DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

AIR POLLUTION CONTROL

PART 17. HEARINGS

R 336.2701
Source: 2018 AACS.

R 336.2702
Source: 2018 AACS.

R 335.2703
Source: 1998-2000 AACS.

R 336.2703
Source: 1980 AACS.

R 336.2704
Source: 2018 AACS.

R 336.2705
Source: 2018 AACS.

R 336.2706
Source: 2018 AACS.

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

PART 18. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY

R 336.2801
Source: 2019 AACS.

R 336.2801a
Source: 2019 AACS.

R 336.2802
Source: 2019 AACS.

R 336.2803
Source: 2012 AACS.

R 336.2804
Source: 2006 AACS.

R 336.2805
Source: 2006 AACS.

R 336.2806
Source: 2006 AACS.

R 336.2807

Source: 2019 AACS.

R 336.2808
Source: 2006 AACS.

R 336.2809
Source: 2019 AACS.

R 336.2810
Source: 2019 AACS.

R 336.2811
Source: 2006 AACS.

R 336.2812
Source: 2006 AACS.

R 336.2813
Source: 2019 AACS.

R 336.2814
Source: 2006 AACS.

R 336.2815
Source: 2006 AACS.

R 336.2816
Source: 2019 AACS.

R 336.2817
Source: 2006 AACS.

R 336.2818
Source: 2008 AACS.

R 336.2819
Source: 2006 AACS.

R 336.2823
Source: 2019 AACS.

R 336.2830
Source: 2012 AACS.

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

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

R 336.2901
Source: 2019 AACS.

R 336.2901a
Source: 2019 AACS.

R 336.2902

Source: 2019 AACS.

R 336.2903
Source: 2012 AACS.

R 336.2907
Source: 2019 AACS.

R 336.2908
Source: 2019 AACS.

R 336.2910
Source: 2011 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

AUDIOLOGY - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.1 Definitions.
Rule 1. (1) As used in these rules:
(a) "Board" means the Michigan board of audiology created under section 16805 of the code, MCL 333.16805.
(b) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
(c) "Department" means the department of licensing and regulatory affairs.
(2) A term defined in the code has the same meaning when used in these rules.
History: 2005 AACS; 2019 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.1a Training standards for identifying victims of human trafficking; requirements.
Rule 1a. (1) Under section 16148 of the code, MCL 333.16148, an individual licensed or seeking licensure shall complete training in identifying victims of human trafficking that satisfies the following standards:
(a) Training content must cover all the following:
(i) Understanding the types and venues of human trafficking in Michigan or the United States.
(ii) Identifying victims of human trafficking in health care settings.
(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
(iv) Resources for reporting the suspected victims of human trafficking.
(b) Acceptable providers or methods of training include any of the following:
(i) Training offered by a nationally recognized or state-recognized, health-related organization.
(ii) Training offered by, or in conjunction with, a state or federal agency.
(iii) Training obtained in an educational program that has been approved for initial licensure, or by a college or university.
(iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subrule (1)(a) of this rule and is published in a peer review journal, health care journal, or professional or scientific journal.
(c) Acceptable modalities of training include any of the following:
(i) Teleconference or webinar.
(ii) Online presentation.
(iii) Live presentation.
(iv) Printed or electronic media.
(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
(i) For training completed under subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
(ii) For training completed under subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
(3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2017 renewal cycle and for initial licenses issued after April 22, 2021.
History: 2016 AACS; 2019 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.2 Application for audiologist license; requirements.
Rule 2. (1) An applicant for an audiologist license, in addition to satisfying the requirements of the code and the administrative rules promulgated under the code, shall satisfy all of the following requirements:
(a) Submit a completed application on a form provided by the department, together with the requisite fee.
(b) Possess a master's or doctoral degree in audiology from an accredited educational program under R 338.8.
(c) Successfully completed a minimum of 9 months of supervised clinical experience in audiology as shown by 1 of the following requirements:
(i) For an applicant who possesses a doctor of audiology (Au.D.) degree, submission of an official transcript that indicates the awarding of a doctor of audiology (Au.D.) degree from an accredited educational institution under R 338.8.
(ii) For an applicant who has either a doctoral or master's degree in audiology, submission of a certification of clinical experience form that indicates that the applicant completed the required supervised clinical experience.
(d) Successfully completed an examination in audiology under R 338.7.
(2) If an applicant for an audiologist license submits either a Certificate of Clinical Competence in Audiology (CCC-A) from the American Speech-Language-Hearing Association (ASHA) or an American Board of Audiology Certified credential from the American Board of Audiology (ABA) that has been held up to September 1, 1995, then it is presumed that the applicant satisfies the requirements of subrule (1)(b), (c), and (d) of this rule.
History: 2005 AACS; 2019 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.3 Licensure by endorsement; audiologist.
Rule 3. (1) An applicant for an audiologist license by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to satisfying the requirements of the code and the administrative rules promulgated under the code, an applicant shall satisfy the requirements of this rule.
(2) If an applicant was registered or licensed as an audiologist in another state with substantially equivalent requirements and holds a current and unencumbered registration or license as an audiologist in that state, then it is presumed that the applicant satisfies the requirements of section 16811(1)(a) or (b), and (2) or (3) of the code, MCL 333.16811.
(3) If an applicant does not satisfy the requirements of subrule (2) of this rule, then the applicant shall satisfy all the following requirements, in addition to satisfying the requirements of the code:
(a) Possess a master's or doctoral degree in audiology from an accredited educational program under R 338.8.
(b) Have successfully completed a minimum of 9 months of supervised clinical experience in audiology.
(c) Have successfully completed an examination in audiology under R 338.7.
(d) Verify that the registration or license from the other jurisdiction found in another state or territory of the United States, whether current or expired, is in good standing.
(e) In place of subdivisions (a), (b) and (c) of this subrule, submit a Certificate of Clinical Competence in Audiology (CCC-A) from ASHA or an American Board of Audiology Certified credential from the ABA.
History: 2005 AACS; 2019 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

Editor's Note: An obvious error in R 338.3 was corrected at the request of the promulgating agency, pursuant

to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in *Michigan Register,* 2021 MR 8. The memorandum requesting the correction was published in *Michigan Register,* 2021 MR 10.

R 338.4 Supervised clinical experience; limited license requirements.
Rules 4. (1) An applicant for an audiology license who has earned a master's or doctoral degree in audiology but who still must complete the required 9 months of supervised clinical experience in audiology must submit a completed application for a limited license on a form provided by the department, together with the requisite fee. In addition to satisfying other requirements of the code and administrative rules, an applicant for a limited license shall establish both of the following requirements:
(a) That the applicant is a graduate of an accredited educational program in audiology, as described in R 338.8.
(b) That the applicant has been accepted for training in a clinical situation under the supervision of an individual who is licensed in audiology in this state or who holds a current Certificate of Clinical Competence in Audiology (CCC-A) from ASHA or an American Board of Audiology Certified credential from the ABA.
(2) The applicant shall complete 9 months of clinical supervised experience (1,080 clock hours) or the equivalent of 9 months of experience after having graduated from an accredited master's degree program in audiology, as described in R 338.8. Both of the following requirements apply:
(a) The experience is subject to R 338.5.
(b) Only experience obtained in an approved supervised clinical situation by an individual who holds a limited license counts toward the experience requirement.
(3) If an applicant transfers to a different supervised clinical situation, then he or she shall notify the department by submitting information about the new supervised clinical situation on a form provided by the department.
History: 2005 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.5 Clinical experience requirements.
Rule 5. (1) The 9 months of supervised clinical experience required for licensure in R 338.2(1)(c), R 338.3(3)(b), and R 338.4(2) must satisfy the following requirements:
(a) The experience must be obtained under the supervision of a licensed audiologist.
(b) Except as otherwise provided in subrule (2) of this rule, experience must be full time, which means at least 30 hours per week, and be obtained within 24 consecutive months.
(2) The supervised clinical experience required under subrule (1) of this rule may be fulfilled on a part-time basis and must satisfy the following requirements:
(a) The experience must be obtained under the supervision of a licensed audiologist.
(b) The experience must be part time, which means at least 15 hours per week, and be obtained within 36 consecutive months.
History: 2005 AACS; 2019 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.6 Foreign trained applicants; licensure requirements.
Rule 6. An applicant for an audiologist license who graduated from a postsecondary institution that is located outside of the United States shall establish all of the following requirements:
(a) That the applicant has completed an educational degree program in audiology that is substantially equivalent to the educational requirements in R 338.2(1)(b) for licensure or R 338.3(3)(a) for licensure by endorsement. The department accepts as proof of an applicant's completion of the educational requirements a credential evaluation completed by a credential evaluation organization that is a current member organization of the National Association of Credential Evaluation Services (NACES).
(b) That the applicant may practice as an audiologist without limitation in a country currently recognized by the United States. An applicant shall have his or her license, certification, or registration verified by the licensing agency of any country in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as an audiologist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.
(c) That the applicant has completed, in the United States, 9 months of supervised clinical experience under a licensed audiologist, and the supervised clinical experience satisfies R 338.5.
History: 2005 AACS; 2019 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.7 Examination; adoption; passing scores.
Rule 7. Examinations approved and adopted are the National Teachers Examination (NTE) in Audiology and the Praxis Series II Examination in Audiology that are administered by the Educational Testing Service (ETS) or its successor organization. Applicants are required to achieve a passing score on the National Teachers Examination (NTE) in Audiology or the Praxis Series II Examination in Audiology or any successor examination.
History: 2005 AACS; 2013 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.8 Educational standards; adoption by reference.
Rule 8. (1) Educational standards approved and adopted by reference in these rules include the following:
(a) The Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA) for the accreditation of audiology education programs as in the publication entitled "Standards for Accreditation of Graduate Education Programs in Audiology and Speech-Language Pathology," August 2017, which is available from the American Speech-Language-Hearing Association, 2200 Research Boulevard, #310, Rockville, Maryland 20850 at no cost from the association's website at https://caa.asha.org/wp-content/uploads/Accreditation-Standards-for-Graduate-Programs.pdf. A copy of the standards also is available for inspection and distribution at a cost of 10 cents per page from the Board of Audiology, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, Lansing, Michigan 48909. Evidence of completion of an accredited audiology educational program is proof of completion of an acceptable program.
(b) The Accreditation Commission for Audiology Education (ACAE) for the accreditation of doctor of audiology programs as in the publication entitled "Accreditation Standards for the Doctor of Audiology (Au.D.) Program", adopted March 2016, which is available at no cost from the Accreditation Commission for Audiology Education, 11480 Commerce Park Dr., Ste. 220, Reston, Virginia 20191 or at no cost from the commission's website at http://acaeaccred.org/standards/. Copies of the standards are available for inspection and distribution at a cost of 10 cents per page from the Board of Audiology, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, Lansing, Michigan 48909. Evidence of completion of an accredited audiology educational program is proof of completion of an acceptable program.
(2) A higher education institution is considered approved if it is accredited by the accrediting body of the region in which the institution is located and the accrediting body satisfies either the recognition standards and criteria of the Council for Higher Education Accreditation (CHEA) or the recognition procedures and criteria of the United States Department of Education. The department in consultation with the board adopts by reference the recognition standards and criteria of CHEA, effective September 24, 2018, and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR 602.10 to 602.38. Copies of the standards and criteria of CHEA and the United States department of education are available for inspection and distribution at a cost of 10 cents per page from the Board of Audiology, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909. The CHEA recognition standards also may be obtained from the Council for Higher Education Accreditation, One Dupont Circle NW, Suite 510, Washington, DC 20036-1110, or from the council's website at http://www.chea.org at no cost. The federal recognition criteria may be obtained from the U.S. Department of Education Office of Postsecondary Education, 1990 K Street, NW, Washington, DC 20006 or from the department's website at http://www.ed.gov/about/offices/list/OPE/index.html at no cost.
History: 2005 AACS; 2019 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.9 Relicensure.
Rule 9. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies all of the following requirements:
(a) Submits the required fee and a completed application on a form provided by the department.
(b) Establishes that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.
(c) Submits proof to the department of accumulating not less than 20 hours of continuing education credit that satisfies the requirements of R 338.10 and R 338.11 during the 2 years immediately preceding the application for relicensure.

(2) An applicant whose license has lapsed for 3 years or more preceding the date of application for relicensure may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant satisfies all of the following requirements:
(a) Submits the required fee and a completed application on a form provided by the department.
(b) Establishes that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.
(c) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174.
(d) Complies with either of the following requirements:
(i) Pass an examination required under R 338.7.
(ii) Presents proof to the department that he or she was registered or licensed as an audiologist in another state during the 2-year period prior to the application for relicensure.
(3) An applicant shall have his or her license, certification, or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as an audiologist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.
History: 2005 AACS; 2019 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.10 License renewal; requirements; applicability.
Rule 10. (1) This rule applies to applications for renewal of an audiology license under sections 16201 and 16811 of the code, MCL 333.16201 and 333.16811.
(2) An applicant for license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall accumulate not less than 20 hours of continuing education in activities approved under these rules during the 2 years preceding the end of the license cycle.
(3) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. A licensee shall retain documentation of satisfying the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to satisfy this rule is a violation of section 16221(h) of the code, MCL 333.16221.
History: 2005 AACS; 2019 AACS; 2021 MR 8, Eff. Apr. 26, 2021.
R 338.11 Acceptable continuing education; requirements; limitations.
Rule 11. (1) The 20 hours of continuing education required under R 338.10(2) for the renewal of an audiology license must satisfy the following requirements:
(a) For the purpose of this rule, "instruction" means education time, exclusive of coffee breaks; breakfast, luncheon, or dinner periods; or, any other breaks in the program.
(b) Not more than 10 hours of continuing education may be earned during a 24-hour period.
(c) A licensee may not earn credit for a continuing education program or activity that is identical or substantially identical to a program or activity the licensee has already earned credit for during that license cycle.
(d) Under section 16204 of the code, MCL 333.16204, at least 1 hour of continuing education must be earned in the area of pain and symptom management. Continuing education hours in pain and symptom management may include, but are not limited to, courses in behavior management, behavior modification, stress management, and clinical applications, as they relate to professional practice under sections 16801 to 16811 of the code, MCL 333.16801 to 333.16811.
(2) The following are acceptable continuing education activities:

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES

Activity Code	Activity and Proof Required	Number of continuing education hours granted/allowed per activity
(a)	Initial presentation of a continuing education program related to the practice of audiology provided to a state, regional, national, or international audiology organization. To receive credit, the presentation must not be a part of the licensee's regular job description and must satisfy the standards in R 338.12.	Three hours of continuing education are granted for each 50 to 60 minutes of presentation. No other credit is granted for preparation of a presentation.

	If audited, the licensee shall submit a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter, and the name of the organization that approved or offered the presentation for continuing education credit.	A maximum of 9 hours of continuing education are allowed for this activity in each renewal period. Under subrule (1)(c) of this rule, credit for a presentation is granted once per renewal period.
(b)	Initial presentation of a scientific exhibit, paper, or clinical demonstration to an audiology organization. To receive credit, the presentation must not be part of the licensee's regular job description or performed in the normal course of the licensee's employment. If audited, the licensee shall submit a copy of the document presented with proof of presentation or a letter from the program sponsor verifying the length and date of the presentation.	Two hours of continuing education are granted for each 50 to 60 minutes of presentation. No other credit is granted for preparation of a presentation. A maximum of 6 hours of continuing education are allowed for this activity in each renewal period. Under subrule (1)(c) of this rule, credit for a presentation is granted once per renewal period.
(c)	Passing a postgraduate academic course related to the practice of audiology offered in an educational program approved under R 338.8. If audited, the licensee shall submit an official transcript documenting successful completion of the course.	Five hours of continuing education are granted for each academic credit hour passed. Three hours of continuing education are granted for each academic term or quarter credit hour passed. A maximum of 20 hours of continuing education are allowed for this activity in each renewal period.
(d)	Attendance at a continuing education program approved under R 338.12. If audited, the licensee shall submit a program description, a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.	One continuing education clock hour is granted for each 50 to 60 minutes of program attendance. A maximum of 20 hours of continuing education are allowed for this activity in each renewal period.
(e)	Attendance at a continuing education program approved by another state board of audiology. If audited, the licensee shall submit a program description, a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.	One continuing education clock hour is granted for each 50 to 60 minutes of program attendance. A maximum of 20 hours of continuing education are allowed for this activity in each renewal period.

(f)	Initial publication of an article related to the practice of audiology in a non-peer reviewed journal or newsletter. If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	One hour of continuing education is granted for each article. A maximum of 5 hours of continuing education are allowed for this activity in each renewal period. Under subrule (1)(c) of this rule, credit for publication is granted once per renewal period.
(g)	Initial publication of a chapter related to the practice of audiology in either of the following: A professional or health care textbook. A peer-reviewed journal. If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	Five hours of continuing education are granted for serving as the primary author. Two hours of continuing education are granted for serving as the secondary author. Under subrule (1)(c) of this rule, credit for publication is granted once per renewal period.
(h)	Reading an audiology professional journal and successfully completing an evaluation created for continuing education credit in audiology practice education. If audited, the licensee shall submit a copy of the publication and the evaluation created for continuing education credit in audiology practice education.	One hour of continuing education is granted for each 50 to 60 minutes of this activity. A maximum of 5 hours of continuing education are allowed for this activity in each renewal period.
(i)	Attendance at a program approved for continuing education by the board of medicine or the board of osteopathic medicine related to audiology practice. If audited, the licensee shall submit a program description, a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.	One continuing education clock hour is granted for each 50 to 60 minutes of program attendance. A maximum of 5 hours of continuing education are allowed for this activity in each renewal period.
(j)	Participating on a state or national committee, board, council, or association related to the field of audiology. A committee, board, council, or association must enhance the participant's knowledge and understanding of the field of audiology. If audited, the licensee shall submit documentation verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.	Two hours of continuing education are granted for each committee, board, council, or association. A maximum of 2 hours of continuing education are allowed for this activity in each renewal period.

History: 2005 AACS; 2019 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.12 Continuing audiology education programs; methods of approval.
Rule 12. (1) Approved and adopted by reference are the standards of the American Speech-Language-Hearing Association Continuing Education Board (ASHA-CEB) for approved continuing education providers in the document entitled "American Speech-Language-Hearing Association Continuing Education Board Manual," February 2019, which is available at no cost from ASHA, 2200 Research Boulevard, Rockville, Maryland 20850-3289 or from the association's website at https://www.asha.org/ce/for-providers/. A copy of the guidelines also is available for inspection and distribution at a cost of 10 cents per page from the Michigan Board of Audiology, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.
(2) Approved and adopted by reference are the standards of the American Academy of Audiology for approved continuing education programs in the document entitled "CE Provider Course Application Requirements and Guidelines," November 2018, which is available at no cost from the American Academy of Audiology, 11480 Commerce Park Drive, Suite 220, Reston, Virginia 20191 or from the academy's website at https://audiology.org/professional-development/continuing-education/ce-provider-information/course-approval-requirements. A copy of the guidelines also is available for inspection and distribution at cost from the Michigan Board of Audiology, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.
(3) The board may review a course or program. Courses or programs that need to be reviewed and preapproved must submit the following requirements:
(a) Course content related to current issues in audiology practice.
(b) An outline of the course or program provided with time allotted for each section of the program.
(c) Documentation of qualifications of presenters.
(d) Description of the method for delivering the course or program.
(e) Inclusion of defined measurements of pre-knowledge and post-knowledge or skill improvement.
(f) Monitoring of participant attendance at the program or course.
(g) Records of a course or program are maintained and include the number of participants in attendance, the date of the program, the program's location, the credentials of the presenters, rosters of the individuals who attended, and the continuing education time awarded to each participant.
(h) A participant must receive a certificate or written proof of attendance at a program that indicates a participant's name, the date of the program, the location of program, the sponsor or program approval number, and the hours of continuing education awarded.
History: 2005 AACS; 2019 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

DECLARATORY RULINGS

R 338.81
Source: 2001 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OSTEOPATHIC MEDICINE AND SURGERY - GENERAL RULES

CONTINUING EDUCATION

R 338.91
Source: 2016 AACS.

R 338.92
Source: 2016 AACS.

R 338.93
Source: 1991 AACS.

R 338.94
Source: 2016 AACS.

R 338.95
Source: 2016 AACS.

R 338.96
Source: 2016 AACS.

R 338.97
Source: 2016 AACS.

R 338.98
Source: 2016 AACS.

R 338.99
Source: 2016 AACS.

R 338.101
Source: 2016 AACS.

R 338.102
Source: 2016 AACS.

R 338.103
Source: 2016 AACS.

R 338.105
Source: 2016 AACS.

R 338.106
Source: 2016 AACS.

R 338.107
Source: 2016 AACS.

R 338.107a
Source: 2016 AACS.

R 338.108
Source: 2013 AACS.

R 338.108a
Source: 2016 AACS.

R 338.108b
Source: 2016 AACS.

R 338.109a
Source: 2016 AACS.

PART 2. ADMINISTRATIVE HEARINGS

R 338.110
Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OSTEOPATHIC MEDICINE AND SURGERY - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.111 Definitions.
Rule 11. (1) As used in these rules:
(a) "Board" means the Michigan board of osteopathic medicine and surgery created under section 17521 of the code, MCL 333.17521.
(b) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
(c) "Department" means the department of licensing and regulatory affairs.
(2) A term defined in the code has the same meaning when used in these rules.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.113 Rescinded.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.114 Telehealth.
Rule 14. (1) Consent for treatment must be obtained before providing a telehealth service under section 16284 of the code, MCL 333.16284.
(2) Proof of consent must be maintained in the patient's up-to-date medical record and retained in compliance with section 16213 of the code, MCL 333.16213.
(3) A physician providing a telehealth service may prescribe a drug if the physician is a prescriber acting within the scope of his or her practice and in compliance with section 16285 of the code, MCL 333.16285, and if he or she does both of the following:
(a) If medically necessary, refers the patient to a provider that is geographically accessible to the patient.
(b) Makes himself or herself available to provide follow-up care services to the patient, or to refer the patient to another provider, for follow-up care.
(4) A physician providing any telehealth service shall do both of the following:
(a) Act within the scope of his or her practice.
(b) Exercise the same standard of care applicable to a traditional, in-person health care service.
History: 2021 MR 8, Eff. Apr. 26, 2021.

