for each 60 minutes of program attendance, without limitation, at a continuing education program that has been granted approval by another state board of social work or the association of social work boards.~~

~~–(f) One continuing education contact hour may be granted for each 60 minutes of attendance, without limitation, at a continuing education program related to social work practice offered by an educational program approved by the board R 338.2908o.~~

~~–(g) Not more than 10 continuing education contact hours may be granted for publication, in a social work journal or textbook, of an article or chapter related to the practice of social work.~~

~~–(h) A maximum of 10 continuing education contact hours may be earned for completion of online computer programs pertaining to social work.~~

R 338.2908o ~~Continuing social work education programs; methods of approval.~~ **Rescinded.**

~~–Rule 8o. (1) The board approves and adopts by reference in these rules the standards of the association of social work boards for approved continuing education (ace) providers set forth in the publication entitled "ACE Provider Guidelines," effective April 12, 2004 which is available from the Association of Social Work Boards, 400 South Ridge Parkway, Suite B, Culpeper, VA 22701 at no cost on the association's website at [www.aswb.org/ace\\_guide.pdf](http://www.aswb.org/ace_guide.pdf). A copy of the guidelines also is available for inspection and distribution at cost from the Michigan Board of Social Work, Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.~~

~~(2) A course or program may be reviewed and approved by the board or any organization that has been authorized by the board to approve such courses or programs.~~

~~–(3) A course or program reviewed and approved by the board or its designee shall comply with the following program requirements:~~

~~–(a) The content or activity of a course or program shall cover 1 or more of the following topics:~~

~~–(i) Theories and concepts of human behavior in the social environment.~~

~~–(ii) Social work practice, knowledge, and skills.~~

~~–(iii) Social work research, program evaluation, or practice evaluation.~~

~~–(iv) Social work agency management or administration.~~

~~–(v) Development, evaluation, and/or implementation of social policy.~~

~~–(vi) Social work ethics and standards of professional practice.~~

~~–(vii) Current issues in clinical or macro social work practice.~~

~~–(b) An outline of the course or program shall be provided.~~

~~–(c) The qualifications of individuals presenting a course or program shall be provided.~~

~~–(d) The method used to deliver the course or program shall be described.~~

~~–(e) Measurements of pre-knowledge and post-knowledge or skill improvements shall be defined.~~

~~–(f) The monitoring of attendance at a course or program shall be required.~~

~~–(g) Records of course attendance that show the date of a program or course, its location, the credentials of the presenters, rosters of individuals who were in attendance, and continuing education contact hours awarded to each attendee shall be maintained.~~

~~–(h) A participant shall be awarded a certificate or written evidence of attendance at a program or course that indicates the participant's name, date and location of program, sponsor or program approval number, and hours of continuing education earned.~~

R 338.2909 ~~Prohibited conduct.~~ **Rescinded.**

~~–Rule 9. Prohibited conduct includes, but is not limited to, the following acts or omissions by any individual covered by these rules:~~

~~–(a) Willful or negligent failure to provide or arrange for provision of continuity of necessary service.~~

~~–(b) Refusing to provide professional service to a person because of the person's race, creed, color, national origin, age, sex, sexual orientation, or disability.~~

~~–(c) Involvement in a dual relationship with a client or a former client and/or a client's or former client's immediate family in which there is a risk of exploitation or harm to the client.~~

~~–(d) Involvement in a conflict of interest that interferes with the exercise of professional discretion or makes a client's interests secondary.~~

~~–(e) Taking advantage of any professional relationship or exploiting others to further the social worker's personal, religious, political, and/or business/financial interests.~~

~~–(f) Involvement in or soliciting a sexual relationship with a client or member or members of the client's immediate family.~~

~~(g) Involvement in or soliciting a sexual relationship with a former client or member or members of a former client's family within 3 years of the termination of treatment, irrespective of whether the actions are consensual or forced. Disciplinary action is not precluded against a person who becomes involved in a sexual relationship with a former client or member or members of a former client's family more than 3 years after the termination of treatment when there is a risk of exploitation or harm to the client.~~

**R 338.2910 Unprofessional advertising–Rescinded.**

~~Rule 10. Unprofessional advertising by a social worker consists of preparing or consenting to the preparation by action or inaction public announcements that fail to conform to the following professional standards:~~

~~(a) Cards or announcements concerning social work practice shall be limited to a statement of the name, highest relevant degree, registration, licensure or diplomate status, address and telephone number, office hours, field of specialization, and job title.~~

~~(b) Brochures, catalogs, or other forms of advertising media which bear the name of the licensed master's social worker, licensed bachelor's social worker, or registered social service technician announcing any services, fees or fee ranges being offered shall describe the services accurately, but shall not claim or imply superior professional competence.~~

## **PART 1. GENERAL PROVISIONS**

**R 338.2921 Definitions.**

**Rule 21. As used in these rules:**

**(a) "Board" means the board of social work.**

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

**(c) "Continuing education contact hour" means a 60-minute clock hour of instruction for the first hour, with no less than 50 minutes of uninterrupted instruction for every hour following the first hour.**

**(d) "Supervisory review" means individually meeting in person with a supervisor or in a group modality, during which active work functions and the work records of the supervisee are reviewed.**

**R 338.2923 Educational standards; adoption by reference.**

**Rule 23. (1) The board adopts by reference in these rules the standards of the Council on Social Work Education for the accreditation of social work education programs set forth in the publication entitled, "Handbook of Social Work Accreditation Policies and Procedures," 2008 edition, updated June 2013, which is available at no cost from the council's website at <http://www.cswe.org>. A copy of the standards and procedures also is available for inspection and distribution at cost from the Board of Social Work, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, MI 48909. Completion of an accredited social work education program at the level required by the code shall be evidence of completion of a program acceptable to the department and approved by the board. Any other program that is submitted by an applicant shall be evaluated by the board to determine the program's equivalence to the standards of an accredited program.**

(2) 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 34 C.F. R §602 et seq. 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 Social Work, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. The CHEA recognition standards also may be obtained from the Council for Higher Education Accreditation, One Dupont Circle NW, Suite 510, Washington, DC 20036-1110, or from the council's website at <http://www.chea.org> at no cost. The federal recognition criteria may be obtained from the United States Department of Education Office of Postsecondary Education, 1990 K Street, NW, Washington, DC 20006 or from the department's website at <http://www.ed.gov/about/offices/list/OPE/index.html> at no cost.

(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:

(a) The standards of the Middle States Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104, set forth in the document entitled "Characteristics of Excellence in Higher Education: Eligibility Requirements and Standards for Accreditation," 2011 edition, which is available 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 Association of Schools, Colleges, and Universities, the 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: Foundation 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>.

**R 338.2925 Examination adoption; passing scores.**

**Rule 25.** The board approves and adopts the examinations developed by the Association of Social Work Boards (ASWB), or its successor agency, hereafter referred to as the bachelor's examination; the advanced or the advanced generalist examination; or the clinical examination or an equivalent examination as determined by the board. Applicants shall achieve a passing score as defined by ASWB on the test required for the level of licensure sought.

**R 338.2929 Training standards for identifying victims of human trafficking; requirements.**

**Rule 29. (1)** Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or registration or who is licensed or registered shall complete training in identifying victims of human trafficking that meets the following standards:

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

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

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

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

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

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

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

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

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

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

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

(A) Teleconference or webinar.

(B) Online presentation.

(C) Live presentation.

(D) Printed or electronic media.

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

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

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

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

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

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule shall apply for license or registration renewals beginning with the first renewal cycle after the promulgation of this rule and for initial licenses or registrations issued 5 or more years after the promulgation of this rule.

## **PART 2. SOCIAL SERVICE TECHNICIAN REQUIREMENTS**

**R 338.2931 Limited social service technician registration requirements.**

**Rule 31. (1) An applicant for a limited social service technician registration shall submit a completed application on a form provided by the department, together with the required fee. In addition to meeting the requirements of section 18507(2) of the code, MCL 333.18507(2), an applicant for the limited social service technician shall meet both of the following requirements:**

(a) Successful completion of 2 years of college in any field from an accredited college meeting the standards of R 338.2923.

(b) Employment in human services or social services or the submission of documentation that the applicant has been made an offer of employment in the practice of social service work at an agency recognized by the board pursuant to subrule (2) of this rule.

(2) Agencies recognized by the board include those which employ social workers engaged in the practice of social work as defined in section 18501 of the code, MCL 333.18501.

(3) The limited social service technician registration shall be granted for 1 year and may be renewed only once, as specified in section 18507(2) of the code, MCL 333.18507(2).

**R 338.2933 Social service technician registration requirements.**

**Rule 33. (1) An applicant for social service technician registration shall submit a completed application on a form provided by the department, together with the required fee. Additionally, the applicant shall meet the requirements of section 18507(1) of the code, MCL 333.18507(1).**

(2) Qualifying experience for an applicant for registration as a social service technician under section 18507 of the code, MCL 333.18507, means the delivery of social work services through any of the following:

(a) Interviewing clients to obtain information about a client's situation, providing information about available services, and providing specific assistance to help people utilize community resources.

(b) Conducting case-finding activities in the community and encouraging and providing linkages to available services.

(c) Monitoring a client's compliance with a program's expectations.

(d) Providing life skills training.