R 338.115 Code of ethics.
Rule 15. (1) The standards of the American Osteopathic Association, 142 E. Ontario St., Chicago, IL 60611-2864 set forth in the "Code of Ethics" dated July 24, 2016, are adopted by reference in these rules. The code of ethics may be obtained at no cost from the association's website at: https://osteopathic.org/about/leadership/aoa-governance-documents/code-of-ethics/.
(2) A licensee shall not violate the code of ethics.
(3) Copies of the adopted standards referenced in subrule (1) of this rule are available for inspection and distribution at a cost of 10 cents per page from the Board of Osteopathic Medicine and Surgery, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.117 Prescribing of drugs by physician's assistants; procedures and protocols.
Rule 17. (1) Under section 17548(3) and (4) of the code, MCL 333.17548, and under the terms of a practice agreement, a physician's assistant may prescribe a drug, including a controlled substance that is included in schedules 2 to 5 of part 72 of the code, MCL 333.7201 to 333.7231, subject to both of the following requirements:
(a) If a physician's assistant prescribes a drug, the physician's assistant's name must be used, recorded, or otherwise indicated in connection with that prescription.
(b) If a physician's assistant prescribes a drug that is included in schedules 2 to 5, the physician's assistant's DEA registration number must be used, recorded, or otherwise indicated in connection with that prescription.
(2) Under section 17548(3) and (5) of the code, MCL 333.17548, and under the terms of a practice agreement, a physician's assistant may order, receive, and dispense complimentary starter dose drugs, including controlled substances that are included in schedules 2 to 5 of part 72 of the code, MCL 333.7201 to MCL 333.7231, subject to both of the following requirements:
(a) If a physician's assistant orders, receives, or dispenses a complimentary starter dose drug, the physician's assistant's name must be used, recorded, or otherwise indicated in connection with that order, receipt, or dispensing.
(b) If a physician's assistant orders, receives, or dispenses a complimentary starter dose drug that is included in schedules 2 to 5, the physician's assistant's DEA registration number must be used, recorded, or otherwise indicated in connection with that order, receipt, or dispensing.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.119 Delegation of prescribing controlled substances to an advanced practice registered nurse; limitation.
Rule 19. (1) A physician may delegate the prescription of controlled substances listed in schedules 2 to 5 of part 72 of the code, MCL 333.7201 to MCL 333.7231, to a registered nurse who holds specialty certification under section 17210 of the code, MCL 333.17210, with the exception of a nurse anesthetist, if the delegating physician establishes a written authorization that contains all of the following information:
(a) The name, license number, and signature of the delegating physician.
(b) The name, license number, and signature of the nurse practitioner, nurse midwife, or clinical nurse specialist.
(c) The limitations or exceptions to the delegation.
(d) The effective date of the delegation.
(2) The delegating physician shall review and update a written authorization on an annual basis from the original date or the date of amendment, if amended. The delegating physician shall note the review date on the written authorization.
(3) The delegating physician shall maintain a written authorization at the delegating physician's primary place of practice.
(4) The delegating physician shall provide a copy of the signed, written authorization to the nurse practitioner, nurse midwife, or clinical nurse specialist.
(5) The delegating physician shall ensure that an amendment to the written authorization is in compliance with subrules (1), (2), (3), and (4) of this rule.
(6) A delegating physician may authorize a nurse practitioner, a nurse midwife, or a clinical nurse specialist to issue ~~a~~ multiple prescriptions allowing the patient to receive a total of up to a 90-day supply of a schedule 2 controlled substance.
(7) A delegating physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.120 Training standards for identifying victims of human trafficking; requirements.
Rule 20. (1) Under section 16148 of the code, MCL 333.16148, a licensed physician or licensure applicant shall complete training in identifying victims of human trafficking that satisfies the following standards:
(a) Training content must cover all of the following:
(i) Understanding the types and venues of human trafficking in the United States.
(ii) Identifying victims of human trafficking in health care settings.

(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
(iv) Using resources for reporting the suspected victims of human trafficking.
(b) Acceptable providers or methods of training include any of the following:
(i) Training offered by a nationally recognized or state recognized health-related organization.
(ii) Training offered by, or in conjunction with, a state or federal agency.
(iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
(iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
(c) Acceptable modalities of training include any of the following:
(i) Teleconference or webinar.
(ii) Online presentation.
(iii) Live presentation.
(iv) Printed or electronic media.
(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
(i) For training completed under subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
(ii) For training completed under subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
(3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2017 renewal cycle and for initial licensure beginning December 20, 2021.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

PART 2. LICENSES

R 338.121 Accreditation standards for approval of osteopathic medical schools, postgraduate training programs, and institutions; adoption by reference.
Rule 21. (1) The board approves and adopts by reference the standards for accrediting osteopathic medical schools developed and adopted by the American Osteopathic Association Commission on Osteopathic College Accreditation, 142 E. Ontario St., Chicago, Illinois 60611-2864, as set forth in the publication entitled "Accreditation of Colleges of Osteopathic Medicine: COM Accreditation Standards and Procedures" effective August 29, 2016, which is available at no cost on the association's website at: www.osteopathic.org. The board considers any osteopathic school of medicine accredited by the Commission on Osteopathic College Accreditation approved by the board.
(2) The board approves and adopts by reference the standards of the American Osteopathic Association Council on Postdoctoral Training, 142 E. Ontario St., Chicago, Illinois 60611-2864, as set forth in the publication entitled "The Basic Documents for Postdoctoral Training," effective March 1, 2018, which is available at no cost on the association's website at: www.osteopathic.org. The board considers any osteopathic postgraduate training program accredited by the American Osteopathic Association Council on Postdoctoral Training approved by the board.
(3) The board approves and adopts by reference the standards of the American Osteopathic Association Council on Osteopathic Postdoctoral Training Institutions, 142 E. Ontario St., Chicago, Illinois 60611-2864, as set forth in the publication entitled "OPTI Accreditation Handbook," effective March 2014, which is available at no cost on the association's website at: www.osteopathic.org. The board considers any osteopathic institution accredited by the American Osteopathic Association Council on Osteopathic Postdoctoral Training Institutions ~~as~~ approved by the board.
(4) The board approves and adopts by reference the standards for the approval of a postgraduate training

program developed and adopted by the Accreditation Council for Graduate Medical Education, 401 N. Michigan Avenue, Suite 2000, Chicago, Illinois 60611, effective July 1, 2016, and available at no cost on the council's website at: www.acgme.org. The board considers any medical postgraduate training program accredited on or after July 1, 2015 by the Accreditation Council for Graduate Medical Education approved by the board.
(5) Copies of the standards and criteria adopted by reference in this rule are available for inspection and distribution at a cost of 10 cents per page from the Board of Osteopathic Medicine and Surgery, Bureau of Professional Licensing, Licensing and Regulatory Affairs, 611 W. Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.123 Licensure by examination.
Rule 23. An applicant for licensure by examination, in addition to satisfying the requirements of the code, shall satisfy all of the following requirements:
(a) Submit the required fee and a completed application on a form provided by the department.
(b) Possess a degree from a school of osteopathic medicine that satisfies the standards set forth in R 338.121(1).
(c) Have passed all parts of the Comprehensive Osteopathic Medical Licensing Examination (COMLEX) adopted under R 338.129.
(d) Have completed a minimum of 1 year of postgraduate clinical training in a program that satisfies either of the following requirements:
(i) A postgraduate training program that satisfies the requirements of R 338.121(2) at a training institution that satisfies the requirements of R 338.121(3).
(ii) A postgraduate training program approved by the board in R 338.121(4).
(e) Submit a certificate of completion of the postgraduate training required under subdivision (d) of this rule to the department no more than 15 days before the scheduled date of completion.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.125 Licensure by endorsement.
Rule 25. (1) An applicant for an osteopathic medicine and surgery license by endorsement shall submit the required fee and a completed application on a form provided by the department.
(2) An applicant shall satisfy 1 of the following requirements:
(a) Has first been licensed in good standing in another state and actively engaged in the practice of osteopathic medicine and surgery for at least 5 years before the date of filing the application.
(b) Has first been licensed in good standing in another state and actively engaged in the practice of osteopathic medicine and surgery less than 5 years before the date of filing the application and satisfies both of the following requirements:
(i) Passed all parts of the Comprehensive Osteopathic Medical Licensing Examination (COMLEX) adopted under R 338.129.
(ii) Completed a minimum of 1 year of postgraduate clinical training in a program that satisfies either of the following requirements:
(A) A postgraduate training program that satisfies the requirements of R 338.121(2) at a training institution that satisfies the requirements of R 338.121(3).
(B) A postgraduate training program approved by the board in R 338.121(4).
(3) An applicant's license must be verified by the licensing agency of any state of the United States in which the applicant holds a current license or has ever held a license as an osteopathic physician. Verification includes, but is not limited to, showing proof that the applicant's license is in good standing and, if applicable, any disciplinary action taken or pending against the applicant.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.127 Educational limited license.
Rule 27. (1) An individual not eligible for a Michigan osteopathic medicine and surgery license shall obtain an educational limited license before engaging in postgraduate training.
(2) An applicant for an educational limited license, in addition to satisfying the requirements of the code, shall satisfy all of the following requirements:
(a) Submit the required fee and a completed application on a form provided by the department.

(b) Have documentation provided directly to the department from an osteopathic medical school that satisfies the requirements of R 338.121(1) verifying that the applicant has graduated or is expected to graduate within 3 months of the date of the application.
(c) Have documentation provided directly to the department verifying that the applicant has been accepted into a postgraduate training program that satisfies the requirements of R 338.121(2) or (4).
(3) Under section 17512(2) of the code, MCL 333.17512(2), an educational limited license may be renewed not more than 5 years.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.129 Examination; adoption; passing scores; limitation on attempts; time limitations.
Rule 29. (1) The board adopts the Comprehensive Osteopathic Medical Licensing Examination (COMLEX) developed and administered by the National Board of Osteopathic Medical Examiners (NBOME).
(2) The passing score for each part of the COMLEX accepted for licensure is the passing score established by the NBOME.
(3) An applicant cannot make more than 6 attempts to pass any part of the COMLEX.
(4) An applicant shall successfully pass all parts of the COMLEX within 7 years from the date that he or she first passed any part of the COMLEX. An applicant may request consideration of a variance of the 7-year requirement by providing, at a minimum, proof of both of the following requirements to the board:
(a) That the applicant has already passed all parts of the COMLEX, but that the time taken to pass all parts is more than 7 years.
(b) That the applicant has completed 1 of the following activities:
(i) Graduation from an accredited graduate degree program in addition to osteopathic medical school.
(ii) Completion of a residency or fellowship program with demonstrated consistent participation in the program.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.131 Rescinded.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.133 Relicensure.
Rule 33. (1) An applicant whose Michigan osteopathic medicine and surgery license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies all of the following requirements:
(a) Submits the required fee and a completed application on a form provided by the department.
(b) Submits proof to the department of completing not less than 150 hours of continuing education that satisfies the requirements of R 338.141 during the 3 years immediately preceding the date of the application for relicensure.
(c) Establishes that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.
(d) An applicant who holds or has ever held a license to practice osteopathic medicine and surgery shall establish all of the following requirements:
(i) Disciplinary proceedings are not pending against the applicant.
(ii) If sanctions have been imposed against the applicant, the sanctions are not in force at the time of application.
(iii) A previously held license was not surrendered or allowed to lapse to avoid discipline.
(2) An applicant whose Michigan osteopathic medicine and surgery license has been lapsed for 3 years but less than 5 years may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3), and satisfies the requirements of subrule (1) of this rule and 1 of the following requirements:
(a) Presents proof to the department that he or she is actively licensed and is in good standing as an osteopathic physician in another state.
(b) Completes 1 of the following during the 3 years immediately preceding the date of the application for relicensure:
(i) Takes and passes the Comprehensive Osteopathic Medical Variable-Purpose Examination (COMVEX) offered by the NBOME. The passing score is the passing score established by the NBOME.
(ii) Successfully completes a postgraduate training program that satisfies the requirements of R 338.121(2)

or (4).
(iii) Successfully completes a physician re-entry program accredited by the Coalition for Physician Enhancement (CPE).
(iv) Successfully completes a physician re-entry program affiliated with an osteopathic medical school that satisfies the requirements of R 338.121(1).
(3) An applicant whose Michigan osteopathic medicine and surgery license has been lapsed for 5 years or more may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174, and satisfies the requirements of subrule (1) of this rule and 1 of the following requirements:
(a) Presents proof to the department that he or she is actively licensed and is in good standing as an osteopathic physician in another state.
(b) Completes both of the following during the 3 years immediately preceding the date of the application for relicensure:
(i) Takes and passes the COMVEX offered by the NBOME. The passing score is the passing score established by the NBOME.
(ii) Successfully completes 1 of the following training options:
(A) A postgraduate training program that satisfies the requirements of R 338.121(2) or (4).
(B) A physician re-entry program that is accredited by the CPE.
(C) A physician re-entry program affiliated with an osteopathic medical school that satisfies the requirements of R 338.121(1).
(4) If required to complete the requirements of subrules (2)(b) or (3)(b) of this rule, the applicant may obtain an educational limited license for the sole purpose of completing that training.
(5) An applicant with an educational limited license may be relicensed under section 16201(3) or (4) of the code, MCL 333.16201, if he or she complies with subrule (1) of this rule and R 338.127.
(6) An applicant must have his or her license verified by the licensing agency of any state of the United States in which the applicant holds or has ever held a license to practice osteopathic medicine. Verification must include information that the license is in good standing and, if applicable, the record of any disciplinary action taken or pending against the applicant.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

PART 3. CONTINUING EDUCATION

R 338.141 License renewals.
Rule 41. (1) This part applies to an application for renewal of an osteopathic medicine and surgery license under section 17533 of the code, MCL 333.17533, and an osteopathic medicine and surgery special volunteer license under section 16184 of the code, MCL 333.16184.
(2) An applicant for license renewal who has been licensed in the 3-year period immediately preceding the application for renewal shall accumulate a minimum of 150 hours of continuing education in activities approved by the board under R 338.143 during the 3 years immediately preceding the application for renewal.
(3) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The licensee shall retain documentation of satisfying the requirements of this rule for 4 years from the date of applying for license renewal. Failure to satisfy this rule is a violation of section 16221(h) of the code, MCL 333.16221.
(4) The department may select and audit a sample of licensees who have renewed their license and request proof of compliance with subrule (2) of this rule. If audited, a licensee must submit documentation as specified in R 338.143.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.143 Acceptable continuing education; requirements; limitations.
Rule 43. (1) The 150 hours of continuing education required under R 338.141 must satisfy the following requirements, as applicable:
(a) Credit for a continuing education program or activity that is identical or substantially identical to a program or activity for which the licensee has already earned credit during the renewal period cannot be granted.
(b) A minimum of 1 hour of continuing education must be earned in the area of medical ethics.
(c) For license renewals filed December 20, 2017, or later, a minimum of 3 hours of continuing education

must be earned in the area of pain and symptom management under section 17533(2) of the code, MCL 333.17533. At least 1 of the 3 hours must include controlled substances prescribing. Continuing education hours in pain and symptom management may include, but are not limited to, any of the following areas:
(i) Public health burden of pain.
(ii) Ethics and health policy related to pain.
(iii) Michigan pain and controlled substance laws.
(iv) Pain definitions.
(v) Basic sciences related to pain including pharmacology.
(vi) Clinical sciences related to pain.
(vii) Specific pain conditions.
(viii) Clinical physician communication related to pain.
(ix) Management of pain, including evaluation and treatment and non-pharmacological and pharmacological management.
(x) Ensuring quality pain care and controlled substances prescribing.
(xi) Michigan programs and resources relevant to pain.
(d) A minimum of 60 continuing education credits must be obtained through category 1 programs listed in subrule (2) of this rule.
(2) The board considers any of the following activities as acceptable category 1 continuing education:

	Activity and Proof of Completion	Number of continuing education hours granted/permitted for the activity
(a)	Attendance at or participating in a continuing education program or activity related to the practice of osteopathic medicine, which includes, but is not limited to, live, in-person programs; and journal articles with a self-study component, interactive or monitored teleconference; audio conference, web-based programs; or online programs approved or offered by any of the following organizations: American Osteopathic Association. Michigan Osteopathic Association. 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.	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 must be earned in this activity. A maximum of 150 hours of continuing education may be earned for this activity in each renewal period.
(b)	Attendance at or participating in a continuing education program or activity related to the practice of osteopathic medicine which includes, but is not limited to, live, in-person programs; and journal articles with a self-study component, interactive or monitored teleconference; audio conference; web-based programs; or online programs approved or offered by any of the following organizations: American Medical Association. Accreditation Council for Continuing Medical Education. Michigan State Medical Society.	The number of continuing education hours for a specific program or activity is the number of hours assigned by the sponsoring organization for the specific program or activity. A maximum of 110 hours of continuing education may be earned for this activity in a renewal period.

	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.	
(c)	Taking and passing a specialty board certification or recertification examination for a specialty board recognized by the American Osteopathic Association, the American Board of Medical Specialties, or the American Board of Physician Specialties. If audited, the licensee shall provide proof from the specialty board of the successful passing of the examination.	A specialty board certification or recertification examination successfully passed during the renewal period is granted 50 hours of continuing education credit. A maximum of 50 hours of continuing education credit may be earned for this activity in each renewal period.
(d)	Successfully completing an activity that is required for maintenance of a specialty certification for a specialty board recognized by the American Osteopathic Association, the American Board of Medical Specialties, or the American Board of Physician Specialties that does not satisfy the requirements of subdivision (a) or (c) of this subrule. 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.	One hour of continuing education is granted for every 60 minutes spent on the activity. A maximum of 30 hours may be earned for this activity in each renewal period.
(e)	Serving as a teacher, lecturer, preceptor, or moderator-participant in a medical education or training program that satisfies the standards adopted by the board in R 338.121. 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.	Two hours of continuing education are granted for each scheduled lecture or clinical consultation. Additional credit for preparation of the lecture cannot be granted. A maximum of 90 hours of continuing education may be earned for this activity in each renewal period.
(f)	Conducting a formal inspection of an osteopathic medical education or training program that satisfies the standards adopted by the board in R 338.121 or conducting clinical examinations of osteopathic specialty boards recognized by the American Osteopathic Association. If audited, the licensee shall submit documentation from the accrediting organization verifying the licensee's role and participation in the inspection.	Five hours of continuing education are granted per an inspection. A maximum of 90 hours of continuing education may be earned in this activity in each renewal period.
(g)	Participating in any of the following committees:	Fifteen hours per each committee per year are granted. A maximum of 90 hours of

	A peer review committee dealing with quality patient care as it relates to the practice of osteopathic medicine and surgery. A committee dealing with utilization review as it relates to the practice of osteopathic medicine. A health care organization committee with patient care issues related to the practice of osteopathic medicine. A national or state committee, board, council, or association related to the practice of osteopathic medicine. 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.	continuing education credit ~~shall~~ may be earned for this activity in each renewal period.
(h)	Providing individual supervision for a disciplinary limited osteopathic physician. 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.	One hour of continuing education is granted for each 60 minutes spent consulting or reviewing the disciplined licensee's work. A maximum of 50 hours of continuing education may be earned for this activity per renewal period.
(i)	Participating in a postgraduate training program that satisfies the requirements of R 338.121(2) or (4). To receive credit the licensee must be enrolled in the program a minimum of 5 months per year. If audited, the licensee shall submit a letter from the program director verifying the dates that the licensee was enrolled in the program.	Fifty continuing education credits per year are granted. A maximum of 150 credits per renewal period may be earned for this activity in each renewal period.
(j)	Publication of a scientific article relating to the practice of osteopathic medicine in a peer-reviewed journal or periodical. 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	Ten hours of continuing education are granted for serving as the primary author. Five hours of continuing education are granted for serving as a secondary author. Under subrule (1)(a) of this rule, credit for an article is granted only once per renewal period. A maximum of 90 hours of continuing education may be earned for this activity in a renewal period.
(k)	Initial publication of a chapter or a portion of a chapter related to the practice of osteopathic medicine in either of the following textbooks: A professional health care textbook. A peer-reviewed text book.	Ten hours of continuing education are granted for serving as the primary author. Five hours of continuing education are granted for serving as a secondary author. A maximum of 90 hours may be earned for this activity in each renewal period. Under subrule (1)(a) of this rule, credit for

	If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	publication is granted once per renewal period.
(l)	Until December 20, 2019, attendance at or participation in a continuing education activity that had been approved by the board before the effective date of this rule but does not satisfy the requirements of subdivision (a) or (b) of this subrule. 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.	The number of continuing education hours for a specific program or activity is the number of hours previously approved by the board. A maximum of 90 hours of continuing education may be earned for this activity.

(3) The board considers any of the following activities as acceptable category 2 continuing education:

	Activity and Proof of Completion	Number of continuing education hours granted/permitted for the activity
(a)	Independently reading a peer-reviewed journal that does not satisfy the requirement of subrule (2)(a) of this rule. The reading must have been completed before the effective date of this rule. If audited, the licensee shall submit a signed document, listing the journals read, including title, publisher, volume number, article read, and the authors.	Three hours of continuing education are granted for each journal article read. A maximum of 90 hours of continuing education credit may be earned for this activity in each renewal period. Under subrule (1)(a) of this rule, credit for the same article appearing in different journals is granted once per renewal period.
(b)	Initial presentation of a scientific exhibit, poster, or paper to a professional osteopathic medicine organization. If audited, the licensee shall submit a copy of the document presented with proof of the presentation or a letter from the program sponsor verifying the date of presentation.	Ten hours of continuing education are granted for each presentation. No additional credit is granted for preparation of the presentation. A maximum of 90 hours may be earned in this activity in each renewal period. Under subrule (1)(a) of this rule, credit for a presentation is granted once per renewal period.
(c)	Completing a multimedia self-assessment that does not satisfy the requirements of subrule (2)(a) of this rule before December 20, 2016. The self-assessment must improve the licensee's knowledge and understanding of the practice of osteopathic medicine. If audited, the licensee shall submit a certificate of self-assessment provided by the program sponsor.	The number of continuing education hours is the number of hours approved by the self-assessment sponsor. A maximum of 90 hours of continuing education may be earned for this activity.