**(3) The experience for a social service technician shall comply with section 18507 of the code, MCL 333.18507, and the provisions described in subrule (4) of this rule.**

**(4) The experience shall be completed under the supervision of a licensed bachelor's or a licensed master's social worker, or a under the supervision of a person who holds the equivalent license, certificate, or registration from the jurisdiction in which the experience was obtained. The supervisor shall hold his or her license, certificate, or registration in good standing during the period of supervision. The supervision shall consist of all of the following:**

**(a) An applicant shall meet with his or her supervisor using any of the following methods:**

**(i) Individually and in person.**

**(ii) Individually using a telecommunications method that provides for live and simultaneous contact.**

**(iii) In a group modality, during which active work functions and records of the applicant are reviewed.**

**(b) Supervisory review shall be conducted for at least 4 hours per month with at least 2 hours being conducted between the applicant and the supervisor on an individual basis either in person or using a telecommunication method that provides for live and simultaneous contact.**

**(c) Not more than 2,000 hours of acceptable experience shall be accumulated in any 1 calendar year.**

**(d) Experience shall be verified in writing by the supervisor. If the supervisor is not available, agency staff who are knowledgeable about the individual's work or another person who is knowledgeable about the individual's work, may provide the verification in writing.**

#### **R 338.2935 Registration by endorsement.**

**Rule 35. (1) An applicant for registration by endorsement shall submit a completed application on a form provided by the department, together with the required fee. An applicant for registration by endorsement who satisfies all of the requirements of these rules shall be deemed to meet the requirements of section 16186 of the code, MCL 333.16186.**

**(2) An applicant who holds a registration from another jurisdiction is eligible for registration if the requirements for registration are substantially equivalent to the requirements in Michigan.**

**(3) The registration shall be in good standing at the time of application.**

**(4) An applicant's registration shall be verified by the registering agency of all other states of the United States in which the applicant holds a current registration or ever held a registration as a social service technician. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.**

#### **R 338.2937 Reregistration of social service technician.**

**Rule 37. (1) An applicant whose registration has lapsed for less than 3 years may be reregistered, as provided under section 16201(3) of the code, MCL 333.16201(3), upon submitting a completed application on a form provided by the department, together with the required fee.**

**(2) An applicant whose registration has lapsed for more than 3 years may be reregistered, as provided under section 16201(4) of the code, MCL 333.16201(4), upon submitting a**

completed application on a form provided by the department, together with the required fee, and upon submission of documentation that the applicant has been made an offer of employment in the practice of social service work at an agency recognized by the board.

### **PART 3. BACHELOR'S SOCIAL WORKER REQUIREMENTS**

**R 338.2939 Limited bachelor's social worker license requirements.**

**Rule 39. (1) An applicant for a limited bachelor's social worker license shall submit a completed application on a form provided by the department, together with the required fee. An applicant for a limited bachelor's license shall meet all of the following requirements:**

**(a) Graduation from a baccalaureate degree program from a school of social work that complies with the standards in R 338.2923 or certification from a school of the applicant's eligibility for graduation.**

**(b) Practice under the supervision of a licensed master's social worker.**

**(c) Compliance with the supervisory requirements in R 338.2941.**

**(d) Confinement of practice to an agency, health facility, institution, or other entity approved by the board. An agency is considered approved by the board where the agency utilizes master's social workers who engage in the practice of social work at the master's level as defined in section 18501 of the code, MCL 333.18501.**

**(2) A limited license shall be issued for 1 year and may be renewed for not more than 6 years, as specified in section 18509(2) of the code, MCL 333.18509.**

**R 338.2941 Bachelor's social worker license by examination; requirements; graduates of schools in compliance with board standards; limited bachelor's social worker license.**

**Rule 41. (1) An applicant for a bachelor's social worker license by examination shall submit a completed application on a form provided by the department, together with the required fee. In addition to meeting the requirements of the code, an applicant for a bachelor's social worker license by examination shall meet all of the following requirements:**

**(a) Graduation from a baccalaureate degree program that complies with the standards in R 338.2923.**

**(b) Completion of at least 4,000 hours of post-degree social work experience accrued over not less than 2 years, as required in section 18509 of the code, MCL 333.18509, and described in subrules (2) and (3) of this rule.**

**(c) An applicant shall have passed the bachelor's examination as identified in R 338.2925.**

**(2) Qualifying experience for an applicant for licensure as a bachelor's social worker includes, but is not limited to, any of the following:**

**(a) Assessment, planning, and intervention with individuals, couples, families, or groups to enhance or restore the capacity for social functioning.**

**(b) Case management of health and human services.**

**(c) Providing information about and referring individuals to resources.**

**(d) Planning and collaborating with communities, organizations, or groups to improve their social or health services.**

**(e) Working with clients in accessing, coordinating, or developing resources to develop solutions for interpersonal or community problems.**

**(3) Qualifying experience in this state may be earned only in the limited license status. The experience for a bachelor's social worker license shall meet all of the following requirements:**

**(a) The experience shall be earned after completion of all the requirements for graduation as verified by the program. The license shall not be issued until graduation from the program is verified.**