History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF PROFESSIONAL LICENSING

A STANDING ORDER FOR DISPENSING OPIOID ANTAGONISTS

R 338.201
Source: 2018 AACS.

R 338.202
Source: 2018 AACS.

R 338.203
Source: 2018 AACS.

R 338.204
Source: 2018 AACS.

LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BOARD OF OPTOMETRY - GENERAL RULES

R 338.241
Source: 2010 AACS.

R 338.251
Source: 2016 AACS**.**

R 338.252
Source: 2016 AACS**.**

R 338.253
Source: 2016 AACS**.**

R 338.254
Source: 2016 AACS**.**

R 338.255
Source: 2010 AACS.

R 338.256
Source: 2016 AACS**.**

R 338.256a
Source: 2016 AACS**.**

R 338.256b
Source: 2016 AACS**.**

R 338.257
Source: 2016 AACS**.**

R 338.258
Source: 2016 AACS**.**

R 338.259
Source: 2016 AACS**.**

R338.260
Source: 1997 AACS.

R 338.261
Source: 2010 AACS.

R 338.262
Source: 1997 AACS.

R 338.263
Source: 1998-2000 AACS.

R 338.264
Source: 1997 AACS.

R 338.265
Source: 1998-2000 AACS.

R 338.266
Source: 1997 AACS.

R 338.267
Source: 1998-2000 AACS.

R 338.268
Source: 1997 AACS.

R 338.269
Source: 1998-2000 AACS.

R 338.270
Source: 2016 AACS**.**

R 338.271
Source: 1997 AACS.

R 338.272
Source: 1995 AACS.

R 338.273
Source: 1995 AACS.

R 338.275
Source: 2016 AACS**.**

R 338.276
Source: 2016 AACS**.**

R 338.277
Source: 2016 AACS**.**

R 338.278
Source: 2016 AACS**.**

R 338.279
Source: 1983 AACS.

ADMINISTRATIVE HEARINGS—OPTOMETRY

R 338.281
Source: 1997 AACS.

R 338.282
Source: 1997 AACS.

R 338.283
Source: 1997 AACS.

R 338.284
Source: 1997 AACS.

R 338.285
Source: 1997 AACS.

R 338.286
Source: 1997 AACS.

R 338.287
Source: 1997 AACS.

R 338.288
Source: 1997 AACS.

UNETHICAL AND ETHICAL CONDUCT

R 338.291
Source: 2016 AACS**.**

R 338.292
Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OPTOMETRY - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.301
Source: 2019 AACS.

R 338.302
Source: 2019 AACS.

R 338.303
Source: 2019 AACS.

R 338.304 Rescinded.
History: 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.305 Professional optometric degree program; approval standards.
Rule 5. (1) The board approves and adopts by reference the standards of the Accreditation Council on Optometric Education (ACOE) set forth in the publication entitled "Accreditation Manual: Professional Optometric Degree Programs" revised January 2019, and updated August 2019, which provide for the accreditation of professional optometric degree programs.
(2) A professional optometric degree program accredited by the ACOE is considered approved by the board.

(3) Copies of the Accreditation Manual of the ACOE are available free of charge from the American Optometric Association's website at https://www.aoa.org/optometrists/for-educators/accreditation-council-on-optometric-education/accreditation-resources-and-guidance/optometric-degree-programs-. Printed copies also are available for inspection and distribution at a cost of 10 cents per page from the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, Ottawa Building, 611 W. Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

History: 2016 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.306
Source: 2019 AACS.

PART 2. LICENSES

R 338.307
Source: 2016 AACS.

R 338.309 Licensure by endorsement.
Rule 9. An applicant for licensure by endorsement shall hold an active license in good standing in another state or province of Canada and submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated under the code, an applicant shall comply with all of the following requirements as noted by (√):

(a) An applicant who is licensed in another state.		Licensed for less than 3 years.	Licensed 3 years or more.
(i)	Establish that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.	√	√
(ii)	Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.	√	√
(iii)	Graduate from a school of optometry approved by the board pursuant to R 338.305.	√	
(iv)	Achieve a passing score on parts I, II, and III of the NBEO examination, including a passing score on the TMOD examination given by NBEO or its successor organization.	√	
(v)	Achieve a minimum scaled score of 75 on the examination of Michigan laws and rules related to the practice of optometry that is developed and administered by the department, or an entity approved by the department.	√	√
(vi)	Hold a license in good standing granting therapeutic prescriptive certification at the highest level authorized in the state of the United States where the applicant is currently	√	√

	licensed.		
(vii)	Hold a valid cardiopulmonary resuscitation (CPR) certificate issued by any of the following: (A) The Red Cross. (B) The American Heart Association. (C) An accredited hospital. (D) An organization or institution comparable to those identified in subparagraphs (A) to (C) of this paragraph.	√	√
(viii)	Comply with both of the following: (A) Disclose each license, registration, or certification in a health profession or specialty issued by any other state, the United States military, the federal government, or another country on the application form. (B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.	√	√
(b) An applicant who is licensed in a province of Canada.		Licensed less than 10 years.	Licensed 10 years or more.
(i)	Establish that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.	√	√
(ii)	Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.	√	√
(iii)	Graduate from a school of optometry approved by the board pursuant to R 338.305.	√	√
(iv)	Achieve a passing score on parts I, II, and III of the NBEO examination, including a passing score on the TMOD examination given by NBEO or its successor organization.	√	
(v)	Achieve a minimum scaled score of 75 on the examination of Michigan laws and rules related to the practice of optometry that is developed	√	√

	and administered by the department, or an entity approved by the department.		
(vi)	Hold a license in good standing granting therapeutic prescriptive certification at the highest level authorized in the province of Canada where the applicant is currently licensed.	√	√
(vii)	Hold a valid CPR certificate issued by any of the following: (A) The Red Cross. (B) The American Heart Association. (C) An accredited hospital. (D) An organization or institution comparable to those identified in subparagraphs (A) to (C) of this paragraph.	√	√
(viii)	Comply with both of the following: (A) Disclose each license, registration, or certification in a health profession or specialty issued by any other state, the United States military, the federal government, or another country on the application form. (B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.	√	√

History: 2016 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.311 Limited licenses.
Rule 11. (1) The board may issue an educational limited license, pursuant to section 16182(2)(a) of the code, MCL 333.16182, to an individual who meets the requirements of the code and the administrative rules promulgated under the code and who has graduated from a board-approved professional optometric degree program, or who will graduate from the program not more than 3 months after applying for an educational limited license, and who is enrolled in a postgraduate course of study or participates in a residency program that is offered by the United States Department of Veterans Affairs or a board-approved institution.
(2) The board may issue a clinical academic limited license, pursuant to section 16182(2)(c) of the code, MCL 333.16182, to an individual who meets the requirements of the code and the administrative rules promulgated under the code and who is a graduate of a board-approved professional optometric degree program and who is employed as a faculty member at a board-approved professional optometric degree program. An optometrist who is licensed under this subrule may perform procedures upon patients while employed as a faculty member at a board-approved professional optometric degree program, if these procedures are performed under the general supervision of a faculty member who is fully licensed as an

optometrist. An individual who is licensed under this subrule shall not do either of the following:
(a) Hold himself or herself out to the public as being engaged in the practice of optometry other than as a faculty member.
(b) Provide optometric services outside of his or her employment as a faculty member.
(3) An individual who applies for a limited license under section 16182(2)(a) or (c) of the code, MCL 333.16182(2), shall meet all of the following requirements:
(a) Comply with section 16174 of the code, MCL 333.16174.
(b) Submit proof of graduation from an accredited professional optometric degree program that is approved by the board or from a non-accredited professional optometric degree program that is approved by the board, pursuant to R 338.305.
(c) Submit proof of appointment to either of the following:
(i) A postgraduate course of study or a residency program, pursuant to subrule (1) of this rule.
(ii) A faculty position at a board-approved professional optometric degree program, pursuant to subrule (2) of this rule.
(4) Limited licenses, pursuant to subrules (1) and (2) of this rule, may be renewed annually at the discretion of the board.
(5) Applicants for renewal of a clinical academic limited license shall submit evidence of having completed 10 hours of board-approved continuing education in pharmacological management of ocular conditions required for the year.
History: 2016 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.313 Relicensure.
Rule 13. (1) An applicant whose Michigan license has lapsed may be relicensed under section 16201(3) or (4) of the code, MCL 333.16201, as applicable, if the applicant meets the requirements of the code and the administrative rules promulgated under the code and satisfies the following requirements as noted by (√):

(a) An applicant who has let his or her Michigan license lapse and is not currently licensed in another state or in Canada.		Lapsed 3 years or less.	Lapsed more than 3 years, but less than 6 years.	Lapsed 6 years or more.
(i)	Submit a completed application on a form provided by the department, together with the required fee.	√	√	√
(ii)	Establish that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(iii)	Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(iv)	Submit proof of having completed 40 hours of continuing education as required under R 338.321, which was earned within the 2-year period immediately preceding the date of relicensure, subject to both of the following: (A) At least 2 of the 40 hours of continuing education must be in pain and symptom management, as provided under R 338.321(3). (B) If certified to administer	√	√	√

	therapeutic pharmaceutical agents, at least 20 of the 40 hours of continuing education must be in pharmacological management of ocular conditions, as provided in R 338.321(2), and the applicant shall hold a current CPR certificate.			
(v)	Achieve a minimum scaled score of 75 on the examination of Michigan laws and rules related to the practice of optometry that is developed and administered by the department, or an entity approved by the department.	-	√	√
(vi)	Achieve a passing score on parts I, II, and III of the NBEO examination, including a passing score on the Continued Professional Development in Optometry (CPDO) examination given by NBEO or its successor organization.			√
(vii)	An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country, shall do both of the following: (A) Disclose each license, registration, or certification on the application form. (B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.	√	√	√
(b) An applicant who has let his or her Michigan license lapse and is currently licensed in another state or in Canada.		Lapsed 3 years or less.	Lapsed more than 3 years, but less than 6 years.	Lapsed 6 years or more.
(i)	Submit a completed application on a form provided by the department, together with the required fee.	√	√	√
(ii)	Establish that he or she is of			

	good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(iii)	Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(iv)	Submit proof of having completed 40 hours of continuing education as required under R 338.321, which was earned within the 2-year period immediately preceding the date of relicensure, subject to both of the following: (A) At least 2 of the 40 hours of continuing education must be in pain and symptom management, as provided under R 338.321(3). (B) If certified to administer therapeutic pharmaceutical agents, at least 20 of the 40 hours of continuing education must be in pharmacological management of ocular conditions, as provided in R 338.321(2), and the applicant shall hold a current CPR certificate.	√	√	√
(v)	Achieve a minimum scaled score of 75 on the examination of Michigan laws and rules related to the practice of optometry that is developed and administered by the department, or an entity approved by the department.		√	√
(vi)	An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country, shall do both of the following: (A) Disclose each license, registration, or certification on the application form. (B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that	√	√	√

	disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.			

(2) If relicensure is granted and it is determined that a sanction has been imposed by another state, the United States military, the federal government, or another country, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

History: 2016 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.315 Certification to administer topical ocular diagnostic pharmaceutical agents; application; qualifications; adoption of standards; prohibitions.

Rule 15. (1) An applicant for certification to administer a topical ocular diagnostic pharmaceutical agent in the practice of optometry 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 under the code, an applicant shall satisfy all of the following requirements:

(a) Successfully complete a course of study in general and clinical pharmacology related to the practice of optometry as required in section 17412(2)(a) of the code, MCL 333.17412. The course of study must include passing an examination on general and ocular pharmacology. The applicant has successfully completed the required course of study when he or she has been granted the credit hours designated for the course of study by the teaching institution where the course is offered.

(b) Establish a board-approved emergency treatment plan, pursuant to section 17412(2)(d) of the code, MCL 333.17412, for the management and referral of patients who experience any adverse drug reaction. To be board-approved, the emergency treatment plan must include all of the following:

(i) Patient instructions related to an adverse drug reaction.

(ii) A referral procedure for a patient reporting an adverse drug reaction.

(iii) The names and contact information of not less than 3 physicians, clinics, or hospitals to whom the patient reporting an adverse drug reaction may be referred.

(iv) A documentation procedure for the information to be included in the patient's medical record regarding the report of an adverse drug reaction.

(c) Successfully complete a course in CPR as required by section 17412(2)(c) of the code, MCL 333.17412, approved by the department of health and human services, and offered or approved by any of the following:

(i) The Red Cross.

(ii) The American Heart Association.

(iii) An accredited hospital.

(iv) An organization or institution comparable to those identified in paragraphs (i) to (iii) of this subdivision.

(2) A licensed optometrist shall not use diagnostic pharmaceutical agents in the practice of optometry unless the optometrist has been certified by the board as being qualified to administer topical ocular diagnostic pharmaceutical agents.

History: 2016 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.317 Certification to administer and prescribe therapeutic pharmaceutical agents; application; qualifications.

Rule 17. (1) An applicant for certification to administer and prescribe a therapeutic pharmaceutical agent in the practice of optometry 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 under the code, an applicant shall satisfy all of the following requirements:

(a) Meet the certification requirements to administer diagnostic pharmaceutical agents under R 338.315.

(b) Successfully complete a course of study relating to the didactic and clinical use of therapeutic pharmaceutical agents as required in section 17435(2)(b) of the code, MCL 333.17435.

(c) Establish a board-approved management plan that complies with section 17435(2)(c) of the code, MCL 333.17435.

(2) A licensed optometrist shall not administer or prescribe therapeutic pharmaceutical agents in the practice of optometry unless the optometrist has been certified by the board as being qualified to administer and prescribe therapeutic pharmaceutical agents.

History: 2016 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

PART 3. CONTINUING EDUCATION

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

Rule 19. (1) The board approves and adopts by reference the standards and criteria of the Council on Optometric Practitioner Education (COPE) for accreditation of an activity or qualification of a course that are set forth in the publications entitled "Activity Accreditation Manual," revised February 2017, and "Course Qualification Manual," revised February 2017. A copy of the publications may be obtained at no cost from the Association of Regulatory Boards of Optometry's website at http://www.arbo.org. Printed copies also are available for inspection and distribution at a cost of 10 cents per page from the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, Ottawa Building, 611 W. Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(2) A continuing education program related to the practice of optometry that has been accredited by COPE is considered approved by the board.

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

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

(a) The sponsor's name.

(b) The sponsor's address.

(c) The program name.

(d) The program date.

(e) The program location.

(f) The program outline, including all of the following:

(i) An explanation of how the program is designed to further educate the licensee through acquisition and application of knowledge, which results in improved patient outcomes.

(ii) The topics and the name of the speaker of each topic.

(iii) The times of the specific topics and breaks included in the program.

(g) The résumé of each speaker or instructor for the program.

(h) A description of the delivery method, or methods to be used, and the techniques that will be employed to assure active participation.

(i) A brief description of the sponsoring organization.

(j) The name, title, and address of the program director and a description of his or her qualifications to direct the program.

(k) A description of how participants will be notified that continuing education credit has been earned.

(l) A description of the physical facilities or laboratory available to assure a proper learning environment.

(m) A description of how attendance is monitored and the name of the person monitoring attendance.

(n) The number of hours of course instruction including all of the following:

(i) The number of hours related to clinical optometry, which may include any of the following COPE categories:

(A) Contact lenses (CL).

(B) Functional vision/pediatrics (FV).

(C) General optometry (GO).

(D) Low vision/vision impairment & rehabilitation (LV).

(E) Public health (PB).

(ii) The number of hours related to practice management, which may include the following COPE categories:

(A) Practice management (PM).

(B) Ethics/jurisprudence (EJ).

(iii) The number of hours related to pharmaceutical management, which may include any of the following COPE categories:

(A) Glaucoma (GL).

(B) Injection skills (IS).

(C) Laser procedures (LP).
(D) Peri-operative management of ophthalmic surgery (PO).
(E) Refractive surgery management (RS).
(F) Surgery procedures (SP).
(G) Treatment and management of ocular disease: anterior segment (AS).
(H) Treatment and management of ocular disease: posterior segment (PS).
(I) Neuro-optometry (NO).
(J) Oral pharmaceuticals (OP).
(K) Pharmacology (PH).
(L) Principles of diagnosis (PD).
(M) Systemic/ocular disease (SD).
(iv) The number of hours related to pain management, which may include any of the following COPE categories:
(A) Oral pharmaceuticals (OP).
(B) Pharmacology (PH).
(C) Treatment and management of ocular disease: anterior segment (AS).
(D) Treatment and management of ocular disease: posterior segment (PS).
(E) Functional vision/pediatrics (FV).
History: 2016 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.320 Approved continuing education; limitations; documentation.
Rule 20. The board approves all of the following as continuing education if the subject matter falls within an approved COPE category as listed in R 338.319(4)(n):

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

(d)	Initial presentation of or at a continuing education program approved by the board. If audited, a licensee shall submit a letter from the program's sponsor, verifying the licensee's presentation of educational materials and lecture at the continuing education program.	One continuing education hour in the appropriate COPE category is earned for each 50 to 60 minutes of program presentation, without limitation.
(e)	Attendance at a continuing education program related to optometric topics approved for category 1 continuing education by the Michigan board of medicine or the Michigan board of osteopathic medicine and surgery. 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.	One continuing education hour in clinical optometry is earned for each 50 to 60 minutes of program attendance, limited to 8 hours per renewal cycle.
(f)	Attendance at a continuing education program related to optometric pharmacological topics approved for continuing education by the Michigan board of pharmacy. If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of 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.	One continuing education hour in pharmacological management is earned for each 50 to 60 minutes of program attendance, limited to 8 hours per renewal period. Applicants for renewal who hold certification to administer topical ocular diagnostic pharmaceutical agents or certification to administer and prescribe therapeutic pharmaceutical agents, or both, may earn hours without limitation.
(g)	Initial presentation of a scientific exhibit, poster, or paper to a professional optometric organization. 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.	Two hours of continuing education in clinical optometry are earned for each presentation. No additional credit shall be granted for preparation of the presentation.
(h)	Initial publication of either of the following: (i) A scientific article relating to the practice of optometry in a peer-reviewed journal or periodical. (ii) A chapter or a portion of a chapter related to the practice of optometry in either a professional health care textbook or peer-reviewed textbook. If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter and documentation of the peer-review process.	Six hours of continuing education in clinical optometry are earned for serving as the primary author. Three hours of continuing education in clinical optometry are earned for serving as a secondary author.
(i)	Participating on either of the following: (i) A peer review committee dealing with quality of patient care as it relates to the practice of optometry. (ii) A national or state committee, board, council, or association related to the practice of optometry.	Six hours of continuing education in clinical optometry are earned for participating on a committee. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period.

	Participation on a committee, board, council, or association is considered acceptable by the board if it enhances the participant's knowledge and understanding of the field of optometry. If audited, the licensee shall submit a letter from an organization official verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.	
(j)	Taking and passing any nationally recognized advanced competency examination in optometry.	Every 2 years, 12 hours of continuing education in pharmacology management or clinical optometry are earned.

History: 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.321 License renewal; continuing education, requirements, limitations.
Rule 21. (1) An applicant for license renewal shall satisfy the requirements of the Public Health Code General Rules, R 338.7001 to R 338.7005, and shall accumulate not less than 40 continuing education hours approved by the board pursuant to R 338.319 or R 338.320 during the 2 years immediately preceding the date of application for renewal.
(2) An applicant for license renewal who holds certification to administer topical ocular diagnostic pharmaceutical agents or certification to administer and prescribe therapeutic pharmaceutical agents, or both, shall do both of the following:
(a) Accumulate not less than 20 hours of board-approved continuing education in pharmacological management of ocular conditions. The 20 required hours are part of, and not in addition to, the 40 hours required in subrule (1) of this rule. A continuing education program that falls within the COPE categories listed in R 338.319(4)(n)(iii)(A) to (M) meets the requirements of this subdivision.
(b) Hold a valid CPR certificate issued by any of the following:
(i) The Red Cross.
(ii) The American Heart Association.
(iii) An accredited hospital.
(iv) An organization or institution comparable to those identified in paragraphs (i) to (iii) of this paragraph.
(3) An applicant for license renewal shall accumulate not less than 2 hours of board approved continuing education in pain and symptom management related to the practice of optometry. A continuing education program that falls within the COPE categories listed in R 338.319(4)(n)(iv)(A) to (E) meets the requirements of this subrule. Continuing education hours in pain and symptom management, as they relate to the practice of optometry, may include, but are not limited to, the following:
(a) Ethics and health policy related to pain.
(b) Pain definitions.
(c) Basic sciences related to pain, including pharmacology, psychology, sociology, and anthropology.
(d) Clinical sciences related to pain, including specific pain conditions and pain in special contexts and settings.
(e) Clinician-patient communications related to pain.
(f) Management of pain, including evaluation and treatment; non-pharmacological and pharmacological management.
(g) Ensuring quality pain care.
(h) Michigan programs and resources relevant to pain.
(4) A minimum of 20 of the required continuing education hours must be completed in a live, synchronous learning format. The remaining hours may be completed in any other format.
(5) An applicant for license renewal may earn a maximum of 9 continuing education hours per licensure cycle in practice management. A continuing education program that falls within the COPE categories listed in R 338.319(4)(n)(ii)(A) and (B) meets the requirements of this subrule.
(6) Submission of an application for renewal constitutes the applicant's certificate of compliance with the requirements of this rule. An optometrist shall retain documentation of meeting the requirements of this rule

for a period of 4 years from the date of applying for license renewal. The board may require an applicant or licensee to submit evidence to demonstrate compliance with this rule. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.
(7) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.
History: 2016 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.323
Source: 2019 AACS.

BOARD OF REGISTRATION IN PODIATRY

SCOPE OF EXAMINATIONS FOR LICENSURE

R 338.311
Source: 1997 AACS.

R 338.312
Source: 1997 AACS.