**(b) The experience shall be completed under the supervision of a licensed master's social worker or a person who holds the equivalent license, certificate, or registration from the state in which the experience was obtained. The supervisor shall hold his or her license, certificate, or registration in good standing during the period of supervision.**

**(c) The applicant shall meet with his or her supervisor using any of the following methods:**

**(i) Individually and in person.**

**(ii) Individually using a telecommunications method that provides for live and simultaneous contact.**

**(iii) In a group modality that provides for 50% of the supervision to include individual contact during which active work functions and records of the applicant are reviewed.**

**(d) Supervisory review shall be conducted for at least 4 hours per month with at least 2 hours being conducted between the applicant and the supervisor using either of the following methods:**

**(i) Individually and in person.**

**(ii) Individually using a telecommunications method that provides for live and simultaneous contact.**

**(e) Not more than 2,000 hours of acceptable experience shall be accumulated in any 1 calendar year.**

**(f) The experience shall be accumulated at not less than 16 hours per week but not more than 40 hours per week.**

**(g) The applicant shall function as a licensed bachelor's social worker using generally accepted applications of social work knowledge and techniques acquired during the applicant's education and training.**

**(h) The experience may be earned either in an employment or volunteer capacity.**

#### **R 338.2943 Licensure by endorsement.**

**Rule 43. (1) An applicant for licensure by endorsement shall submit a completed application on a form provided by the department, together with the required fee. An applicant for licensure by endorsement who satisfies all of the requirements of these rules shall be deemed to meet the requirements of section 16186 of the code, MCL 333.16186.**

**(2) An applicant who holds a license from another jurisdiction is eligible for licensure if the requirements for licensure are substantially equivalent to the requirements in Michigan.**

**(3) The license, whether currently active or expired, shall be in good standing at the time of application.**

**(4) An applicant's license shall be verified by the licensing agency of all other states of the United States in which the applicant holds a current license or ever held a license as a social worker. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.**

**R 338.2945 Relicensure of bachelor's social worker.**

**Rule 45. (1) An applicant whose license has lapsed may be relicensed upon submission of the appropriate documentation as noted in the table below:**

<b>For a bachelor's social worker who has let his or her Michigan license lapse and is not currently licensed in another state</b>	<b>Lapsed 0-3 years</b>	<b>Lapsed more than 3 years, but less than 7 years</b>	<b>Lapsed more than 7 years</b>
<b>Application and fee: submit a completed application on a form provided by the department, together with the required fee.</b>	√	√	√
<b>Continuing education: Submit proof of having completed 45 hours of continuing education in courses and programs approved by the board, including at least 2 hours in pain and symptom management, as provided under R 338.2961, which was earned within the 3-year period immediately preceding the application for relicensure.</b>	√	√	√
<b>Completion of 1,000 hours of practice under the supervision of a licensed master's social worker of the same designation, where applicable.</b>		√	√
<b>Passage of the examination adopted in R 338.2925 within 1 year prior to the application for relicensure.</b>			√

**PART 4. MASTER'S SOCIAL WORKER REQUIREMENTS**

**R 338.2947 Limited master's social worker license requirements.**

**Rule 47. (1) An applicant for a limited master's social worker license shall submit a completed application on a form provided by the department, together with the required fee. In addition to meeting the requirements of the code and administrative rules promulgated under the code, an applicant for a limited license shall meet all of the following requirements:**

**(a) Graduation from a master's degree program from an accredited school of social work that complies with the standards in R 338.2923 or certification from the school of the applicant's eligibility for graduation.**

**(b) Practice under the supervision of a master's social worker.**

**(c) Compliance with the supervision requirements in R 338.2949.**

**(d) Confinement of practice to an agency, health facility, institution, or other entity pre-approved by the board under section 18506 of the code, MCL 333.18506. An agency is considered approved by the board where the agency utilizes licensed master's social workers who engage in the practice of social work at the master's level as defined in section 18501 of the code, MCL 333.18501.**

**(2) The limited license shall be issued for 1 year and may be renewed for not more than 6 years.**

**R 338.2949 Master's social worker license requirements; generally.**

**Rule 49. (1) An applicant for a master's social worker license shall submit a completed application on a form provided by the department, together with the required fee. Additionally, the experience for a master's social worker license shall meet all of the following requirements, in addition to meeting the requirements of either R 338.2951, R 338.2953, or both, as applicable:**

**(a) The experience shall be completed under the supervision of a Michigan-licensed master's social worker or a person who holds the equivalent license, certificate, or registration from the state in which the experience was obtained. The supervisor shall hold his or her license, certificate, or registration in good standing during the period of supervision.**

**(b) The applicant shall meet with his or her supervisor using any of the following methods:**

**(i) Individually and in person.**

**(ii) Individually using a telecommunications method that provides for live and simultaneous contact.**

**(iii) In a group modality that provides for 50% of the supervision to include individual contact during which active work functions and records of the applicant are reviewed.**