BOARD OF PODIATRIC MEDICINE AND SURGERY

ADMINISTRATIVE HEARINGS

R 338.341
Source: 1997 AACS.

R 338.342
Source: 1997 AACS.

R 338.343
Source: 1997 AACS.

R 338.344
Source: 1997 AACS.

R 338.345
Source: 1997 AACS.

R 338.346
Source: 1997 AACS.

R 338.347
Source: 1997 AACS.

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Source: 1997 AACS.

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R 338.355
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R 338.356
Source: 1997 AACS.

R 338.357
Source: 1997 AACS.

R 338.358
Source: 1997 AACS.

R 338.359
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R 338.360
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R 338.361
Source: 1997 AACS.

R 338.362
Source: 1997 AACS.

R 338.363
Source: 1997 AACS.

R 338.364
Source: 1997 AACS.

R 338.365
Source: 1997 AACS.

R 338.366
Source: 1997 AACS.

R 338.367
Source: 1997 AACS.

R 338.368
Source: 1997 AACS.

R 338.369
Source: 1997 AACS.

R 338.370
Source: 1997 AACS.

R 338.371
Source: 1997 AACS.

R 338.372
Source: 1997 AACS.

R 338.373
Source: 1997 AACS.

R 338.374
Source: 1997 AACS.

R 338.375
Source: 1997 AACS.

R 338.376
Source: 1997 AACS.

R 338.377
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R 338.378
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R 338.379
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R 338.380
Source: 1997 AACS.

R 338.381
Source: 1997 AACS.

R 338.382
Source: 1997 AACS.

R 338.383
Source: 1997 AACS.

R 338.384
Source: 1997 AACS.

LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PHARMACY - GENERAL RULES

R 338.471
Source: 2020 AACS.

R 338.471a
Source: 2020 AACS.

R 338.471b
Source: 2020 AACS.

R 338.472
Source: 2020 AACS.

R 338.473
Source: 2020 AACS.

R 338.473a
Source: 2020 AACS.

R 338.473b
Source: 2020 AACS.

R 338.473c
Source: 2020 AACS.

R 338.473d
Source: 2020 AACS.

R 338.474
Source: 2020 AACS.

R 338.474a
Source: 2020 AACS.

R 338.475
Source: 2020 AACS.

R 338.476
Source: 1998-2000 AACS.

R 338.477
Source: 2020 AACS.

R 338.477a
Source: 2020 AACS.

R 338.477b
Source: 2020 AACS.

R 338.477c
Source: 2020 AACS.

R 338.477d
Source: 2020 AACS.

R 338.478
Source: 2020 AACS.

R 338.479
Source: 2020 AACS.

R 338.479a
Source: 2020 AACS.

R 338.479b
Source: 2020 AACS.

R 338.479c
Source: 2020 AACS.

R 338.480
Source: 2020 AACS.

R 338.480a
Source: 2020 AACS.

R 338.481
Source: 2020 AACS.

R 338.482
Source: 2020 AACS.

R 338.483
Source: 1997 AACS.

R 338.484
Source: 1979 AC.

ADMINISTRATIVE HEARINGS

R 338.485
Source: 1997 AACS.

R 338.485a
Source: 1997 AACS.

R 338.485b
Source: 1997 AACS.

R 338.485c
Source: 1997 AACS.

R 338.485d
Source: 1997 AACS.

R 338.485e
Source: 1997 AACS.

R 338.485f
Source: 1997 AACS.

R 338.485g
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R 338.485h
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R 338.485i
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R 338.485j
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R 338.485k
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R 338.485l
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R 338.485m

Source: 1997 AACS.

R 338.485n
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R 338.485o
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R 338.485p
Source: 1997 AACS.

R 338.485q
Source: 1997 AACS.

R 338.485r
Source: 1997 AACS.

R 338.485s
Source: 1997 AACS.

R 338.485t
Source: 1997 AACS.

R 338.485u
Source: 1997 AACS.

R 338.485v
Source: 1997 AACS.

R 338.485w
Source: 1997 AACS.

R 338.485x
Source: 1997 AACS.

R 338.485y
Source: 1997 AACS.

R 338.486
Source: 2020 AACS.

R 338.488
Source: 2013 AACS.

R 338.489
Source: 2020 AACS.

R 338.490
Source: 2020 AACS.

PART 2. MANUFACTURING AND DISTRIBUTION OF PRESCRIPTION DRUGS

R 338.493a
Source: 2020 AACS.

R 338.493b
Source: 2020 AACS.

R 338.493c
Source: 2020 AACS.

R 338.493d
Source: 2020 AACS.

R 338.493e
Source: 1998-2000 AACS.

R 338.493f
Source: 2020 AACS.

R 338.493g
Source: 2020 AACS.

R 338.493h
Source: 1997 AACS.

R 338.494
Source: 1997 AACS.

R 338.495
Source: 1998-2000 AACS.

R 338.496
Source: 1998-2000 AACS.

R 338.497
Source: 2014 AACS.

R 338.500
Source: 2020 AACS.

PART 1. GENERAL PROVISIONS

R 338.501
Source: 2020 AACS.

R 338.503
Source: 2020 AACS.

R 338.505
Source: 2020 AACS.

PART 2. PHARMACIST LICENSES

R 338.511
Source: 2020 AACS.

R 338.513
Source: 2020 AACS.

R 338.515
Source: 2020 AACS.

R 338.517
Source: 2020 AACS.

R 338.519
Source: 2020 AACS.

R 338.521
Source: 2020 AACS.

R 338.523
Source: 2020 AACS.

R 338.525
Source: 2020 AACS.

PART 3. PHARMACY LICENSES

R 338.531
Source: 2020 AACS.

R 338.532
Source: 2020 AACS.

R 338.533
Source: 2020 AACS.

R 338.534
Source: 2020 AACS.

R 338.535
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R 338.536
Source: 2020 AACS.

R 338.537
Source: 2020 AACS.

R 338.538
Source: 2020 AACS.

R 338.539
Source: 2020 AACS.

PART 4. MANUFACTURER LICENSE

R 338.551
Source: 2020 AACS.

R 338.553
Source: 2020 AACS.

R 338.555
Source: 2020 AACS.

R 338.557
Source: 2020 AACS.

R 338.559
Source: 2020 AACS.

PART 5. WHOLESALE DISTRIBUTOR LICENSE

R 338.561
Source: 2020 AACS.

R 338.563
Source: 2020 AACS.

R 338.565
Source: 2020 AACS.

R 338.567
Source: 2020 AACS.

R 338.569
Source: 2020 AACS.

R 338.571
Source: 2020 AACS.

R 338.573
Source: 2020 AACS.

R 338.575
Source: 2020 AACS.

R 338.577
Source: 2020 AACS.

PART 6. PRACTICE OF PHARMACY

R 338.582
Source: 2020 AACS.

R 338.583
Source: 2020 AACS.

R 338.584
Source: 2020 AACS.

R 338.585
Source: 2020 AACS.

R 338.586
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R 338.587
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R 338.588
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R 338.589
Source: 2020 AACS.

R 338.590
Source: 2020 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

SPEECH-LANGUAGE PATHOLOGY – GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.601 Definitions.
Rule 1. (1) As used in these rules:
(a) "Board" means the Michigan board of speech-language pathology created under section 17605 of the code, MCL 333.17605.
(b) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
(c) "Department" means the department of licensing and regulatory affairs.
(2) A term defined in the code has the same meaning when used in these rules.
History: 2011 AACS; 2016 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.602 Rescinded.
History: 2016 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.603 Application for speech-language pathology license; requirements.
Rule 3. (1) An applicant for a license as a speech-language pathologist shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code, and the administrative rules promulgated under the code, an applicant shall satisfy all of the following requirements:
(a) Have documentation provided directly to the department from an educational program verifying the applicant's possession of a master's or doctoral degree from an accredited educational program that satisfies the standards adopted by the board under R 338.619.
(b) Have successfully completed a supervised postgraduate clinical experience in speech-language pathology that satisfies the requirements of R 338.615.
(c) Have passed an examination approved by the board under R 338.605.
(2) If an applicant possesses a current Certificate of Clinical Competence in Speech-Language Pathology (CCC-SLP) from the American Speech-Language-Hearing Association (ASHA), then the applicant presumably satisfies the requirements of subrule (1)(a), (b), and (c) of this rule.
History: 2011 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.604 Training standards for identifying victims of human trafficking; requirements.
Rule 4. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure or licensed under article 15 of the code, MCL 333.16101 to 333.18838, shall complete training in identifying victims of human trafficking that satisfies the following standards:
(a) Training content must cover all of the following:
(i) Understanding the types and venues of human trafficking in the United States.
(ii) Identifying victims of human trafficking in health care settings.
(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
(iv) Resources for reporting the suspected victims of human trafficking.
(b) Acceptable providers or methods of training include any of the following:
(i) Training offered by a nationally recognized or state-recognized, health-related organization.
(ii) Training offered by, or in conjunction with, a state or federal agency.
(iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
(iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
(c) Acceptable modalities of training include any of the following:
(i) Teleconference or webinar.
(ii) Online presentation.

(iii) Live presentation.
(iv) Printed or electronic media.
(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
(i) For training completed under subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
(ii) For training completed under subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
(3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2016 renewal cycle and for initial licenses issued March 16, 2021.
History: 2016 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.605 Examination; adoption; passing score.
Rule 5. The board approves and adopts the Praxis Examination in Speech-Language Pathology that is administered by the Educational Testing Service (ETS) or its successor organization. The board adopts the passing score recommended by ASHA for the Praxis Examination in Speech-Language Pathology.
History: 2011 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.607 Rescinded.
History: 2011 AACS; 2016 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.609
Source: 2016 AACS**.**

R 338.611 Licensure by endorsement; speech-language pathologist.
Rule 11. (1) An applicant for a license by endorsement as a speech-language pathologist shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code, and the administrative rules promulgated under the code, an applicant who satisfies the requirements of this rule, as applicable, satisfies the requirements of section 16186 of the code, MCL 333.16186.
(2) If an applicant was first registered or licensed in another state for 5 years or more immediately preceding the date of filing an application for a Michigan license, then the applicant shall satisfy both of the following requirements:
(a) Have documentation provided directly to the department from an educational program verifying the applicant's possession of a master's or doctoral degree from an accredited educational program that satisfies the standards adopted by the board under R 338.619 or from an educational program that satisfies the requirements of R 338.617(1)(a).
(b) Have passed the Praxis Examination in Speech-Language Pathology with a score adopted by the board under R 338.605.
(3) If an applicant was first registered or licensed in another state for less than 5 years immediately preceding the date of filing an application for a Michigan license, then the applicant shall satisfy both of the following requirements:
(a) Satisfy the requirements of subrule (2)(a) and (b) of this rule.
(b) Have successfully completed a supervised postgraduate clinical experience in speech-language pathology that satisfies the requirements of R 338.615.
(4) If an applicant possesses a current Certificate of Clinical Competence in Speech-Language Pathology (CCC-SLP) from ASHA, then the applicant is presumed to satisfy the requirements of subrule (2) or (3) of this rule, as applicable.

(5) In addition to satisfying the requirements of either subrule (2) or (3) of this rule, as applicable, an applicant's registration or license shall be verified, on a form provided by the department, by the licensing agency of any state in which the applicant holds a current registration or license or ever held a registration or license as a speech-language pathologist. Verification must include providing all documentation of any disciplinary action taken or pending against the applicant.
History: 2011 AACS; 2016 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.613 Supervised postgraduate clinical experience; temporary license; requirements.
Rule 13. (1) The department may issue a temporary license under section 17609(4) of the code, MCL 333.17609, to an individual for the purpose of completing a supervised postgraduate clinical experience.
(2) An applicant for a license as a speech-language pathologist who satisfies the educational requirements in R 338.603(1)(a) or R 338.617(1)(a) but who still must complete the required supervised postgraduate clinical experience shall submit the required fee and a completed application for a temporary license on a form provided by the department. In addition to satisfying the requirements of the code, and the administrative rules promulgated under the code, an applicant for a temporary license shall satisfy both of the following requirements:
(a) Have documentation provided directly to the department from an educational program verifying the applicant's possession of a master's or doctoral degree from an accredited educational program that satisfies the standards adopted by the board under R 338.619 or from an educational program that satisfies the requirements of R 338.617(1)(a).
(b) Submit a plan for the supervised postgraduate clinical experience on a form provided by the department that is signed by a speech-language pathologist who is licensed and has agreed to supervise the applicant's postgraduate experience.
(3) The supervised postgraduate clinical experience must satisfy both of the following requirements:
(a) The experience must satisfy the requirements of R 338.615.
(b) Only experience obtained by an individual who holds a temporary license in a supervised postgraduate clinical situation approved under R 338.615 may count toward the experience requirement.
(4) If an individual transfers to a different supervised postgraduate clinical situation, then he or she shall submit a plan for the new supervised postgraduate clinical situation on a form provided by the department that is signed by a speech-language pathologist who is licensed and has agreed to supervise the individual's postgraduate experience.
(5) The department may issue a nonrenewable temporary license under this rule for a period not to exceed 12 months.
(6) A 2-year educational limited license issued before the effective date of this revised rule may be renewed no more than 2 times, with the length of each renewal period equal to 2 years.
History: 2011 AACS; 2016 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.615 Supervised postgraduate clinical experience; requirements.
Rule 15. (1) The supervised postgraduate clinical experience required for licensure in R 338.603(1)(b) and R 338.617(1)(b) must consist of 1,260 hours and must satisfy the requirements of this rule.
(2) At least 1,008 hours of the 1,260 hours must consist of direct clinical contact engaged in activities consistent with section 17601(1)(a) of the code, MCL 333.17601.
(3) A supervised postgraduate clinical experience must be completed under the supervision of a licensed speech language pathologist who holds a full and unlimited license and has no past or pending disciplinary actions.
(4) The supervisor and supervisee in a postgraduate clinical experience shall develop agreed upon outcomes and performance levels for the supervisee and maintain documentation indicating whether the outcomes and performance levels were met by the supervisee.
(5) The supervisor of a supervised postgraduate clinical experience shall engage in a sufficient number of supervisory activities to prepare the supervisee to begin independent practice as a speech language pathologist. Supervisory activities must include both of the following requirements:
(a) On-site observations of the supervisee engaged in screening, evaluation, assessment, and habilitation or rehabilitation activities. Real time, interactive video and audio conferencing technology may be used to perform on-site observations.

(b) Evaluation of reports written by the supervisee, conferences between the supervisor and supervisee, and discussions with the supervisee's professional colleagues. Correspondence, telephone calls, or review of audio or videotapes may be used to perform this type of supervisory activity.
(6) A supervised postgraduate clinical experience may be fulfilled on a full or part-time basis.
(7) A postgraduate clinical experience approved by ASHA qualifies as a postgraduate clinical experience approved by the board.
History: 2011 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.617 Graduate of non-accredited postsecondary institution; speech-language pathologist; licensure.
Rule 17. (1) An applicant for a speech-language pathology license who graduated from a non-accredited postsecondary institution shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code, and the administrative rules promulgated under the code, an applicant shall satisfy all of the following requirements:
(a) Have documentation provided directly to the department from an educational program verifying the applicant's possession of a master's or doctoral degree from an educational program that is substantially equivalent to an accredited educational program that satisfies the standards adopted by the board under R 338.619. Proof of having completed a substantially equivalent educational program includes an evaluation of the applicant's non-accredited education by a credential evaluation agency that is a member of the National Association of Credential Evaluation Services (NACES).
(b) Have successfully completed a supervised postgraduate clinical experience in speech-language pathology that satisfies the requirements of R 338.615.
(c) Have passed the Praxis Examination in Speech-Language Pathology with a score approved by the board under R 338.605.
(2) If an applicant possesses a current Certificate of Clinical Competence in Speech-Language Pathology (CCC-SLP) from ASHA, then the applicant presumably satisfies the requirements of subrule (1)(a), (b), and (c) of this rule.
History: 2011 AACS; 2016 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.619 Educational standards; adoption by reference.
Rule 19. (1) The board approves and adopts by reference in these rules the standards of the Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA) for the accreditation of speech-language pathology education programs in the publication entitled "Standards for Accreditation of Graduate Education Programs in Audiology and Speech-Language Pathology," which were effective August 1, 2017. Copies of the standards are available from the American Speech-Language-Hearing Association, 2200 Research Boulevard, #310, Rockville, Maryland 20850 at no cost from the association's website at https://caa.asha.org/wp-content/uploads/Accreditation-Standards-for-Graduate-Programs.pdf. A copy of the standards also is available for inspection and distribution at a cost of 10 cents per page from the Board of Speech-Language Pathology, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, Michigan 48909.
(2) Any educational program for speech-language pathologists that is accredited by the CAA qualifies as a speech-language pathology educational program approved by the board.
(3) A higher education institution is considered approved by the board if it is accredited by the accrediting body of the region in which the institution is located and the accrediting body satisfies either the recognition standards and criteria of the Council for Higher Education Accreditation (CHEA) or the recognition procedures and criteria of the United States Department of Education. The board adopts by reference the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR part 602, and the policies and procedures for recognition of accrediting organizations of CHEA, effective June 28, 2010. Copies of the standards and criteria of CHEA and the United States Department of Education are available for inspection and distribution at a cost of 10 cents per page from the Michigan Board of Speech-Language Pathology, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909. The CHEA recognition standards may also be obtained at no cost from the council's website at http://www.chea.org. The federal recognition criteria may also be obtained at no cost from the website for the United States Department of Education, Office of Postsecondary Education at: http://www.ed.gov/about/offices/list/OPE/index.html.

History: 2011 AACS; 2016 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.621 Relicensure.

Rule 21. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies all of the following requirements:

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

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

(c) Submits proof to the department of acquiring not less than 20 continuous professional development (CPD) credits that satisfy the requirements of R 338.629 during the 2 years immediately preceding the date of relicensure.

(2) An applicant whose license has lapsed for 3 years or more preceding the date of application for relicensure may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant satisfies all of the following requirements:

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

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

(c) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174.

(d) Submits proof to the department of acquiring not less than 20 CPD credits that satisfy the requirements of R 338.629 during the 2 years immediately preceding the date of relicensure.

(e) Satisfies 1 of the following requirements:

(i) Re-takes and passes the Praxis Examination in Speech-Language Pathology with a score approved by the board under R 338.605 in the 2 years immediately preceding the application for relicensure.

(ii) Possesses a current Certificate of Clinical Competence in Speech-Language Pathology (CCC-SLP) from ASHA.

(iii) Presents proof to the department that he or she was registered or licensed as a speech language pathologist in another state during the 3-year period immediately preceding the application for relicensure.

(3) In addition to satisfying the requirements of subrule (1) or (2) of this rule, an applicant's registration or license must be verified, on a form provided by the department, by the licensing agency of any state in which the applicant holds a current registration or license or ever held a registration or license as a speech language pathologist. Verification must include providing all documentation of any disciplinary action taken or pending against the applicant.

History: 2011 AACS; 2016 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.623 Relicensure; certified teachers; limited license.

Rule 23. (1) An applicant whose limited license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies all of the following requirements:

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

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

(c) Establishes that the licensee is a certified teacher whose teaching certificate was endorsed on January 12, 2009, as provided under section 17609(2) of the code, MCL 333.17609, in the area of speech and language impairment for the sole purpose of providing services as a part of employment or contract with a school district, intermediate school district, nonpublic school, or state department that provides educational services.

(d) Submits proof to the department of acquiring not less than 20 CPD credits that satisfy the requirements of R 338.629 during the 2 years immediately preceding the date of relicensure.

(2) In addition to satisfying the requirements of subrule (1) of this rule, an applicant's registration or license must be verified, on a form provided by the department, by the licensing agency of any state in which the applicant holds a current registration or license or ever held a registration or license as a speech language pathologist. Verification must include providing all documentation of any disciplinary action taken or pending against the applicant.

(3) An applicant whose limited license has lapsed for 3 years or more is not eligible for relicensure but may apply for a full and unlimited license under R 338.603.

History: 2011 AACS; 2016 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.625
Source: 2016 AACS.

R 338.627 License renewal; requirements; applicability.
Rule 27. (1) This rule applies to applications for renewal of a speech-language pathologist license or a limited speech-language pathologist license under section 17609(1), (2) and (3) of the code, MCL 333.17609, that are filed for renewal cycles after March 16, 2017.
(2) An applicant for license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall accumulate not less than 20 CPD credits in activities approved by the board in R 338.629 during the 2 years preceding the end of the license cycle.
(3) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. A licensee shall retain documentation of satisfying the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to satisfy this rule is a violation of section 16221(h) of the code, MCL 333.16221.
(4) The department may select and audit a sample of licensees who have renewed their license and request proof of compliance with subrule (2) of this rule. If audited, a licensee shall submit documentation as specified in R 338.629.
(5) If the renewing licensee is a certified teacher whose teaching certificate was endorsed on January 12, 2009, as provided under section 17609(2) of the code, MCL 333.17609, in the area of speech and language impairment for the sole purpose of providing services as a part of employment or contract with a school district, intermediate school district, nonpublic school, or state department that provides educational services, a Verification of Employment in an Educational Setting form shall be submitted to the department.
History: 2016 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.629 Acceptable continuous professional development activities; requirements, limitations.
Rule 29. (1) The 20 CPD credits required under R 338.627(2) for the renewal of a license must satisfy the following requirements as applicable:
(a) No more than 12 CPD credits may be earned for approved CPD programs or activities during one 24-hour period.
(b) A licensee cannot earn CPD credit for a CPD program or activity that is substantially identical to a program or activity the licensee has already earned credit for during that renewal period.
(c) Under section 16204(2) of the code, MCL 333.16204, a licensee shall earn at least 1 CPD credit in the area of pain and symptom management by completing a CPD program or activity. Credits in pain and symptom management may include, but are not limited to, courses or activities relevant to the practice of speech-language pathology and relating to the public health burden of pain; ethics and health policy relating to pain; pain definitions; basic sciences including pharmacology, psychology, and sociology; clinical sciences relating to pain; clinician-patient communications as relating to pain; management of pain including evaluation and treatment; ensuring quality pain care; and programs and resources relevant to pain.
(2) Credit may be earned for any of the following activities:

	Activity and Proof of Completion	Number of Approved CPD Credits
(a)	Completing an approved CPD program or activity related to the practice of speech-language pathology or any non-clinical subject relevant to the practice of speech-language pathology. A CPD program or activity is approved, regardless of the format in which it is offered, if it is approved, sponsored, or accepted for CPD credit by any of the following organizations: - American Speech-Language-Hearing Association (ASHA). - Michigan board of audiology. - Michigan board of medicine. - Michigan board of osteopathic medicine and surgery. - A speech-language pathology board of any state.	The number of CPD credits approved by the sponsor or the approving organization is the number of credits approved for each CPD program or activity. A minimum of 6 CPD credits must be earned for this activity in each renewal period. A maximum of 15 CPD credits may be earned for this activity in each renewal period.