**(c) Supervisory review shall be conducted for at least 4 hours per month with at least 2 hours being conducted between the applicant and the supervisor using either of the following methods:**

**(i) Individually and in person.**

**(ii) Individually using a telecommunications method that provides for live and simultaneous contact.**

**(d) Not more than 2,000 hours of acceptable experience shall be accumulated in any 1 calendar year.**

**(e) The experience shall be accumulated at not less than 16 hours per week but not more than 40 hours per week.**

**(f) The applicant shall function as a master's social worker using generally accepted applications of social work knowledge and techniques acquired during the applicant's education and training.**

**(2) An applicant for licensure or a licensee may add a second master's level social work specialty designation by completing both of the following requirements:**

**(a) The applicant shall complete an additional 2,000 hours of post-degree social work experience, accrued over not less than 1 year, in the second specialty designated area with at least 50 hours of supervisory review.**

**(b) In addition to the experiential requirement in subdivision (a) of this subrule, an applicant for licensure or a licensee may add a second master's level social work**

designation by completing and passing the appropriate examination for that designation. This subdivision takes effect 1 year after promulgation of this rule.

**R 338.2951 Master's social worker license; macro designation.**

**Rule 51. (1) An applicant for the license with a macro designation shall meet all of the following requirements:**

(a) Graduation from a master's or doctoral degree program from an accredited school of social work that complies with the standards in R 338.2923. The experience shall be earned after completion of all the requirements for graduation as verified by the program. The license shall not be issued until graduation from the program is confirmed.

(b) Successful completion of the advanced generalist examination in R 338.2925.

(c) Completion of at least 4,000 hours of post-degree social work experience accrued over not less than 2 years, as required in section 18509 of the code, MCL 333.18509.

(d) Qualifying experience for the macro designation shall be completed in either or both of the following areas:

(i) Administration, management, and supervision of human service organizations, including the translating of laws and administrative rulings into organizational policy and procedures; collaboration, coordination, mediation, and consultation between and among organizations, disciplines and communities; community organizing and development; research and evaluation; the seeking of social justice through the legislative process or the social action and advocacy processes; the improvement of social conditions through social planning and policy formulations; and, social work education and training.

(ii) The advanced application of macro social work processes and systems to improve the social or health services of communities, groups, or organizations through planned interventions.

**R 338.2953 Master's social worker license; clinical designation.**

**Rule 53. An applicant for licensure with a clinical practice designation shall meet all of the following requirements:**

(a) Graduation from a master's or doctoral degree program from an accredited school of social work that complies with the standards in R 338.2923.

(b) Successful completion of the clinical examination in R 338.2925.

(c) Completion of at least 4,000 hours of post-degree social work experience accrued over not less than 2 years, in accordance with section 18509 of the code, MCL 333.18509.

(d) Completion of qualifying experience for the clinical practice designation shall include 1 or more of the following activities: assessment, treatment, and intervention methods that utilize a specialized and formal interaction between a social worker and an individual, a couple, a family, or a group in which a professional relationship is established; advocating for care; protecting the vulnerable; providing forensic practice functions; increasing social well-being; providing education, and resources; providing psychotherapy; providing case management for complex and high-risk cases; serving on community committees; and, providing clinical supervision or direction of clinical programs.

**R 338.2955 Relicensure of master's social worker.**

**Rule 55. (1) An applicant whose license has lapsed may be relicensed upon submission of the appropriate documentation:**

For a licensed master’s social worker who has let his or her Michigan license lapse and is not currently licensed in another state.	Lapsed 0-3 years	Lapsed more than 3 years, but less than 7 years	Lapsed more than 7 years
Application and fee: submit a completed application on a form provided by the department, together with the required fee.	√	√	√
Continuing education: Submit proof of having completed 45 hours of continuing education in courses and programs approved by the board, including at least 2 hours in pain and symptom management, as provided under R 338.2961, which was earned within the 3-year period immediately preceding the application for relicensure.	√	√	√
Completion of 1,000 hours of practice under the supervision of a licensed master’s social worker of the same designation, where applicable.		√	√
Passage of the applicable examination adopted in R338.2925 within 1 year before application for relicensure.			√

**R 338.2957 Licensure by endorsement.**

**Rule 57. (1) An applicant for licensure by endorsement shall submit a completed application on a form provided by the department, together with the required fee. An applicant for licensure by endorsement who satisfies all of the requirements of this rule shall be deemed to meet the requirements of section 16186 of the code, MCL 333.16186.**

**(2) An applicant who holds a license from another jurisdiction is eligible for licensure if the requirements are substantially equivalent to the requirements in Michigan.**

**(3) The license, whether currently active or expired, shall be in good standing at the time of application.**

**(4) An applicant’s license shall be verified by the licensing agency of all other states of the United States in which the applicant holds a current license or ever held a license as a social worker. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.**