	If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for CPD credit, and the date or dates on which the program or activity was completed.	
(b)	Reading an article related to the practice of speech-language pathology in a professional or scientific journal. This activity does not include articles offered as a CPD activity by ASHA. If audited, the licensee shall submit a signed document that lists the journals read, including title of article, journal name, volume number, and author.	1 CPD credit is granted for each article read. A maximum of 5 CPD credits may be earned for this activity in each renewal period.
(c)	Presenting a CPD program related to the practice of speech-language pathology. To receive credit, the presentation must be approved, sponsored, or accepted for CPD credit by any of the following organizations: - ASHA. - Michigan board of audiology. - Michigan board of medicine. - Michigan board of osteopathic medicine and surgery. - A speech-language pathology board of any state. If audited, a licensee shall submit a letter from the program sponsor confirming the licensee as the presenter and the presentation date and time, or a copy of the presentation notice or advertisement showing the date of presentation, the licensee's name listed as the presenter, and the name of the organization that approved or offered the presentation for CPD credit.	2 CPD credits are granted for each 50 to 60 minutes of presentation. A presentation must not be less than 50 minutes in length. No additional credit is granted for preparation. Under subrule (1)(b) of this rule, credit for a presentation is granted only once per a renewal period. A maximum of 10 credits may be earned for this type of activity in each renewal period.
(d)	Initial presentation of a scientific exhibit or paper accepted for presentation through a peer review process at a state, regional, national or international speech-language pathology conference, or its components, or a related professional organization. If audited, a licensee shall submit a copy of the document presented with proof of presentation or a letter from the program sponsor verifying the exhibit or paper was accepted for presentation through a peer review process and the date of presentation.	2 CPD credits are granted for each presentation. No additional credit for preparation is granted. Under subrule (1)(b) of this rule, credit for a presentation is granted only once per a renewal period. A maximum of 10 credits may be earned for this type of activity in each renewal period.
(e)	Writing an article related to the practice, education, or research of speech-language pathology that is published in any of the following journals: • An association journal. • A peer-reviewed journal. • A health care journal. • A professional or scientific journal. If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author of the article or a publication acceptance letter.	3 CPD credits are granted for each article. Under subrule (1)(b) of this rule, credit for an article is granted once per renewal period. A maximum of 9 credits may be earned for this type of activity in each renewal period.

(f)	Writing a chapter related to the practice, education, or research of speech-language pathology that is published in a text book. If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author of the chapter or a publication acceptance letter.	3 CPD credits for each chapter are granted. Under subrule (1)(b) of this rule, credit for a chapter is granted only once in a renewal period. A maximum of 9 credits may be earned for this type of activity in each renewal period.
(g)	Serving as an instructor of students, staff, or other licensees at a clinical program related to the practice of speech-language pathology provided through or recognized by an accredited speech language pathology educational program that satisfies the standards set in R 338.619. If audited, the licensee shall submit a letter from the program director verifying the licensee's role, the number of instructional sessions on specific subjects provided by the licensee, and the length of the instructional sessions. Also, the letter must verify that the clinical training program was provided, offered, or accredited by an educational program or organization that satisfies the requirements of this rule.	2 CPD credits are granted for each 50 to 60 minutes instructional session on a specific subject. No additional credit is granted for preparation. A maximum of 10 CPD credits may be earned for this type of activity in each renewal period.
(h)	Serving as a clinical supervisor for students completing an internship, residency, or fellowship program that is recognized or approved by R 338.615. If audited, a licensee shall submit a letter from the educational program or clinical agency director verifying the licensee's role, the number of hours of instruction or supervision provided by the licensee, and that the internship, residency, or fellowship program is recognized or approved by an educational program or organization that satisfies the requirements of this rule.	1 CPD credit is granted for 1 hour of clinical instruction or supervision. A maximum of 5 CPD credits may be earned for this type of activity in each renewal period.
(i)	Providing supervision as part of a disciplinary sanction. If audited, the licensee shall submit an affidavit from the disciplinary limited licensee who received the supervision. The affidavit must attest to the licensee's role as supervisor and the number of hours the licensee spent providing supervision to the disciplinary limited speech-language pathologist.	1 CPD credit is granted for 1 hour of supervision provided. A maximum of 5 CPD credits may be earned for this type of activity in each renewal period.
(j)	Participating on an international, national, regional, state, state component, or local task force, committee, board, council, or association related to the field of speech-language pathology. A task force, committee board, council, or association is considered acceptable if it enhances the participant's knowledge and understanding of the field of speech-language pathology. If audited, a licensee shall submit documentation verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the task force, committee, board, council, or association.	5 CPD credits are granted for participation on each task force, committee, board, council, or association. A maximum of 5 CPD credits may be earned for this type of activity in each renewal period.
(k)	Participation in the development of a national examination for speech-language pathologists.	5 CPD credits are granted for participation.

	If audited, the licensee shall submit documentation from the sponsor of the examination verifying the licensee's role and participation in the development of the examination.	A maximum of 5 CPD credits may be earned for this type of activity in each renewal period.
(l)	Participating in an in-service program relating to the practice of speech-language pathology provided or sponsored by a Michigan school system. If audited, the licensee shall submit documentation from the in-service provider verifying the date and number of hours for the in-service program, the program's relationship to speech-language pathology, and the licensee's participation.	1 CPD credit is granted for each hour of in-service completed. A maximum of 5 CPD credits may be earned for this type of activity in each renewal period.

History: 2016 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.641 Continuous Professional Development providers; standards for approval.
Rule 41. (1) A CPD provider that is not pre-approved under R 338.629 may be approved by the board. To be approved by the board, the provider shall complete an application provided by the department, file the application with the department for review no later than 120 days before the program date, and satisfy subrules (2) and (3) of this rule. The application and supporting documentation must include all of the following information:
(a) A program schedule, including date of program, topics, name of speaker, and break times.
(b) An explanation of how the program is being designed to further educate speech-language pathologists, including a short narrative describing the program content and the criteria for the selection of this topic.
(c) Copies of instructional objectives that have been developed.
(d) Copies of all promotional and advertising materials for the program.
(e) The name, title, and address of the program director and a description of his or her qualifications to direct the program.
(f) A description of how the amount of CPD credit to be awarded for this program was determined.
(g) A description of how participants will be notified that CPD credit has been earned.
(h) A copy of the curriculum vitae for each instructional staff member.
(i) A description of the delivery method or methods to be used and the techniques that will be employed to assure active participation.
(j) A copy of the post-test instrument that will be used for participant evaluation.
(k) A description of how post tests will be administered, corrected, and returned to participants.
(l) A description of how post-test performance will influence the awarding of CPD credit.
(m) A description of how attendance is monitored, including sample documents, and the name of the person monitoring attendance.
(2) The CPD program approved under subrule (1) of this rule must satisfy all of the following requirements:
(a) The program must be an organized program of learning that that will contribute to the advancement and enhancement of professional competency and scientific knowledge in the practice of speech-language pathology and be designed to reflect the educational needs of speech-language pathologists.
(b) The program must have a scientific and educational integrity and contain generally accepted speech-language pathology practices.
(c) A course must have an outline that demonstrates consistency with the course description and reflects the course content.
(d) A course must be taught in a manner appropriate to the educational content, objectives, and purpose of the program and must allow suitable time to be effectively presented to the audience.
(e) Instructors must have the necessary qualifications, training, or experience, or all 3, to teach the course.
(f) The activity must provide for active participation and involvement from the participants.
(g) The activity must offer educational materials for each CPD activity that will enhance the participant's understanding of the content and foster applications to speech-language pathology practice.
(h) The activity must include learning assessments in each activity that allow speech-language pathologists to assess their achievement of the learned content. Completion of a learning assessment is required for CPD content.

(3) The program provider or sponsor approved under subrule (1) of this rule shall issue certificates or letters of attendance that include all of the following information:
(a) The name of the sponsor.
(b) The name of the program.
(c) The name of the attendee.
(d) The date of the program.
(e) The Michigan approval number.
(f) The signature of the person responsible for attendance monitoring and his or her title.
(g) The number and type of hours attended.
History: 2016 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.645 Patient records and collaboration.
Rule 45. A speech-language pathologist shall maintain patient records under section 16213 of the code, MCL 333.16213. The records must be made available to other health professionals involved in the care of the patient in accordance with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (HIPAA).
History: 2016 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.647 Referral required.
Rule 47. A speech-language pathologist shall not assess or treat a patient for either of the following, unless the patient has been referred by an individual licensed in the practice of medicine or osteopathic medicine and surgery or by an advanced practice registered nurse as that term is defined in section 17201 of the code, MCL 333.17201:
(a) Swallowing disorders.
(b) Medically-related communication disorders.
History: 2016 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.649 Physically invasive procedures; supervision required.
Rule 49. (1) Physically invasive procedures beyond the oropharynx include the following:
(a) Esophageal manometry.
(b) Fiberoptic endoscopic examination of swallowing (fees).
(c) Fiberoptic laryngovideostroboscopy.
(2) Under section 17610(3) of the code, MCL 333.17610, a speech-language pathologist shall only perform the procedures set forth in subrule (1) of this rule under the supervision of a physician licensed to practice medicine or osteopathic medicine and surgery in the state of Michigan. Supervision is defined in section 16109(2) of the code, MCL 333.16109.
(3) A speech-language pathologist shall only perform the procedures listed in subrule (1) of this rule in a setting where a physician licensed in the practice of medicine or osteopathic medicine is physically available to ensure for patient safety.
(4) A speech-language pathologist performing physically invasive procedures under the supervision of a physician shall be familiar with risks associated with physically invasive procedures, including but not limited to, epistaxis, mucosal injury, gagging, allergic reaction to topical anesthetic, laryngospasm, and vasovagal response, and the need for medical intervention.
History: 2016 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

MASSAGE THERAPY - GENERAL RULES

PART 1. GENERAL RULES

R 338.701 Definitions.
Rule 1. (1) As used in these rules:
(a) "Board" means the Michigan board of massage therapy created under section 17955 of the code, MCL

333.17955.
(b) "Classroom instruction" means 50 to 60 minutes of educational instruction, which constitutes 1 hour of classroom instruction, earned in compliance with the requirements of section 17959(3) of the code, MCL 333.17959.
(c) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
(d) "Department" means the department of licensing and regulatory affairs.
(e) "Members of the public" mean individuals who are not currently enrolled in the massage therapy student's supervised curriculum.
(2) Except as otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.
History: 2012 AACS; 2017 AACS; 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

R 338.702 Telehealth.
Rule 2. (1) Consent for treatment must be obtained before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.
(2) Evidence of consent for treatment must be maintained in a patient's medical record and retained in compliance with section 16213 of the code, MCL 333.16213.
(3) A massage therapist providing any telehealth service shall do both of the following:
(a) Act within the scope of his or her practice.
(b) Exercise the same standard of care applicable to a traditional, in-person health care service.
History: 2021 MR 7, Eff. Apr. 1, 2021.

R 338.703
Source: 2017 AACS**.**

R 338.704
Source: 2019 AACS.

R 338.705
Source: 2019 AACS.

R 338.707
Source: 2019 AACS.

R 338.709
Source: 2019 AACS.

R 338.711
Source: 2019 AACS.

R 338.713
Source: 2019 AACS.

R 338.715
Source: 2019 AACS.

R 338.717
Source: 2019 AACS.

R 338.719
Source: 2019 AACS.

R 338.721
Source: 2017 AACS**.**

PART 2. EDUCATION

R 338.722 Supervised curriculum for students enrolled before August 1, 2017; for students enrolled on or after August 1, 2017 but before January 10, 2020; requirements.
Rule 22. (1) As used in the rule, "supervised curriculum" means a massage therapy curriculum that meets the requirements of this rule and is taught in a school as defined in section 17951(1)(e) of the code, MCL 333.17951.
(2) For students enrolled before August 1, 2017, a supervised curriculum must include, at a minimum, 500 hours of courses or coursework and both of the following:
(a) Classroom instruction including both of the following:
(i) Forty hours performing massage therapy services for members of the public in a supervised student clinic that meets all of the requirements of R 338.724.
(ii) Two hundred hours of massage and bodywork assessment, theory, and application instruction.
(b) Classroom instruction including all of the following:
(i) One hundred twenty-five hours of instruction on the body systems that include anatomy, physiology, and kinesiology.
(ii) Forty hours of pathology.
(iii) Ten hours of business, professional practice, or ethics instruction with a minimum of 6 hours in ethics.
(iv) Eighty-five hours of instruction in an area or related field, as determined by the school, that completes the massage therapy program of study.
(3) For students enrolled on or after August 1, 2017 but before January 10, 2020, a supervised curriculum must include, at a minimum, 625 hours of courses or coursework and both of the following:
(a) Classroom instruction including both of the following:
(i) Forty hours performing massage therapy services for members of the public in a supervised student clinic that meets all of the requirements of R 338.724.
(ii) Two hundred hours of massage and bodywork assessment, theory, and application instruction.
(b) Classroom instruction including all of the following:
(i) One hundred twenty-five hours of instruction on the body systems that include anatomy, physiology, and kinesiology.
(ii) Forty hours of pathology.
(iii) Ten hours of business, professional practice, or ethics instruction with a minimum of 6 hours in ethics.
(iv) Two hundred ten hours of instruction in an area or related field, as determined by the school, that completes the massage therapy program of study.
History: 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

R 338.722a Supervised curriculum for students enrolled on or after January 10, 2020; requirements.
Rule 22a. (1) As used in this rule, "supervised curriculum" means a massage therapy curriculum that meets the requirements of this rule and is approved by the board pursuant to R 338.726.
(2) For students enrolled on or after January 10, 2020, a supervised curriculum must include, at a minimum, 625 hours of courses or coursework and satisfy both of the following:
(a) Classroom instruction including both of the following:
(i) Seventy-five hours performing massage therapy services for members of the public in a supervised student clinic that meets all of the requirements of R 338.724.
(ii) Two hundred hours of massage and bodywork assessment, theory, and application instruction.
(b) Classroom instruction including all of the following:
(i) One hundred twenty-five hours of instruction on the body systems that include anatomy, physiology, and kinesiology.
(ii) Forty hours of pathology.
(iii) Twenty-five hours of business, professional practice, or ethics instruction with a minimum of 10 hours in ethics.
(iv) One hundred sixty hours of instruction in an area or related field, as determined by the school, that completes the massage therapy program of study.
History: 2021 MR 7, Eff. Apr. 1, 2021.

R 338.723
Source: 2019 AACS.

R 338.724 Supervised student clinic; requirements.

Rule 24. (1) A student shall have completed a minimum of 20 hours of courses or coursework in pathology before participating in a supervised student clinic.
(2) A supervised student clinic must satisfy all of the following requirements:
(a) If a student was enrolled before January 10, 2020, all supervised clinic hours must be held on school premises. If the student was enrolled on or after January 10, 2020, a minimum of 55 supervised clinic hours must be held on school premises. A maximum of 20 supervised clinic hours may be held off school premises.
(b) The clinic must be supervised by a licensed massage therapist who is a faculty member of the school offering the supervised curriculum. The supervising massage therapist shall be present on the premises and be readily accessible to the students at all times during the clinic.
(c) The ratio of students to supervising massage therapists must not exceed 15 students to 1 supervising massage therapist.
(3) A supervising massage therapist shall ensure that a student possesses the appropriate education, experience, and skills before allowing the student to provide a massage to any member of the public during a supervised student clinic.
History: 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

R 338.725
Source: 2017 AACS**.**

R 338.726 Educational standards; adoption by reference.
Rule 26. The board approves a massage therapy supervised curriculum that meets the requirements of R 338.722a and complies with 1 of the following:
(a) Is offered by a National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) assigned school that is researched and approved by the NCBTMB and meets the NCBTMB's minimum curriculum requirements.
(b) Is accredited by the accrediting body of the region in which the institution is located and the accrediting body meets either the recognition standards and criteria of the Council for Higher Education Accreditation (CHEA) or the recognition procedures and criteria of the United States Department of Education. The board adopts by reference the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR 602 (2010), and the policies and procedures for recognition of accrediting organizations of the CHEA, effective September 24, 2018. Copies of the standards and criteria of the CHEA and the United States Department of Education are available for inspection and distribution at a cost of 10 cents per page from the Board of Massage Therapy, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909. The CHEA recognition standards may also be obtained at no cost from the council's website at http://www.chea.org. The federal recognition criteria may also be obtained at no cost from the website for the United States Department of Education Office of Postsecondary Education at http://www.ed.gov/about/offices/list/OPE/index.html.
History: 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

R 338.727
Source: 2019 AACS.

PART 3. LICENSURE

R 338.731
Source: 2019 AACS.

R 338.732 Training standards for identifying victims of human trafficking; requirements.
Rule 32. (1) Pursuant to sections 16148 and 17060 of the code, MCL 333.16148 and 333.17060, an individual who is licensed or seeking licensure shall complete training in identifying victims of human trafficking that meets the following standards:
(a) Training content that covers all of the following:
(i) Understanding the types and venues of human trafficking in the United States.
(ii) Identifying victims of human trafficking in health care settings.
(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
(iv) Identifying resources for reporting the suspected victims of human trafficking.

(b) Acceptable providers or methods of training include any of the following:
(i) Training offered by a nationally recognized or state-recognized health-related organization.
(ii) Training offered by, or in conjunction with, a state or federal agency.
(iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
(iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
(c) Acceptable modalities of training include any of the following:
(i) Teleconference or webinar.
(ii) Online presentation.
(iii) Live presentation.
(iv) Printed or electronic media.
(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to all license renewals and for initial licenses issued after March 14, 2022.
History: 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

R 338.733
Source: 2019 AACS.

R 338.734 Examinations; passing scores.
Rule 34. An applicant for licensure shall pass either of the following:
(a) The Massage and Bodywork Licensure Examination (MBLEX), or its replacement, offered by the Federation of State Massage Therapy Boards (FSMTB). The passing score for the MBLEX is the passing score recommended by the FSMTB.
(b) The National Certification Examination for Therapeutic Massage and Bodywork (NCETMB) offered by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB), if taken before November 1, 2014. The passing score for the NCETMB is the passing score recommended by the NCBTMB.
History: 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

R 338.735 Licensure; massage therapist; requirements.
Rule 35. An applicant for a massage therapist license by examination shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code and these rules, the applicant shall satisfy both of the following requirements:
(a) Have successfully completed a supervised curriculum that satisfies the requirements in R 338.722 or R 338.722a, as applicable.
(b) Pass an examination required under R 338.734.
History: 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

R 338.736 Foreign-trained applicants; licensure; requirements.
Rule 36. An applicant for a massage therapist license who completed a massage therapy curriculum outside of the United States shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code and these rules, the applicant shall satisfy all of the following requirements:

(a) Have successfully completed a massage therapy curriculum that is substantially equivalent to a supervised curriculum that meets the requirements in R 338.722 or R 338.722a, as applicable. Evidence of having completed a massage therapy curriculum that is substantially equivalent to a supervised curriculum includes an evaluation of the applicant's education by a recognized and accredited credential evaluation agency that is a member of the National Association of Credential Evaluation Services.
(b) Pass an examination required under R 338.734.
History: 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

R 338.737 Licensure by endorsement; requirements.
Rule 37. (1) An applicant for a license by endorsement shall hold an active massage therapist license or registration in another state, country, jurisdiction, territory, or province at the time of application, be of good moral character, and be at least 18 years of age.
(2) The applicant shall submit the required fee and a completed application on a form provided by the department.
(3) An applicant who has held an active massage therapist license in another state, country, jurisdiction, territory, or province for 3 years or more preceding the date of application satisfies the requirements for licensure pursuant to section 19759(2) of the code, MCL 333.17959.
(4) An applicant who has held an active massage therapist license in another state, country, jurisdiction, territory, or province for less than 3 years immediately preceding the date of application shall satisfy both of the following requirements:
(a) Have successfully completed a supervised curriculum that meets the requirements in R 338.722**,** R 338.722a, or R 338.736(a)**,** as applicable.
(b) Have passed an examination required under R 338.734.
(5) An applicant shall have his or her license, certification, or registration in good standing verified by the licensing, certifying, or registering agency of each state, country, jurisdiction, territory, or province in which the applicant holds, or has ever held**,** a license, certification, or registration as a massage therapist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.
History: 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

R 338.738 Relicensure.
Rule 38. An applicant whose license has lapsed may be relicensed upon submission of the appropriate documentation as noted in the table below:

(1) For a massage therapist who has let his or her Michigan license lapse and is not currently licensed in another state country, jurisdiction, territory, or province.		Lapsed less than 3 years	Lapsed 3 years or more
(a)	Application and fee: submit a completed application on a form provided by the department, together with the required fee.	√	√
(b)	Good moral character: establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√
(c)	Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√
(d)	Continuing education: submit proof of having completed 45 hours of continuing education that satisfy the requirements of R 338.739 and R 338.741 in courses and programs approved by the board and earned within the 3-year period immediately preceding the application for relicensure.	√	√
(e)	Examination: passage of the examination approved pursuant to R 338.734 within 3		√

	years of relicensure.		
(f)	License verification: an applicant's license in good standing must be verified by the licensing agency of each state, country, jurisdiction, territory, or province in which the applicant holds or ever held a license as a massage therapist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.	√	√
(2) For a massage therapist who has let his or her Michigan license lapse and is currently licensed in another state, country, jurisdiction, territory, or province		Lapsed less than 3 years	Lapsed 3 years or more
(a)	Application and fee: submit a completed application on a form provided by the department, together with the required fee.	√	√
(b)	Good moral character: establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√
(c)	Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√
(d)	Continuing education: submit proof of having completed 45 hours of continuing education that satisfy the requirements of R 338.739 and R 338.741 in courses and programs approved by the board and earned within the 3-year period immediately preceding the application for relicensure.	√	√
(e)	License verification: an applicant's license in good standing must be verified by the licensing agency of each state, country, jurisdiction, territory, or province in which the applicant holds or ever held a license as a massage therapist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.	√	√