**PART 5. CONTINUING EDUCATION**

**R 338.2961 License renewals; continuing education requirements.**

**Rule 61. (1) An applicant for license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall accumulate not less than 45 continuing education contact hours that are approved by the board under R 338.2963 during the 3 years immediately preceding an application for renewal. At least 5 of the 45 continuing education contact hours in each renewal period shall be in ethics and 2 continuing education contact hours in each renewal period shall be in pain and pain symptom management. Continuing education contact hours in pain and pain symptom management may include, but are not limited to, courses in behavior management, psychology of pain, behavior modification, and stress management.**

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

**R 338. 2963 Acceptable continuing education; limitations.**

**Rule 63. (1) Up to one-half of the required continuing education contact hours may be earned through online or electronic media. The remaining continuing education contact hours may be completed in any other approved format.**

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

<b>ACCEPTABLE CONTINUING EDUCATION</b>		
<b>(a)</b>	<p><b>Attendance at a continuing education program that complies with the standards in R 338.2965.</b></p> <p><b>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program was held or activity completed.</b></p>	<p><b>Contact hours may be earned without limitation under this subrule.</b></p>
<b>(b)</b>	<p><b>Three continuing education contact hours may be earned for each 60 minutes of presentation of a continuing education program that is not part of the licensee's regular job description which complies with the standards in R 338.2965.</b></p> <p><b>If audited, a licensee shall submit a letter from the program sponsor confirming the licensee as the</b></p>	<p><b>Credit may be earned for the same program only once in each renewal period. A maximum of 15 continuing education contact hours may be earned per licensure cycle.</b></p>

	<p><b>presenter and the presentation date and time, or a copy of the presentation notice or advertisement showing the date of the presentation, the licensee’s name listed as a presenter, and the name of the organization that approved or offered the presentation for continuing education credit.</b></p>	
(c)	<p><b>Academic courses related to the practice of social work offered in an educational program approved by the board under R 338.2923.</b></p> <p><b>If audited, the licensee shall submit an official transcript documenting successful completion of the course.</b></p>	<p><b>5 continuing education contact hours earned for each semester credit. 3 continuing education contact hours may be earned for each quarter credit earned. Contact hours may be earned without limitation.</b></p>
(d)	<p><b>Attendance at a continuing education program that has been granted approval by another state board of social work or the ASWB-ACE.</b></p> <p><b>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee’s name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program was held or activity completed.</b></p>	<p><b>Continuing education contact hours may be earned without limitation.</b></p>
(e)	<p><b>Attendance at a continuing education program related to the practice of social work offered by an educational program approved by the board under R 338.2923.</b></p> <p><b>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee’s name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program was held or activity completed.</b></p>	<p><b>Continuing education contact hours may be earned without limitation.</b></p>

(f)	<p><b>Publication in a peer reviewed journal or textbook of an article or chapter related to the practice of social work.</b></p> <p><b>If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author of the chapter or a publication acceptance letter.</b></p>	<p><b>10 continuing education contact hours may be earned for publication in a journal or textbook, with a maximum of 10 contact hours per licensure cycle.</b></p>
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**R 338.2965 Continuing social work education programs; methods of approval.**

**Rule 65. (1) The board approves and adopts by reference the standards of the Association of Social Work Boards for approved continuing education (ACE) providers set forth in the publication entitled “Approved Continuing Education Program Guidelines,” effective March 6, 2012, which is available for inspection and distribution at cost from the Board of Social Work, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909, or from the Association of Social Work Boards, 400 South Ridge Parkway, Suite B, Culpeper, VA 22701 and at no cost on the association's website at <https://www.aswb.org>.**

**(2) The board approves and adopts by reference the standards of the Association of Social Work Boards for approved continuing education co-sponsorship set forth in the publication entitled “ACE Resource Co-Sponsorship Policy,” effective November 13, 2013, which is available for inspection and distribution at cost from the Board of Social Work, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909, or from the Association of Social Work Boards, 400 South Ridge Parkway, Suite B, Culpeper, VA 22701 and at no cost on the association’s website at <https://www.aswb.org>.**

**(3) The board approves any continuing education contact hours offered by a school of social work meeting the requirements of R 338.2923 and meeting the standards of subrule (1) of this rule.**

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

**(5) A course or program reviewed and approved by the board or its designee shall comply with the following program requirements:**

**(a) The content or activity of a course or program shall cover 1 or more of the following topics:**

- (i) Theories and concepts of human behavior in the social environment.**
- (ii) Social work practice, knowledge, and skills.**
- (iii) Social work research, program evaluation, or practice evaluation.**
- (iv) Social work agency management or administration.**
- (v) Development, evaluation, or implementation of social policy.**
- (vi) Social work ethics and standards of professional practice.**
- (vii) Current issues in clinical or macro social work practice.**
- (viii) Cultural competence and diversity.**