History: 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

R 338.739 License renewals; massage therapist; requirements; applicability.
Rule 39. (1) An applicant for license renewal shall accumulate not less than 18 hours of continuing education in activities approved by the board under these rules during each license cycle.
(2) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. A licensee shall retain documentation of meeting the requirements of this rule for a period of 5 years from the date of application for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.
(3) The requirements of this rule do not apply if a licensee has been licensed for less than 3 years.
(4) A request for a waiver pursuant to section 16205 of the code, MCL 333.16205, must be received by the

department before the expiration date of the license.
(5) The department may select and audit a sample of licensees who have renewed their licenses and request proof of compliance with subrule (1) of this rule.
History: 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

PART 4. CONTINUING EDUCATION

R 338.741 Acceptable continuing education; requirements; limitations.
Rule 41. (1) A licensee may not earn more than 12 hours of continuing education during a 24-hour period.
(2) A licensee may not earn credit for a continuing education program or activity that is identical or substantially identical to a program or activity the licensee has already earned credit for during that license cycle.
(3) The continuing education credit hours earned during 1 license cycle may not be carried forward to the next license cycle.
(4) A licensee may not earn credit for continuing education programs or activities that primarily focus on practices excluded from licensure under section 17957 of the code, MCL 333.17957.
(5) A licensee shall earn at least 1 hour of continuing education in the area of pain and symptom management. Continuing education hours in pain and symptom management may include, but are not limited to, courses in behavior management, behavior modification, stress management, and clinical applications, as they relate to professional practice.
(6) A licensee shall earn at least 2 hours of continuing education in the area of professional ethics or boundaries.
(7) The board approves any of the following as acceptable continuing education:

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES

	Activity and Proof Required	Number of continuing education hours earned per activity
(a)	Attendance at or participation in a continuing education program or activity related to the practice of massage therapy, or any non-clinical subject relevant to massage therapy practice, education, administration, management, or science, which includes, but is not limited to, live, in-person programs; interactive or monitored teleconference, audio-conference, or web-based programs; online programs; and journal articles or other self-study programs approved or offered by any of the following: The NCBTMB, or a sponsor approved by the NCBTMB. The FSMTB, or a sponsor approved by the FSMTB. A massage therapy school or program approved pursuant to R 338.726. If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.	The number of continuing education hours earned is the number of hours approved by the sponsor or the approving organization for the specific program or activity. A maximum of 18 hours of continuing education may be earned for this activity in each renewal period.
(b)	Initial presentation of a continuing education program related to the practice of massage therapy provided to a state, regional, national, or international massage therapy organization. To receive credit, the presentation must not be a part of the licensee's regular job description and must be approved or offered for continuing education credit by any of the following: The NCBTMB, or a sponsor approved by the NCBTMB. The FSMTB, or a sponsor approved by the FSMTB. A massage therapy school or program approved pursuant to R	Two hours of continuing education are earned for each 50 to 60 minutes of presentation. No additional credit is earned-for preparation of a presentation. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period.

	338.726. If audited, the licensee shall submit a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter, and the name of the organization that approved or offered the presentation for continuing education credit.	
(c)	Initial presentation of a scientific exhibit, poster, scientific paper, or clinical demonstration to a massage therapy organization. To receive credit, the presentation must not be part of the licensee's regular job description or performed in the normal course of the licensee's employment. If audited, the licensee shall submit a copy of the document presented with evidence of presentation or a letter from the program sponsor verifying the length and date of the presentation.	Two hours of continuing education are earned for each 50 to 60 minutes of presentation. No additional credit is earned for preparation of a presentation. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period.
(d)	Initial publication of an article related to the practice of massage therapy in a non-peer reviewed journal or newsletter. If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	One hour of continuing education is earned for each article. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period.
(e)	Initial publication of a chapter related to the practice of massage therapy in either of the following: A professional or health care textbook. A peer-reviewed textbook. If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	Five hours of continuing education are earned for serving as the primary author. Two hours of continuing education are earned for serving as the secondary author.
(f)	Identifying, researching, and resolving an event or issue related to clinical or professional practice. If audited, the licensee shall submit a completed experiential activity form provided by the department for each issue or event.	One hour of continuing education is earned for each 50 to 60 minutes spent identifying, researching, and resolving the issue or event. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.
(g)	Participating on a state or national committee, board, council, or association related to the field of massage therapy. A committee, board, council, or association is considered acceptable by the board if it enhances the participant's knowledge and understanding of the field of massage therapy. If audited, the licensee shall submit documentation verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.	Five hours of continuing education are earned for each committee, board, council, or association. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.
(h)	Participating on any of the following: A peer review committee dealing with quality patient care as it relates to the practice of massage therapy. A committee dealing with utilization review as it relates to the practice of massage therapy. A health care organization committee dealing with patient care issues related to the practice of massage therapy.	Five hours of continuing education are earned for participating on a committee. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.

	If audited, the licensee shall submit a letter from an organization official verifying the licensee's participation on the committee.	
(i)	Participating in peer supervision or consultation with professional colleagues. If audited, the licensee shall submit an affidavit from the colleague that was involved in the peer supervision or consultation. The affidavit must attest to the licensee's role and the number of hours the licensee spent participating in these activities.	One hour of continuing education is earned for each 50 to 60 minutes of participation. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period.
(j)	Participating in case conferences, including multidisciplinary conferences, for training purposes. If audited, the licensee shall submit a letter from the administrative or clinical supervisor verifying the types of conferences and the number of hours the licensee spent participating in the conferences.	One hour of continuing education is earned for each 50 to 60 minutes of participation. A maximum of 4 hours of continuing education may be earned for this activity in each renewal period.
(k)	Providing individual supervision for a student in supervised curriculum beyond the hours required by R 338.722. Supervision provided as part of a disciplinary sanction may be included under this activity. If audited, the licensee shall submit an affidavit from the student who received the supervision. The affidavit must attest to the licensee's role as a supervisor and the number of hours the licensee spent providing supervision to the student.	One hour of continuing education is earned for each 50 to 60 minutes of supervision provided beyond the hours of supervision required per month. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period.
(l)	Participation in a panel discussion relevant to the practice of massage therapy in an approved continuing education program or an organized health care setting. If audited, the licensee shall submit documentation from the organizer of the panel discussion verifying the topic of the panel discussion and the number of hours the licensee spent participating in the discussion.	One hour of continuing education is earned for each 50 to 60 minutes spent participating in the panel discussion. A maximum of 4 hours of continuing education may be earned for this activity in each renewal period.
(m)	Obtaining a new or participation in training to maintain cardiopulmonary resuscitation or bloodborne pathogen certification. If audited, the licensee shall submit a copy of a certificate of completion showing the licensee's name, number of continuing education hours earned, sponsor name, and the date on which the program was held or activity completed.	One hour of continuing education is earned for each 50 to 60 minutes of participation. A maximum of 4 hours of continuing education may be earned for this activity in each renewal period.

History: 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

PART 5. PROFESSIONAL ETHICS

R 338.751 Professional ethics.
Rule 51. A licensee shall maintain professional boundaries and exercise professional ethics in all interactions including, but not limited to, the following:
(a) The licensee shall provide high quality care within the boundaries of the licensee's professional competence, based on education, training, and experience. This includes, but is not limited to, the licensee only providing massage therapy services that ensure the safety of and benefit to the client. The licensee shall refer the client to other healthcare professionals when appropriate for the client's health and well-being.
(b) The licensee shall respect the client's right to modify or discontinue any massage therapy treatment at any time.

(c) The licensee shall not engage in harassment or discrimination based on age, gender, gender identity, race, ethnicity, national origin, religion, sexual orientation, disability, or any basis proscribed by law.
(d) The licensee shall terminate a massage therapy session with a client who suggests or requests that the licensee engage in conduct that is inappropriate, unsafe, or unethical.
(e) The licensee shall not solicit or engage in sexual conduct with a current client, supervisee, or student.
(f) The licensee shall not exploit a current or former client, supervisee, or student to further the licensee's personal, religious, political, business, or financial interests.
(g) The licensee shall keep and maintain an understandable record for each client in compliance with the requirements of section 16213 of the code, MCL 333.16213.
History: 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

R 338.752 Rescinded.
History: 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

BOARD OF EXAMINERS IN MORTUARY SCIENCE

GENERAL RULES

R 338.863
Source: 1997 AACS.

R 338.864
Source: 1997 AACS.

R 338.865
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R 338.881
Source: 1997 AACS.

DIRECTOR'S OFFICE

MECHANICAL RULES LICENSE EXAMINATION PROCEDURES

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STATE BOARD OF PHYSICAL THERAPY REGISTRATION

GENERAL RULES

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DIRECTOR'S OFFICE

PHYSICAL THERAPY

PART 3. ADMINISTRATIVE HEARINGS

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Source: 1997 AACS.

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R 338.1185
Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL THERAPISTS – GENERAL RULES

R 338.1191
Source: 2014 AACS.

R 338.1192
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R 338.1194
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R 338.1196
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R 338.1197a
Source: 2014 AACS.

R 338.1198
Source: 2014 AACS.

R 338.1200
Source: 2014 AACS.

PART 1. DEFINITIONS

R 338.1211 Definitions.
Rule 11. (1) As used in these rules:
(a) "Board" means the board of occupational therapists.
(b) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
(c) "Department" means the department of licensing and regulatory affairs.
(2) Unless otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.
History: 2014 AACS; 2021 MR 9, Eff. May 3, 2021.

PART 2. GENERAL PROVISIONS

R 338.1212 Grounds for disciplinary action.
Rule 12. The conduct included in section 16221 of the code, MCL 333.16221, is prohibited conduct, and may be grounds for disciplinary action against a licensee, registrant, or an applicant.
History: 2014 AACS; 2021 MR 9, Eff. May 3, 2021.

R 338.1213 Rescinded.
History: 2014 AACS; 2021 MR 9, Eff. May 3, 2021.

R 338.1215
Source: 2017 AACS.

PART 3. OCCUPATIONAL THERAPISTS

R 338.1221

Source: 2014 AACS.

R 338.1222 Educational program standards; occupational therapist; adoption by reference.
Rule 22. (1) The board approves and adopts by reference in these rules the standards for accrediting occupational therapist educational programs in the documents entitled "2018 Accreditation Council for Occupational Therapy Education (ACOTE) Standards and Interpretive Guide," adopted by the Accreditation Council for Occupational Therapy Education (ACOTE), which were effective July 31, 2020. Copies of these standards are available at no cost from the ACOTE website at https://acoteonline.org/wp-content/uploads/2020/07/2018-ACOTE-Standards.pdf. Copies of the standards are also available for inspection and distribution at 10 cents per page from the Michigan Board of Occupational Therapists, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 W. Ottawa, P.O. Box 30670, Lansing, Michigan 48909.
(2) Any educational program for occupational therapists that is accredited by the ACOTE qualifies as an occupational therapist educational program approved by the board.
(3) The board approves and adopts by reference in these rules the standards in the document entitled "Minimum Standards for the Education of Occupational Therapists, Revised 2016" published by the World Federation of Occupational Therapists (WFOT). Copies of these standards are available at 10 cents per page on the (WFOT) website at http://www.wfot.org. The standards are also available for inspection at cost from the department at the address listed in subrule (1) of this rule.
(4) Any educational program for occupational therapists that is approved by the WFOT qualifies as an occupational therapist educational program approved by the board.
(5) Any bachelor's level educational program for occupational therapists that was operating before December 31, 2006, and accredited by the ACOTE or approved by the WFOT qualifies as an occupational therapist educational program approved by the board.
History: 2014 AACS; 2021 MR 9, Eff. May 3, 2021.

R 338.1223 Application for occupational therapist license; requirements.
Rule 23. An applicant for an occupational therapist license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant must meet all of the following requirements:
(a) Graduate from an occupational therapist education program that is accredited by the ACOTE or approved by the WFOT, or their predecessor organizations, and meets the standards adopted by the board under R 338.1222 or meets the requirements of R 338.1225.
(b) Within 3 years preceding the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass the occupational therapist licensure examination adopted in R 338.1224.
(c) Within 3 years preceding the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department or an entity approved by the department.
History: 2014 AACS; 2017 AACS; 2021 MR 9, Eff. May 3, 2021.

R 338.1223a Application for license; occupational therapist with lapsed registration; requirements.
Rule 23a. (1) An applicant for an occupational therapist license whose registration as an occupational therapist in this state lapsed on or before January 13, 2009, shall submit the required fee and a completed application on a form, provided by the department, before June 11, 2015. An applicant shall meet all of the following requirements:
(a) Maintain certification as an occupational therapist by the National Board for Certification in Occupational Therapy (NBCOT) after the registration lapsed.
(b) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.
(c) Complete a supervised practice experience that meets the requirements of R 338.1228. The duration of the experience must be as follows:
(i) If the applicant's registration has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.
(ii) If the applicant's registration has lapsed for 7 years or more but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.

(iii) If the applicant's registration has lapsed for 15 years or more, the applicant shall complete not less than 600 hours of supervised practice experience.
(2) An applicant's license or registration must be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.
(3) An applicant for licensure who was registered in this state as an occupational therapist before January 1, 2009, whose registration had lapsed, and who did not apply for licensure prior to June 11, 2015, shall complete the requirements of R 338.1223.
(4) For purposes of meeting the requirements of subrule (1)(c) of this rule, the department may grant an applicant a limited license to complete the supervised practice experience.
(5) A limited license granted under subrule (4) of this rule is valid for 1 year and may be renewed 1 time.
History: 2014 AACS; 2017 AACS; 2021 MR 9, Eff. May 3, 2021.

R 338.1223a
Source: 2017 AACS.

R 338.1224
Source: 2017 AACS.

R 338.1225 Graduate of non-accredited postsecondary institution; occupational therapist; equivalency of education; NBCOT examination.
Rule 25. An applicant for an occupational therapist license who graduated from a non-accredited postsecondary institution shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:
(a) Establish to the board that the applicant completed an occupational therapist educational program that is substantially equivalent to an occupational therapist program that is accredited by the ACOTE or approved by the WFOT as provided in R 338.1222.
(b) Have documentation sent directly to the department from the NBCOT verifying the applicant passed the NBCOT certification examination for occupational therapists adopted in R 338.1224 within 3 years preceding the application for licensure and not more than 2 years after the application for licensure.
(c) Effective January 1, 2021, within 3 years preceding the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department or an entity approved by the department.
History: 2014 AACS; 2021 MR 9, Eff. May 3, 2021.

R 338.1226 Licensure by endorsement; occupational therapist; requirements.
Rule 26. (1) An applicant for an occupational therapist license by endorsement shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant meets the requirements of section 16186 of the code, MCL 333.16186, if the applicant satisfies the requirements of this rule, as applicable.
(2) If an applicant is actively registered or licensed as an occupational therapist in another state of the United States for 5 years or more and is in good standing within 30 days prior to filing an application for an occupational therapist license in this state, then the applicant shall comply with both of the following:
(a) Have previously taken and passed the NBCOT certification examination for occupational therapists with a score adopted by the board under R 338.1224(1) or the predecessor examination that was administered by the American Occupational Therapy Association (AOTA).
(b) Within 3 years preceding the application for endorsement and not more than 2 years after the application for endorsement, the applicant must pass the examination on state laws and rules related to the practice of occupational therapy that is developed and administered by the department or an entity approved by the department with a minimum converted score of 75.
(3) If an applicant is actively registered or licensed as an occupational therapist in another state of the United States for less than 5 years and is in good standing within 30 days prior to filing an application for an occupational therapist license in this state, then the applicant shall comply with all of the following:
(a) Graduate from an occupational therapist education program that is accredited by the ACOTE, or approved

by the WFOT, or their predecessor organizations, and meets the standards adopted by the board in R 338.1222.
(b) Meet the requirements of subrule (2)(a) and (b) of this rule.
(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant's license or registration must be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.
History: 2014 AACS; 2017 AACS; 2021 MR 9, Eff. May 3, 2021.

R 338.1227 Requirements for relicensure; occupational therapist.
Rule 27. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201, if the applicant meets all of the following requirements:
(a) Submits the required fee and a completed application on a form provided by the department.
(b) Establishes that he or she is of good moral character.
(c) Submits proof of having completed the continuing education required in R 338.1252 within the 3-year period immediately preceding the date of the application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date of the application to complete the deficient hours. The application must be held and the license must not be issued until the continuing education requirements have been met.
(2) An applicant for relicensure whose license has lapsed for 3 years or more preceding the date of application may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant meets all of the following requirements:
(a) Submits the required fee and a completed application on a form provided by the department.
(b) Establishes that he or she is of good moral character.
(c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174.
(d) Submits proof of having completed the continuing education required in R 338.1252 within the 3-year period immediately preceding the date of the application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date of the application to complete the deficient hours. The application must be held and the license must not be issued until the continuing education requirements have been met.
(e) Within 3 years preceding the application for relicensure and not more than 2 years after the application for relicensure, passes the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department or an entity approved by the department.
(f) Either of the following:
(i) Within 3 years preceding the application for relicensure and not more than 2 years after the application for relicensure, takes and passes the NBCOT certification examination for occupational therapists, with a score adopted by the board under R 338.1224(1), and completes supervised practice experience pursuant to subrule (3) of this rule.
(ii) Presents evidence to the department that he or she was actively registered or licensed as an occupational therapist in another state during the 3-year period and in good standing within 30 days, prior to filing the application for relicensure.
(3) An applicant who meets the requirements of subrule (2)(f)(i) of this rule shall complete a supervised practice experience that meets the requirements of R 338.1228. The applicant must have a limited license from the department while he or she participates in the supervised practice experience. The duration of the experience must be as follows:
(a) If the applicant's license has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.
(b) If the applicant's license has lapsed for 7 years or more but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.
(c) If the applicant's license has lapsed for more than 15 years, the applicant shall complete not less than 600 hours of supervised practice experience.
(4) In addition to meeting the requirements of either subrule (1) or subrules (2) and (3) of this rule, pursuant to section 16174 of the code, MCL 333.16174, an applicant's license or registration must be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current

license or registration or ever held a license or registration as an occupational therapist. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.
(5) For purposes of meeting the requirements of subrule (3) of this rule, the department may grant an applicant a limited license to complete the supervised practice experience.
(6) A limited license granted under subrule (5) of this rule is valid for 1 year and may be renewed 1 time.
History: 2014 AACS; 2017 AACS; 2021 MR 9, Eff. May 3, 2021.

R 338.1228 Supervised practice experience; occupational therapist; requirements.
Rule 28. (1) The supervised practice experience required for relicensure under R 338.1227 must comply with both of the following:
(a) The supervised practice experience must be obtained under the supervision of a licensed occupational therapist having 3 or more years clinical experience and no past or pending disciplinary actions.
(b) The supervising occupational therapist shall provide the board with verification of the applicant's completion of the supervised practice experience on a form provided by the department.
(2) The supervised practice experience must consist of, at a minimum, professional and clinical instruction in all of the following areas:
(a) Referral process.
(b) Screening process.
(c) Evaluations.
(d) Intervention plans.
(e) Intervention strategies.
(f) Discontinuation; referral for other services.
History: 2014 AACS; 2021 MR 9, Eff. May 3, 2021.

R 338.1229 Delegation of limited assessments, tasks or interventions to an occupational therapy assistant; supervision of an occupational therapy assistant; requirements.
Rule 29. (1) An occupational therapist who delegates the performance of selected limited assessments, tasks or interventions to an occupational therapy assistant as permitted under section 16215 of the code, MCL 333.16215, shall supervise the occupational therapy assistant consistent with section 16109(2) of the code, MCL 333.16109, and satisfy the requirements of this rule. As used in this rule, “limited assessment” means those parts of an evaluation that an occupational therapy assistant is qualified by education and training to perform while under the supervision of an occupational therapist.
(2) An occupational therapist who delegates limited assessments, tasks, or interventions to an occupational therapy assistant shall ensure the qualifications of the occupational therapy assistant under the occupational therapist’s supervision, including verification of the occupational therapy assistant’s training, education, and licensure.
(3) An occupational therapist who delegates limited assessments, tasks, or interventions to an occupational therapy assistant shall determine and provide the appropriate level of supervision required for the occupational therapy assistant’s performance of the delegated limited assessment, task, or intervention. The appropriate level of supervision must be determined based on the occupational therapy assistant’s education, training, and experience and includes 1 of the following:
(a) “General supervision” means that the occupational therapist is not required to be physically present on site but shall be continuously available at the time the limited assessment, task, or intervention is performed. Continuously available includes availability by telecommunication or other electronic device.
(b) “Direct supervision” means that the occupational therapist is physically present with the occupational therapy assistant or immediately available for direction and onsite supervision at the time the limited assessment, task, or intervention is performed, and that the occupational therapist has direct contact in the physical presence of the patient or client during each visit.
(4) An occupational therapist who delegates limited assessments, tasks, or interventions under this rule shall also comply with all of the following:
(a) Initiate and direct the evaluation of the patient or client before delegating limited assessments.
(b) Complete the evaluation before delegating tasks or interventions to be performed by an occupational therapy assistant.
(c) Supervise an occupational therapy assistant to whom limited assessments, tasks, or interventions have been delegated.
(d) Provide predetermined procedures and protocols for limited assessments, tasks, or interventions that have

been delegated.
(e) Monitor an occupational therapy assistant's practice and provision of assigned limited assessments, tasks, or interventions.
(f) Maintain a record of the names of the occupational therapy assistants to whom limited assessments, tasks, or interventions have been delegated pursuant to section 16215 of the code, MCL 333.16215.
(g) Meet using live, synchronous contact at least once per month with the occupational therapy assistant to whom limited assessments, tasks, or interventions have been delegated to evaluate the assistant's performance, review client or patient records, and educate the occupational therapy assistant on the limited assessments, tasks, or interventions that have been delegated to facilitate professional growth and development. The occupational therapist shall maintain documentation of the meeting that has been signed by both the occupational therapist and the occupational therapy assistant. Compliance with this subdivision shall not be used as a substitute for the ongoing supervision required under this subrule and subrule (3) of this rule.
(5) An occupational therapist shall not delegate the performance of either of the following to an occupational therapy assistant:
(a) The sole development of a treatment plan.
(b) The sole evaluation and interpretation of evaluation results.
(6) An occupational therapist shall not supervise more than 4 occupational therapy assistants who are providing services to patients at the same time.
History: 2014 AACS; 2017 AACS; 2021 MR 9, Eff. May 3, 2021.

R 338.1229a Delegation of tasks to an unlicensed individual; direct supervision of an unlicensed individual; requirements.
Rule 29a. (1) An occupational therapist who delegates the performance of selected tasks to an unlicensed individual as permitted under section 16215 of the code, MCL 333.16215, shall supervise the unlicensed individual consistent with section 16109(2) of the code, MCL 333.16109, and satisfy the requirements of this rule. As used in this rule, "unlicensed individual" means an individual who does not hold an occupational therapist license, an occupational therapy assistant license, or any other health professional license and who may be able to perform the tasks identified in this rule.
(2) An occupational therapist who delegates tasks to an unlicensed individual shall provide direct supervision of the unlicensed individual. As used in this subrule, "direct supervision" means that the occupational therapist is physically present with the unlicensed individual or immediately available for direction and onsite supervision when patients or clients are present at the time the task is performed, and that the occupational therapist has direct contact with the patient or client during each visit.
(3) An occupational therapist who delegates tasks under subrule (2) of this rule shall also comply with all of the following:
(a) Ensure the qualifications of the unlicensed individual under the occupational therapist's direct supervision, including verification of the unlicensed individual's training and education.
(b) Examine and evaluate the patient or client before delegating tasks to be performed by an unlicensed individual.
(c) Supervise an unlicensed individual to whom tasks have been delegated.
(d) Provide predetermined procedures and protocols for tasks that have been delegated.
(e) Under section 16213 of the code, MCL 333.16213, maintain a record of the names of the unlicensed individuals to whom tasks have been delegated.
(f) Monitor an unlicensed individual's practice and provision of assigned tasks.
(4) An occupational therapist shall not supervise more than 3 unlicensed individuals who are providing services to patients or clients at the same time.
(5) An occupational therapist shall not delegate the performance of an occupational therapy intervention to an unlicensed individual.
(6) Under section 16171 of the code, MCL 333.16171, the requirements of subrules (2), (3)(b), and (5) of this rule do not apply to a student enrolled in an ACOTE accredited or WFOT approved occupational therapist educational program or an ACOTE accredited occupational therapy assistant educational program approved by the board.
History: 2014 AACS; 2021 MR 9, Eff. May 3, 2021.

PART 4. OCCUPATIONAL THERAPY ASSISTANTS

R 338.1231
Source: 2014 AACS.

R 338.1232 Educational program standards; occupational therapy assistant; adoption by reference.
Rule 32. (1) The board approves and adopts by reference in these rules the standards for accrediting occupational therapy assistant educational programs in the document entitled "2018 Accreditation Council for Occupational Therapy Education (ACOTE) Standards and Interpretive Guide," adopted by the ACOTE, which were effective July 31, 2020. Copies of these standards are available at no cost from the ACOTE website at https://acoteonline.org/wp-content/uploads/2020/07/2018-ACOTE-Standards.pdf. Copies of the standards are also available for inspection and distribution at 10 cents per page from the Michigan Board of Occupational Therapists, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 W. Ottawa, P.O. Box 30670, Lansing, Michigan 48909.
(2) Any educational program for occupational therapy assistants that is accredited by the ACOTE qualifies as an occupational therapy assistant educational program approved by the board.
History: 2014 AACS; 2021 MR 9, Eff. May 3, 2021.

R 338.1233 Application for occupational therapy assistant license; requirements.
Rule 33. An applicant for an occupational therapy assistant license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:
(a) Graduate from an accredited occupational therapy assistant educational program that meets the standards adopted by the board under R 338.1232.
(b) Within 3 years preceding the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass an occupational therapy assistant licensure examination that is approved by the board.
(c) Within 3 years preceding the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department or an entity approved by the department.
History: 2014 AACS; 2017 AACS; 2021 MR 9, Eff. May 3, 2021.

R 338.1233a Application for license; occupational therapy assistant with lapsed registration; requirements.
Rule 33a. (1) An applicant for an occupational therapy assistant license whose registration as an occupational therapy assistant in this state lapsed on or before January 13, 2009, shall submit the required fee and a completed application on a form, provided by the department, before June 11, 2015. An applicant shall meet all of the following requirements:
(a) Maintain certification as an occupational therapy assistant by the NBCOT after the registration lapsed.
(b) Pass the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department or an entity approved by the department.
(c) Complete a supervised practice experience that meets the requirements of R 338. 1237. The duration of the experience must be as follows:
(i) If the applicant's registration has lapsed for 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.
(ii) If the applicant's registration has lapsed for 7 years or more but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.
(iii) If the applicant's registration has lapsed for 15 years or more, the applicant shall complete not less than 600 hours of supervised practice experience.
(2) An applicant's license or registration must be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.
(3) An applicant for licensure who was registered in this state as an occupational therapy assistant prior to January 13, 2009, whose registration had lapsed, and who did not apply for licensure prior to June 11, 2015, shall complete the requirements of R 338.1233.

(4) For purposes of meeting the requirements of subrule (1)(c) of this rule, the department may grant an applicant a limited license to complete the supervised practice experience.
(5) A limited license granted under subrule (4) of this rule is valid for 1 year and may be renewed 1 time.
History: 2014 AACS; 2017 AACS; 2021 MR 9, Eff. May 3, 2021.

R 338.1234 Examinations; occupational therapy assistant; adoption and approval; passing scores.
Rule 34. (1) Under R 338.1233(b), the board approves and adopts the certification examination for occupational therapy assistants that was developed, administered, and scored by the NBCOT as the licensure examination for occupational therapy assistants in this state. The board adopts the passing score recommended by the NBCOT for the certification examination.
(2) The board approves the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department or an entity approved by the department. The passing score on the laws and rules examination is a converted score of not less than 75.
(3) An applicant who fails to achieve a passing score on the examination required in subrule (2) of this rule may retake the examination without limitation.
History: 2014 AACS; 2017 AACS; 2021 MR 9, Eff. May 3, 2021.

R 338.1234a Graduate of non-accredited postsecondary institution; occupational therapy assistant; equivalency of education; NBCOT examination.
Rule 34a. (1) An applicant for an occupational therapy assistant license who graduated from a non-accredited postsecondary institution shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:
(a) Establish to the board that the applicant completed an occupational therapy assistant educational program that is substantially equivalent to an occupational therapist assistant program that is accredited by the ACOTE as provided in R 338.1232.
(b) Have documentation sent directly to the department from the NBCOT verifying the applicant passed the NBCOT certification examination for occupational therapy assistants adopted in R 338.1234 within 3 years preceding the application for licensure and not more than 2 years after the application for licensure.
(c) Within 3 years preceding the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department or an entity approved by the department.
(2) This rule is effective on January 1, 2021.
History: 2021 MR 9, Eff. May 3, 2021.

R 338.1235 Licensure by endorsement of occupational therapy assistant; requirements.
Rule 35. (1) An applicant for an occupational therapy assistant license by endorsement shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant meets the requirements of section 16186 of the code, MCL 333.16186, if the applicant satisfies the requirements of this rule, as applicable.
(2) If an applicant is actively registered or licensed in another state of the United States for 5 years or more and is in good standing as an occupational therapy assistant within 30 days prior to filing an application for ~~a~~ an occupational therapy assistant license in this state, then the applicant shall comply with both of the following:
(a) Have previously taken and passed the NBCOT certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1).
(b) Within 3 years preceding the application for endorsement and not more than 2 years after the application for endorsement, the applicant shall pass the examination on state laws and rules related to the practice of occupational therapy that is developed and administered by the department or an entity approved by the department. The passing score on the laws and rules examination is a converted score of not less than 75.
(3) If an applicant is actively registered or licensed as an occupational therapist assistant in another state of the United States for less than 5 years and is in good standing within 30 days prior to filing an application for an occupational therapy assistant license in this state, then the applicant shall comply with all of the following:
(a) Graduate from an occupational therapy assistant education program that is accredited by the ACOTE, or

its predecessor organization that meets the standards adopted by the board in R 338.1232.
(b) Meet the requirements of subrule (2) of this rule.
(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant's license or registration must be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.
History: 2014 AACS; 2017 AACS; 2021 MR 9, Eff. May 3, 2021.

R 338.1236 Requirements for relicensure; occupational therapy assistant.
Rule 36. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201~~(3)~~, if the applicant meets all of the following requirements:
(a) Submits the required fee and a completed application on a form provided by the department.
(b) Establishes that he or she is of good moral character.
(c) Submits proof of having completed the continuing education required in R 338.1252 within the 3-year period immediately preceding the date of the application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date of the application to complete the deficient hours. The application must be held and the license must not be issued until the continuing education requirements have been met.-
(2) An applicant for relicensure whose license has lapsed for 3 years or more preceding the date of application may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant meets all of the following requirements:
(a) Submits the required fee and a completed application on a form provided by the department.
(b) Establishes that he or she is of good moral character.
(c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174.
(d) Submits proof of having completed the continuing education required in R 338.1252 within the 3-year period immediately preceding the date of the application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date of the application to complete the deficient hours. The application must be held and the license must not be issued until the continuing education requirements have been met. –
(e) Within 3 years preceding the application for relicensure and not more than 2 years after the application for licensure, passes the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department or an entity approved by the department.
(f) Either of the following:
(i) Within 3 years preceding the application for relicensure and not more than 2 years after the application for licensure, takes and passes the NBCOT certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1) and completes supervised practice experience pursuant to subrule (3) of this rule.
(ii) Presents evidence to the department that he or she was actively registered or licensed as an occupational therapy assistant in another state during the 3-year period and was in good standing within 30 days prior to filing the application for relicensure.
(3) An applicant who meets the requirements of subdivision (2)(f)(i) of this rule shall complete a supervised practice experience that meets the requirements of R 338.1237. The duration of the experience must be as follows:
(a) If the applicant's license has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.
(b) If the applicant's license has lapsed for 7 years or more but 15 years or less, the applicant shall complete not less than 400 hours of supervised practice experience.
(c) If the applicant's license has lapsed for more than 15 years, the applicant shall complete not less than 600 hours of supervised practice experience.
(4) In addition to meeting the requirements of either subrule (1) or subrules (2) and (3) of this rule, pursuant to section 16174 of the code, MCL 333.16174, an applicant's license or registration must be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(5) For purposes of meeting the requirements of subrule (3) of this rule, the department may grant an applicant a limited license to complete the supervised practice experience.
(6) A limited license granted under subrule (5) of this rule is valid for 1 year and may be renewed 1 time.
History: 2014 AACS; 2017 AACS; 2021 MR 9, Eff. May 3, 2021.

R 338.1237 Supervised practice experience; occupational therapy assistant; requirements.
Rule 37. (1) The supervised practice experience required for relicensure under R 338.1236 shall comply with all of the following:
(a) The supervised practice experience must be obtained under the supervision of a licensed occupational therapist having 3 or more years clinical experience and no past or pending disciplinary actions.
(b) The supervising occupational therapist shall provide the board with verification of the applicant's completion of the supervised practice experience on a form provided by the department.
(2) The supervised practice experience must consist of, at a minimum, professional and clinical instruction in all of the following areas:
(a) Referral process.
(b) Screening process.
(c) Evaluations.
(d) Intervention plans.
(e) Intervention strategies.
(f) Discontinuation; referral for other services.
(3) Only experience obtained in an approved supervised practice situation by an individual who holds a limited license counts toward the experience requirement.
History: 2014 AACS; 2017 AACS; 2021 MR 9, Eff. May 3, 2021.

R 338.1238
Source: 2017 AACS.

PART 4. ADMINISTRATIVE HEARINGS

R 338.1241
Source: 1997 AACS.

R 338.1242
Source: 1997 AACS.

R 338.1243
Source: 1997 AACS.

R 338.1244
Source: 1997 AACS.

R 338.1245
Source: 1997 AACS.

R 338.1246
Source: 1997 AACS.

R 338.1247
Source: 1997 AACS.

R 338.1248
Source: 1997 AACS.

R 338.1249
Source: 1997 AACS.

R 338.1250

Source: 1997 AACS.

PART 5. CONTINUING EDUCATION

R 338.1251 License renewal; occupational therapist; occupational therapy assistant; requirements.
Rule 51. (1) This part applies to applications for renewal of licensure that are filed for the renewal cycle beginning 1 year or more after the effective date of these rules.
(2) An applicant for license renewal who has been licensed for the 2-year licensing period immediately preceding the expiration date of the license shall accumulate not less than 20 continuing education contact hours that are approved by the board pursuant to R 338.1252 during the 2-year licensing period immediately preceding an application for renewal.–
(3) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule.
(4) A licensee shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.
(5) The board may require an applicant or licensee to submit evidence to demonstrate compliance with this rule.
(6) A request for a waiver under section 16205 of the code, MCL 333.16205 must be received by the department before the expiration date of the license.
(7) The requirements of this part do not apply to an applicant during an initial licensure cycle.
History: 2017 AACS; 2021 MR 9, Eff. May 3, 2021.

R 338.1252 Acceptable continuing education; occupational therapist; occupational therapy assistant; requirements.
Rule 52. (1) The 20 hours of continuing education required pursuant to R 338.1251 for the renewal of a license must comply with the following:
(a) Not more than 10 credit hours may be earned during a 24-hour period for on-line or electronic media, such as videos, internet web-based seminars, video conferences, on-line continuing education programs, and on-line journal articles that are asynchronous and not interactive.
(b) An applicant may not earn credit for a continuing education program or activity that is identical or substantially similar to a program or activity the applicant has already earned credit for during that renewal period.
(c) Pursuant to section 16204 of the code, MCL 333.16204, at least 1 hour of continuing education must be earned in the area of pain and symptom management. Continuing education hours in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interventions as they relate to the practice of occupational therapy.
(2) One-half of the required continuing education contact hours must be completed by live, synchronous, and interactive courses and programs. The remaining continuing education contact hours may be completed in any other format.
(3) The following are acceptable continuing education activities:

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES		
(a)	Completion of an approved continuing education program or activity related to the practice of occupational therapy. A continuing education program or activity is approved if it is approved or offered for continuing education credit by any of the following: NBCOT. International Association for Continuing Education and Training (IACET) authorized providers. Another state or provincial board of occupational therapy.	The number of hours approved by the sponsor or the approving organization. If the activity was not approved for a set number of hours, then 1 hour of continuing education for each 60 minutes of participation may be earned. Credit in this category may be earned without limitation.

	Michigan Occupational Therapy Association (MIOTA). An occupational therapy education program approved by the board in R 338.1222. Employer-provided work place training. Third party presentation that contributes to professional growth, development, and competency of occupational therapy practitioners. If audited, an applicant shall submit a copy of a letter or certificate of completion showing the applicant's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.	
(b)	Completion of academic courses related to the practice of occupational therapy offered in an occupational therapy education program approved by the board pursuant to R 338.1222. If audited, an applicant shall submit an official transcript that reflects completion of the academic course and number of semester or quarter credit hours earned.	Five hours of continuing education may be earned for each semester credit hour earned. Three hours of continuing education may be earned for each quarter credit hour earned. Credit in this category may be earned without limitation.
(c)	Initial publication of a chapter or an article related to the practice of occupational therapy in either of the following: A peer-reviewed textbook. A professional health care textbook. A peer-reviewed journal or periodical. Practice area related article in lay publication (community newspaper and newsletter). Non-peer reviewed professional publication (such as *OT Practice, SIS Quarterly and Advance*). If audited, an applicant shall submit a copy of the publication that identifies the applicant as the author of the publication or a publication acceptance letter.	A maximum of 10 hours may be earned in each renewal period. 10 hours of continuing education ~~can~~ may be earned for a publishing a peer-reviewed textbook, professional healthcare textbook or a peer-reviewed journal or periodical. 2 hours of continuing education may be earned for publishing a practice related article in a lay publication. 5 hours of continuing education may be earned for publishing a non-peer reviewed professional publication.
(d)	Independent reading of peer reviewed articles or viewing or listening to media related to the practice of occupational therapy that does not include a self-assessment component. If audited, an applicant shall submit an affidavit attesting to the number of hours the applicant spent participating in these activities that includes a description of the activity.	One hour for each 60 minutes of participation. A maximum of 5 hours may be earned in each renewal period.
(e)	Initial presentation of an academic or continuing education program that is not a part of the applicant's regular job description.	Three hours may be earned for each 60 minutes of presentation.

	If audited, an applicant shall submit a copy of the curriculum and a letter from the program sponsor verifying the length and date of the presentation.	A maximum of 10 hours may be earned in each renewal period.
(f)	Fieldwork supervision that is not part of the applicant's primary job description. If audited, an applicant shall submit a copy of a letter of verification or certificate from school including dates of fieldwork and name of fieldwork student.	Level I: One hour for all supervision activities may be earned per student. Level II: One hour may be earned for each week of supervision per student supervised. A maximum of 12 hours may be earned in each renewal period.
(g)	Participating on a state or national board, or board of a local chapter or association or committee, or volunteering related to the field of occupational therapy. A state or national board, or board of a local chapter or association is considered acceptable by the board if it enhances the participant's knowledge and understanding of the field of occupational therapy. If audited, an applicant shall submit documentation verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the board.	A maximum of 10 hours of continuing education may be earned for this activity in each renewal period. Attendance at a meeting equals 1 credit hour of continuing education. Attendance at a volunteering activity equals 1 credit hour of continuing education.
(h)	Primary or co-primary investigator in research activities or outcome studies, or externally funded service training projects associated with grants or post-graduation studies related to the field of occupational therapy.	A maximum of 10 hours of continuing education may be earned in each renewal period.
(i)	Completion of competency assessment or knowledge skills assessment activities, or both, either online or in person by an approved provider or employer. If audited, an applicant shall submit documentation to include a certificate of completion or similar document including name, activity, date, sponsoring organization, location and time attended.	A maximum of 10 hours may be earned in each renewal period.

History: 2017 AACS;2021 MR 9, Eff. May 3, 2021.

R 338.1253
Source: 1997 AACS.

R 338.1254
Source: 1997 AACS.

R 338.1255
Source: 1997 AACS.

R 338.1256
Source: 1997 AACS.

R 338.1257

Source: 1997 AACS.

R 338.1258
Source: 1997 AACS.

R 338.1259
Source: 1997 AACS.

R 338.1260
Source: 1997 AACS.

R 338.1261
Source: 1997 AACS.

R 338.1262
Source: 1997 AACS.

R 338.1263
Source: 1997 AACS.

R 338.1264
Source: 1997 AACS.

R 338.1265
Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULTORY AFFAIRS

DIRECTOR'S OFFICE

ATHLETIC TRAINING - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.1301 Definitions.
Rule 1. As used in these rules:
(a) "Board" means the Michigan athletic trainer board.
(b) “BOC” means the Board of Certification, Inc.
(c) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
(d) "Department" means the department of licensing and regulatory affairs.
(e) “Emergency cardiac care” means training in the performance or use of adult cardiopulmonary resuscitation (CPR), pediatric CPR, second rescuer CPR, automated external defibrillator, airway management, and barrier devices.
History: 2010 AACS; 2017 AACS; 2019 AACS; 2021 MR 11, Eff. June 4, 2021.

R 338.1302 Telehealth services.
Rule 2. (1) Consent for treatment must be obtained before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.
(2) Evidence of consent for treatment must be maintained in a client’s medical record.
(3) An athletic trainer providing any telehealth service shall do both of the following:
(a) Act within the scope of his or her practice.
(b) Exercise the same standard of care applicable to a traditional health care service.
History: 2021 MR 11, Eff. June 4, 2021.

PART 2. LICENSURE

R 338.1303 Training standards for identifying victims of human trafficking; requirements.
Rule 3. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual licensed or seeking licensure shall complete training in identifying victims of human trafficking that meets the following standards:
(a) Training content must cover all of the following:
(i) Understanding the types and venues of human trafficking in Michigan or the United States.
(ii) Identifying victims of human trafficking in health care settings.
(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
(iv) Resources for reporting the suspected victims of human trafficking.
(b) Acceptable providers or methods of training include any of the following:
(i) Training offered by a nationally recognized or state-recognized, health-related organization.
(ii) Training offered by, or in conjunction with, a state or federal agency.
(iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
(iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
(c) Acceptable modalities of training include any of the following:
(i) Teleconference or webinar.
(ii) Online presentation.
(iii) Live presentation.
(iv) Printed or electronic media.
(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to license renewals beginning 2019 and for initial licenses issued after April 22, 2021.
History: 2016 AACS; 2019 AACS; 2021 MR 11, Eff. June 4, 2021.
Editor's Note: An obvious error in R 338.1303 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in *Michigan Register,* 2021 MR 11. The memorandum requesting the correction was published in *Michigan Register,* 2021 MR 11.

R 338.1305
Source: 2017 AACS.

R 338.1309 Licensure by examination.
Rule 9. An applicant for an athletic trainer license by examination shall submit a completed application on a form provided by the department with the requisite fee. In addition to satisfying the requirements of the code, the applicant shall satisfy all of the following requirements:
(a) Have graduated from an athletic training program that satisfies the requirements of R 338.1354.
(b) Have passed the examination adopted in R 338.1325.
(c) Have successfully completed emergency cardiac care training from a program that satisfies the requirements of R 338.1355 within 3 years before licensure and hold an unexpired emergency cardiac care certification.-
History: 2010 AACS; 2017 AACS; 2019 AACS; 2021 MR 11, Eff. June 4, 2021.