**(b) An outline of the course or program shall be provided.**

**(c) The qualifications of individuals presenting a course or program shall be provided.**

**(d) The method used to deliver the course or program shall be described.**

**(e) Measurements of pre-knowledge and post- knowledge or skill improvements shall be defined.**

**(f) The monitoring of attendance at a course or program shall be required.**

**(g) Records of course attendance that show the date of a program or course, its location, the credentials of the presenters, rosters of individuals who were in attendance, and continuing education contact hours awarded to each attendee shall be maintained.**

**(h) A participant shall be awarded a certificate or written evidence of attendance at a program or course that indicates the participant's name, date and location of program, sponsor or program approval number, and hours of continuing education earned.**

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**NOTICE OF PUBLIC HEARING**

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**Department of Licensing and Regulatory Affairs  
Bureau of Professional Licensing  
NOTICE OF PUBLIC HEARING  
WEDNESDAY, MARCH 23, 2016  
9:00am – 11:00am**

Location: G. Mennen Williams Building Auditorium  
525 W. Ottawa Street, Lansing, Michigan

The hearing is held to receive public comments on the following administrative rules:

**Board of Social Work (ORR # 2014 -157 LR)**

**Authority:** MCL 333.16145; MCL 333.16148; MCL 333.18516; and MCL 333.18518

**Overview:** The proposed rules reorganize the Board of Social Work into logical sequence with new rule numbers. The rules expand continuing education opportunities and clarify the requirements for obtaining a license at each designation level. Licensees are required to complete training in identifying victims of human trafficking.

**Board of Medicine (ORR # 2013-114 LR)**

**Board of Osteopathic Medicine and Surgery (ORR #2014-001 LR & 2014-002 LR)**

**Authority:** MCL 333.16145; MCL 333.16148; MCL 333.16204; MCL 333.16215; MCL 333.17033; MCL 333.17048; MCL 333.17533; and MCL 333.17548.

**Overview:** The rules update the adopted standards to the most recent versions. Other updates include changes to the names of the Bureau and testing entities. The proposed rules reorganize the rules into a logical format. The current osteopathic medicine and surgery continuing education rules, which exist as a separate rule set, are rescinded and incorporated into the continuing education requirements of the Osteopathic Medicine and Surgery's general rules. The continuing education requirements for both the Board of Medicine and Board of Osteopathic Medicine and Surgery expand the types of activities for which continuing education is granted and requires additional continuing education in the area of pain and symptom management. Licensees are required to complete training in identifying victims of human trafficking. The rules also make changes to the delegation requirements for physician assistants and nurse practitioners.

The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules. Comments on the proposed rules may be presented in person at the public hearing. Written comments will also be accepted until 5:00 p.m. on March 25, 2016, at the following address or e-mail address:

Department of Licensing and Regulatory Affairs  
Bureau of Professional Licensing– Boards and Committees Section  
P.O. Box 30670  
Lansing, MI 48909-8170  
Attention: Policy Analyst    Email: [BPL-BoardSupport@michigan.gov](mailto:BPL-BoardSupport@michigan.gov)

A copy of the proposed rules may be obtained by contacting (517) 373-8068 or at the email address noted above. Electronic copies also may be obtained at the following link:

[http://w3.lara.state.mi.us/orr/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level\\_1=Bureau+of+Professional+Licensing](http://w3.lara.state.mi.us/orr/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level_1=Bureau+of+Professional+Licensing)

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations (such as materials in alternative format) in order to participate in the meeting should call (517) 241-7500.

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**(2016 SESSION)**

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*MCL 24.208 states in part:*

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

\* \* \*

*(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform.”*

*The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).*

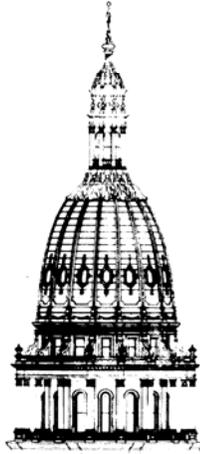
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**MICHIGAN ADMINISTRATIVE CODE TABLE  
(2015 RULE FILINGS)**

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R Number	Action	2016 MR Issue
125.651	R	4
125.652	R	4
125.653	R	4
125.654	R	4
281.700.3	*	4
325.1	*	2
325.2	*	2
325.3	*	2
325.4	*	2
325.2581	R	3
325.2583	R	3
325.2584	R	3
325.2586	R	3
325.2587	R	3
325.2588	R	3
325.2589	R	3
325.2590	R	3
325.2591	R	3
400.5001	R	3
400.5002	R	3
400.5004	R	3
400.5005	R	3
400.5006	R	3
400.5008	R	3
400.5009	R	3
400.5011	R	3
400.5013	R	3
400.5014	R	3
400.5016	R	3
400.5017	R	3
400.5018	R	3
408.41605	*	4
408.41610	*	4
436.1311	R	4

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



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Regulation No.633 Restricted Use Pesticides (2016-1\*)

Regulation No 900 Hearing Procedures (2015-3)

Michigan Commercial Feed Law (2015-13)

Bodies of Dead Animals (2015-21)

Regulation No. 715 Seed Law Implementation (2015-21)

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Osteopathic Medicine and Surgery – General Rules (2016-4\*)

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Part 7. Plumbing Code (2016-2\*)

Part 9a. Mechanical Code (2016-2\*)

Part 16. Power Transmission and Distribution (2016-4)

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Urban Land Assembly Fund (2016-4\*)

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**ADMINISTRATIVE RULES  
ENROLLED SENATE AND HOUSE BILLS  
SIGNED INTO LAW OR VETOED  
(2015 SESSION)**

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*Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”*

*Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”*

*MCL 24.208 states in part:*

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

\* \* \*

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

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

# 2016 Michigan Public Acts Table

Legislative Service Bureau  
Legal Division, Statutory Compiling and Law Publications Unit  
124 W. Allegan, Lansing, MI 48909

February 23, 2016  
Through Act 15 of 2016

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
1	4983		Yes	1/26	1/26	4/25/16	<b>Natural resources; fishing;</b> entrance into state-operated public boating access sites and certain state parks on free fishing weekends; allow free of charge. <b>(Rep. B. Rendon)</b>
2	4604		Yes	1/26	1/26	2/25/16	<b>Natural resources; soil and erosion;</b> soil erosion and sedimentation permit process; provide exemption for certain agricultural practices. <b>(Rep. B. Roberts)</b>
3	5220		Yes	1/29	1/29	1/29/16	<b>Appropriations; supplemental;</b> distribution of certain appropriated revenue from the state general fund to department of health and human services; provide for. <b>(Rep. P. Phelps)</b>
4	4459		Yes	2/2	2/2	2/2/16	<b>Traffic control; driver license;</b> emergency contact information encoded in driver license; allow. <b>(Rep. P. Lucido)</b>
5	4460		Yes	2/2	2/2	2/2/16	<b>State; identification cards;</b> emergency contact information on state identification card; provide for. <b>(Rep. P. Lucido)</b>
6	4535		Yes	2/2	2/2	5/2/16	<b>Weapons; licensing;</b> requirement to obtain a license to purchase, carry, possess, use, or transport a pistol; exempt law enforcement officers. <b>(Rep. L. Theis)</b>
7		0232	Yes	2/2	2/2	2/2/16	<b>Use tax; definitions;</b> definition of auto dealer; modify. <b>(Sen. D. Robertson)</b>
8		0233	Yes	2/2	2/2	2/2/16	<b>Sales tax; definitions;</b> definition of auto dealer; modify. <b>(Sen. D. Robertson)</b>

- \* - I.E. means Legislature voted to give the Act immediate effect.
- \*\* - Act takes effect on the 91st day after sine die adjournment of the Legislature.
- \*\*\* - See Act for applicable effective date.
- + - Line item veto.
- ++ - Pocket veto.
- # - Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
9		0539	Yes	2/16	2/16	2/16/16	<b>Higher education; financial aid;</b> promise zones; modify administration. <b>(Sen. G. Hansen)</b>
10		0540	Yes	2/16	2/16	2/16/16 #	<b>Property tax; state education tax;</b> distribution of state education tax; modify. <b>(Sen. J. Ananich)</b>
11	5023		Yes	2/16	2/16	5/16/16	<b>Natural resources; other;</b> dark sky preserves; expand locations. <b>(Rep. P. Pettalia)</b>
12		0328	Yes	2/16	2/16	5/16/16	<b>Law enforcement; state police;</b> grade and duties of state law enforcement officers; modify. <b>(Sen. T. Schuitmaker)</b>
13		0303	Yes	2/16	2/16	5/16/16	<b>Cemeteries and funerals; other;</b> investment of money in a perpetual care and maintenance fund; expand authority. <b>(Sen. M. Knollenberg)</b>
14		0394	Yes	2/16	2/16	5/16/16	<b>Housing; inspection;</b> multi-unit inspections; make discretionary unless complaint is received and include certain townships within scope of act. <b>(Sen. D. Robertson)</b>
15		0615	Yes	2/16	2/16	2/16/16	<b>Civil procedure; remedies;</b> judgments against municipalities that are collected as tax levies; prohibit transmission or capturing by other governmental entity. <b>(Sen. W. Schmidt)</b>

\* - I.E. means Legislature voted to give the Act immediate effect.  
\*\* - Act takes effect on the 91st day after sine die adjournment of the Legislature.  
\*\*\* - See Act for applicable effective date.  
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