R 338.1313
Source: 2017 AACS.

R 338.1317 Licensure by endorsement.
Rule 17. (1) An applicant for an athletic trainer license by endorsement shall submit a completed application on a form provided by the department with the requisite fee. In addition to satisfying the requirements of the code, the applicant shall satisfy all of the following requirements:
(a) Be licensed, registered, or certified as an athletic trainer in another state of the United States immediately preceding the application for licensure.
(b) Establish that he or she holds a current, valid BOC certification.
(c) Have successfully completed emergency cardiac care training from a program that satisfies the requirements of R 338.1355 within 3 years before licensure by endorsement and hold an unexpired emergency cardiac care certification.
(2) An applicant's license, registration, certification, or other athletic training professional endorsement recognized by the BOC must be verified by the licensing and regulatory agency of any state of the United States, province of Canada, or other country, in which the applicant holds or has ever held a license, registration, certification, or athletic training professional endorsement to practice as an athletic trainer or other athletic training professional recognized by the BOC for certification. Verification includes, but is not limited to, any disciplinary action taken against the license, registration, certification, or other athletic training professional endorsement.
History: 2010 AACS; 2017 AACS; 2019 AACS; 2021 MR 11, Eff. June 4, 2021.

R 338.1321 Licensure of foreign-trained applicants.
Rule 21. (1) If an applicant was foreign-trained and does not meet the requirements of
R 338.1309 or R 338.1317, then the applicant shall satisfy all of the following requirements:
(a) Hold a national licensure, registration, certification, or other athletic training professional endorsement recognized by the BOC.
(b) Pass the examination adopted in R 338.1325.
(c) Be verified, on a form provided by the department, by the licensing or registration agency of any state of the United States, province of Canada, or other country in which the applicant holds a current license or registration or has ever held a license, registration, certification, or other athletic training professional endorsement to practice as an athletic trainer. This includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.
(d) Have successfully completed emergency cardiac care training from a program that satisfies the requirements of R 338.1355 within 3 years before licensure and hold an unexpired emergency cardiac care certification.
(2) If an applicant holds current certification by the BOC, the applicant is presumed to have satisfied the requirements of subrules (1)(a) and (1)(b) of this rule.
History: 2010 AACS; 2017 AACS; 2019 AACS; 2021 MR 11, Eff. June 4, 2021.

R 338.1321a Rescinded.
History: 2019 AACS; 2021 MR 11, Eff. June 4, 2021.

R 338.1325 Licensed athletic trainer examination; adoption; passing scores.
Rule 25. The board adopts the BOC athletic trainer credentialing examination that is scored by the Scantron Corporation or its successor organization. A passing score on the examination is the passing score determined by the BOC.
History: 2010 AACS; 2017 AACS; 2021 MR 11, Eff. June 4, 2021.

R 338.1329
Source: 2017 AACS.

R 338.1333
Source: 2017 AACS.

R 338.1337

Source: 2019 AACS.

R 338.1341
Source: 2019 AACS.

R 338.1345 Relicensure.
Rule 45. An applicant for relicensure whose Michigan license has lapsed, under the provisions of section 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements as noted by (√):

(1) For an applicant who has let his or her Michigan license lapse and who does not hold a current and valid license, registration, certification, or other athletic training professional endorsement recognized by the BOC to practice as an athletic trainer or other athletic training professional recognized by the BOC for certification in another state of the United States, province of Canada, or other country:		Lapsed less than 3 years	Lapsed 3 years or more
(a)	Application and fee: Submit a completed application on a form provided by the department, together with the requisite fee.	√	√
(b)	Good moral character: Establish that he or she is of good moral character.	√	√
(c)	Fingerprints: Submit fingerprints as required in section 16174(3) of the code, MCL 333.16174.		√
(d)	BOC certification: Establish that he or she holds a current, valid BOC certification.	√	√
(e)	Training: Have successfully completed emergency cardiac care training from a program that satisfies the requirements of R 338.1355 within 3 years before relicensure and hold an unexpired emergency cardiac care certification.	√	√
(f)	Continuing education: Have completed 75 hours of approved CE credits, as provided under R 338.1357, during the 3 years immediately preceding relicensure.	√	√
(g)–	Proof of license verification from another jurisdiction: An applicant's license, registration, certification, or other athletic training professional endorsement recognized by the BOC for certification must be verified by the licensing agency of any state or territory of the United States, province of Canada, or other country in which the applicant has ever held a license, registration, certification, or other athletic training professional endorsement recognized by the BOC to practice as an athletic trainer or other athletic training professional recognized by the BOC for certification. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√
(2) For an applicant who has let his or her Michigan license lapse and who holds a current and valid license, registration, certification, or other athletic training professional endorsement recognized by the BOC to practice as an athletic trainer or other athletic training professional recognized by the BOC for		Lapsed less than 3 years	Lapsed 3 years or more

certification in another state of the United States, province of Canada, or other country:			
(a)	Application and fee: Submit a completed application on a form provided by the department, together with the requisite fee.	√	√
(b)	Good moral character: Establish that he or she is of good moral character.	√	√
(c)	Fingerprints: Submit fingerprints as required in section 16174(3) of the code, MCL 333.16174~~(3)~~.		√
(d)	BOC certification: Establish that he or she holds a current, valid BOC certification.	√	√
(e)	Training: Have successfully completed emergency cardiac training from a program that satisfies the requirements of R 338.1355 within 3 years before relicensure and hold an unexpired emergency cardiac care certification.	√	√
(f)	Continuing education: Have completed 75 hours of approved CE credits, as provided under R 338.1357, during the 3 years immediately preceding relicensure.	√	√
(g)	Proof of license verification from another jurisdiction: An applicant's license, registration, certification, or other athletic training professional endorsement recognized by the BOC for certification must be verified by the licensing agency of any state or territory of the United States, province of Canada, or other country in which the applicant has ever held a license, registration, certification, or other athletic training professional endorsement recognized by the BOC to practice as an athletic trainer or other athletic training professional recognized by the BOC for certification. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√

History: 2010 AACS; 2017 AACS; 2019 AACS; 2021 MR 11, Eff. June 4, 2021.

R 338.1349 License renewal requirements.

Rule 49. (1) An applicant for license renewal shall satisfy both of the following requirements within the 3-year renewal cycle:

(a) Complete emergency cardiac care training from a program that satisfies the requirements of R 338.1355 and hold an unexpired emergency cardiac care certification.

(b) Before the expiration date of the license, complete a total of 75 hours of continuing education that comply with R 338.1357, including a minimum of 3 hours of continuing education hours in pain and symptom management, as required under section 16204 of the code, MCL 333.16204.

(2) Submission of an application for renewal of a license constitutes the applicant's certification of compliance with this rule.

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

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

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

History: 2010 AACS; 2017 AACS; 2019 AACS; 2021 MR 11, Eff. June 4, 2021.

R 338.1353

Source: 2017 AACS.

PART 3. EDUCATIONAL AND TRAINING AND CERTIFICATION PROGRAMS

R 338.1354 Educational program standards; adoption by reference.
Rule 54. (1) The board adopts by reference the standards for accrediting athletic training programs adopted by the Commission on Accreditation for Athletic Training Education (CAATE) in the document entitled "Standards for the Accreditation of Professional Athletic Training Programs," July 1, 2012, as revised February 16, 2018, which is available at no cost from the CAATE website, at http://www.caate.net. An athletic training program that is accredited by CAATE is approved by the board.
(2) The board adopts by reference the procedures and criteria for recognizing accrediting organizations of the Council of Higher Education Accreditation (CHEA), effective September 24, 2018, and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR part 602 (2010). The CHEA recognition standards may be obtained from CHEA, One Dupont Circle NW, Suite 510, Washington, DC 20036-1110, or from the council's website at http://www.chea.org at no cost. The federal recognition criteria may be obtained at no cost from the United States Department of Education's website at: http://www.ed.gov/about/offices/list/OPE/index.html.
(3) Copies of the standards and criteria adopted by reference in this rule are available for inspection and distribution at a cost of 10 cents per page from the Michigan Board of Athletic Trainers, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 W. Ottawa St., P.O. Box 30670, Lansing, Michigan 48909.
History: 2019 AACS; 2021 MR 11, Eff. June 4, 2021.

R 338.1355 Approved emergency cardiac care training.
Rule 55. (1) The board approves emergency cardiac care training offered or approved by the following organizations:
(a) American Red Cross.
(b) American Heart Association.
(c) National Safety Council.
(d) American Safety and Health Institute.
(e) Emergency Care and Safety Institute.
(2) The board adopts by reference the standards for certification in basic and advanced cardiac life support set forth by the American Heart Association in the standards and guidelines for cardiopulmonary resuscitation and emergency cardiac care for professional providers and published in "2020 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care ("Circulation," Volume 142, Issue 16 Supplement 2, October 20, 2020). A copy of the guidelines for cardiopulmonary resuscitation and emergency cardiac care may be obtained from the American Heart Association, 7272 Greenville Avenue, Dallas, Texas 75231 or from the association's website at https://www.ahajournals.org/doi/epub/10.1161/CIR.0000000000000929 at no cost. A copy of this document is available for inspection and distribution at a cost of 10 cents per page from the Michigan Department Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.
(3) An organization that provides training that uses the standards specified in subrule (2) of this rule is considered an approved provider.
History: 2019 AACS; 2021 MR 11, Eff. June 4, 2021.

PART 4. CONTINUING EDUCATION

R 338.1357 Limitations for accumulating continuing education; approved continuing education.
Rule 57. (1) A licensee who accumulates the 75 hours of continuing education required pursuant to R 338.1349 for the renewal of an athletic trainer license is subject to all of the following limitations:
(a) A licensee may not accumulate more than 12 credit hours of continuing education during 1 24-hour period.
(b) A licensee may not carry forward the continuing education hours earned during 1 renewal cycle to the next renewal cycle.
(c) A licensee may not earn continuing education credit for completing a program or activity that is identical or substantially identical to a program or activity for which the licensee has already earned credit during the

same renewal cycle.
(d) A licensee may not earn more than 50 hours of continuing education per renewal cycle for activities listed in subrule (5)(d) to (g) of this rule.
(2) Approved courses for accumulating continuing education hours in pain and symptom management, as required in R 338.1349(1)(b), include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interventions as they relate to professional practice.
(3) The board approves and adopts by reference the standards of the BOC set forth in the publication entitled "Practice Analysis, 7th Edition, Outline: Domains and Tasks," effective for April 2017 exam and January 1, 2018 continuing education, available at https://bocatc.org/system/document_versions/versions/24/original/boc-pa7-content-outline-20170612.pdf?1497279231.
(4) Any continuing education program approved by the BOC is considered approved by the board.
(5) The board approves all of the following for continuing education credit:

Activity and Proof of Completion		Number of continuing education hours granted/permitted for each activity
(a)	Maintenance of BOC certification. If audited, the licensee shall provide evidence from the BOC that shows the time period that the licensee held a valid certification.	Twenty-five hours of continuing education are granted for each year that the licensee maintained BOC certification. A maximum of 75 hours of continuing education may be earned for this activity in each renewal cycle.
(b)	Attendance at or participation in a continuing education program or activity related to the practice of athletic training, which includes but is not limited to, live and in person programs; interactive or monitored teleconference, audio-conference, or web-based programs; online programs; and journal articles or other self-study programs approved or offered by any of the following: • Another state or provincial board of athletic trainers. • A state or provincial board related to the practice of medicine, osteopathic medicine and surgery, or physical therapy. If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or other activity for which the continuing education credit was given, and the date on which the program or activity was completed.	The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or the approving organization for the specific program or activity. A maximum of 75 hours of continuing education credit may be earned for this activity in each renewal cycle.
(c)	Initial presentation of continuing education program related to the practice of athletic trainer to a state, regional, national, or international athletic training organization. To receive credit, the presentation must not be a part of the licensee's regular job description and must be approved or offered for continuing education credit by any of the following: • Another state or provincial board of athletic trainers.	Ten hours of continuing education credit are granted for each 50 to 60 minutes of presentation. No additional credit is granted for preparation of a presentation. A maximum of 50 hours of continuing education may be earned for this activity in each renewal cycle.

	• A state or provincial board related to the practice of medicine, osteopathic medicine and surgery, or physical therapy. If audited, the licensee shall submit a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter, and the name of the organization that approved or offered the presentation for continuing education credit.	
(d)	Initial presentation of a scientific exhibit, poster, scientific paper, or clinical demonstration to an athletic training organization. To receive credit, the presentation must not be part of the licensee's regular job description or performed in the normal course of the licensee's employment. If audited, the licensee shall submit a copy of the document presented with evidence of presentation or a letter from the program sponsor verifying the length and date of the presentation.	Ten hours of continuing education are granted for serving as a primary presenter. Five hours of continuing education are granted for serving as a secondary presenter. No additional credit is granted for preparation of the presentation. The maximum number of credit hours permitted per renewal cycle for this activity is subject to subrule (1)(d) of this rule.
(e)	Initial publication of an article related to the practice of athletic training in a peer-reviewed journal. If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author of the publication or an acceptance letter.	Fifteen hours of continuing education are granted for serving as a primary author. Ten hours of continuing education are granted for serving as a secondary author. The maximum number of credit hours permitted per renewal cycle for this activity is subject to subrule (1)(d) of this rule.
(f)	Initial publication of a chapter related to the practice of athletic training in any of the following: • A professional or health care textbook. • A peer-reviewed textbook. • A book related to the practice of athletic training. If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	Ten hours of continuing education are granted for serving as a primary or contributing author. The maximum number of credit hours permitted per renewal cycle for this activity is subject to subrule (1)(d) of this rule.
(g)	Passing an academic course or residency program related to the practice of athletic training that is offered by either of the following: • An athletic training program that satisfies the standards adopted in R 338.1354(1). • A higher education institution accredited by an organization that satisfies the standards of R 338.1354(2). If audited, a licensee shall submit a copy of the transcript showing credit hours of the academic course related to athletic training.	Ten hours of continuing education are granted for each course. A maximum of 50 hours per renewal cycle may be earned for this activity.

History: 2010 AACS; 2017 AACS; 2019 AACS; 2021 MR 11, Eff. June 4, 2021.

R 338.1361

Source: 2014 AACS.

R 338.1365
Source: 2017 AACS.

PART 5. DELEGATION AND ADOPTION BY REFERENCE OF PROFESSIONAL STANDARDS

R 338.1369 Delegation and supervision; requirements.
Rule 69. (1) Pursuant to section 16215(1) of the code, MCL 333.16215, a licensee may delegate the performance of an athletic training act, task, or function if the licensee maintains a record of the name of the individual to whom the act, task, or function was delegated. The record must be maintained pursuant to section 16213 of the code, MCL 333.16213.
(2) A licensee who delegates an act, task, or function related to the practice of athletic training shall provide supervision as follows:
(a) If the delegatee is licensed under the code and the act, task, or function is within the delegatee's scope of practice, the supervision shall be general supervision as defined in section 16109(2) of the code, MCL 333.16109.
(b) If the delegatee is unlicensed or the act, task, or function does not fall within the delegatee's licensed scope of practice, the supervision shall be direct supervision. As used in this subdivision, "direct supervision" means the licensee is physically present and immediately available for face-to-face direction and supervision at the time the act, task, or function is performed and the licensee has direct contact with the individual upon whom the act, task, or function was performed.
(3) A licensee shall not delegate a job, task, or function to a secondary-school student that requires the secondary-school student to engage in the practice of athletic training.
(4) At any given time, the number of unlicensed individuals to whom a licensee may provide direct supervision must not exceed 8 individuals.
History: 2010 AACS; 2017 AACS; 2021 MR 11, Eff. June 4, 2021.

R 338.1373
Source: 2017 AACS.

R 338.1377
Source: 2017 AACS.

R 338.1378 Professional standards.
Rule 78. (1) The board adopts by reference the BOC's "Standards of Professional Practice" effective January 2021. The standards are available, free of charge on the agency's website at: https://bocatc.org/public-protection/standards-discipline/standards-discipline/standards-of-professional-practice, or a copy may be obtained at a cost of 10 cents per page, from the Board of Athletic Trainers, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 W. Ottawa St., P.O. Box 30670, Lansing, Michigan 48909.
(2) A licensee shall comply with the standards adopted in subrule (1) of this rule.
History: 2017 AACS; 2019 AACS; 2021 MR 11, Eff. June 4, 2021.

DIRECTOR'S OFFICE

HOROLOGY

R 338.1401
Source: 1997 AACS.

R 338.1402
Source: 1997 AACS.

R 338.1403
Source: 1997 AACS.

R 338.1404
Source: 1997 AACS.

R 338.1405
Source: 1997 AACS.

R 338.1406
Source: 1997 AACS.

R 338.1407
Source: 1997 AACS.

R 338.1408
Source: 1997 AACS.

R 338.1409
Source: 1997 AACS.

R 338.1410
Source: 1997 AACS.

R 338.1411
Source: 1997 AACS.

R 338.1412
Source: 1997 AACS.

R 338.1413
Source: 1997 AACS.

R 338.1414
Source: 1997 AACS.

R 338.1415
Source: 1997 AACS.

R 338.1416
Source: 1997 AACS.

R 338.1417
Source: 1997 AACS.

R 338.1418
Source: 1997 AACS.

R 338.1419
Source: 1997 AACS.

R 338.1420
Source: 1997 AACS.

R 338.1421
Source: 1997 AACS.

R 338.1422
Source: 1997 AACS.

R 338.1423
Source: 1997 AACS.

R 338.1424
Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

RESIDENTIAL BUILDERS AND MAINTENANCE AND ALTERATION CONTRACTORS

PART 1. GENERAL

R 338.1511
Source: 2006 AACS.

R 338.1512
Source: 1998-2000 AACS.

R 338.1519
Source: 1990 AACS.

R 338.1511
Source: 2014 AACS.

R 338.1521
Source: 2014 AACS.

R 338.1521a
Source: 2014 AACS.

PART 2. LICENSES AND BONDS

R 338.1522
Source: 1997 AACS.

R 338.1523
Source: 1997 AACS.

R 338.1523a
Source: 1998-2000 AACS.

R 338.1524
Source: 2014 AACS.

R 338.1525
Source: 2006 AACS.

R 338.1526
Source: 2006 AACS.

R 338.1531
Source: 2014 AACS.

R 338.1532
Source: 2014 AACS.

R 338.1533
Source: 2006 AACS.

R 338.1534
Source: 2014 AACS.

R 338.1535
Source: 2006 AACS.

R 338.1536
Source: 2006 AACS.

PART 5. COMPLAINTS AND HEARINGS

R 338.1551
Source: 2019 AACS.

R 338.1554
Source: 1997 AACS.

R 338.1555
Source: 2019 AACS.

PART 6. EDUCATION

R 338.1560
Source: 2019 AACS.

R 338.1562
Source: 2011 AACS.

R 338.1564
Source: 2019 AACS.

R 338.1565
Source: 2019 AACS.

R 338.1566
Source: 2011 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PUBLIC HEALTH CODE – DISCIPLINARY RULES

PART 1. GENERAL RULES

R 338.1601
Source: 2015 AACS.

R 338.1601a Definitions.
Rule 1a. (1) As used in these rules:
(a) "Board" means that term as defined in section 16103(1) of the public health code, 1978 PA 368, MCL 333.16103.
(b) "Bureau" means the bureau of professional licensing.
(c) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(d) "Department" means the department of licensing and regulatory affairs.
(e) "Disciplinary subcommittee" means that term as defined in section 16104(5) of the code, MCL 333.16104.
(f) "Official record of the hearing," includes those records required in section 86 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.286.
(g) "Person" means that term as defined in section 1106(4) of the code, MCL 333.1106.
(h) "Respondent" means a person against whom an administrative complaint has been issued or filed.
(i) "Surrendered" means the permanent relinquishment of a license or registration to practice a health profession by a licensee or registrant as a disciplinary sanction in lieu of or in resolution of further disciplinary proceedings.
(j) "Task force" means that term as defined in section 16109(3) of the code, MCL 333.16109.
(2) Except as otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.
History: 2021 MR 8, Eff. Ap. 15, 2021.

R 338.1601b Disciplinary action; unlicensed or unregistered person.
Rule 1b. An unlicensed or unregistered person is subject to disciplinary action without regard to whether that person becomes licensed or registered or whether the department knew of the violation when the license or registration was issued or reinstated.
History: 2021 MR 8, Eff. Ap. 15, 2021.

R 338.1602
Source: 2015 AACS.

R 338.1602a Continuing duty to report name, address, or electronic mail address change. —
Rule 2a. In addition to complying with section 16192(1) of the code, MCL 333.16192, a licensee or registrant whose license or registration has expired, lapsed, or been suspended, revoked, or surrendered must notify the department of a change of name, postal address, or electronic mail address within 30 days until the later of 1 of the following occurs:
(a) Seven years after a change in license or registration status occurs.
(b) Three years after all administrative complaints against the license or registration filed with the department have been closed.
(c) The licensee or registrant is in full compliance with all final orders issued against the licensee or registrant.
History: 2021 MR 8, Eff. Ap. 15, 2021.

PART 2. HISTORICAL RECORDS

R 338.1603 Historical records.
Rule 3. In addition to the information required to be maintained in the historical record of a licensee or registrant pursuant to section 16211 of the code, MCL 333.16211, the department may obtain and maintain all of the following in a licensee's or registrant's individual historical record:
(a) Reports or information disclosed by a health facility or agency consistent with sections 20175 and 21515 of the code, MCL 333.20175 and 333.21515.
(b) Reports, information, or a final order from a state department or agency.
(c) Reports or information from a professional association or professional society.
(d) Reports or information from a national practitioner databank.
(e) Reports or information from the secretary of state's office.
(f) Reports or information related to prior allegations made against the licensee or registrant.
(g) Reports or information from any federal, state, or local law enforcement agency.
(h) Reports, information, or a final order from any federal, state, or local court or other adjudicating body.
(i) Reports or information related to the individual's failure to satisfactorily participate in or complete a treatment plan under the health professional recovery program (HPRP).
(j) For a period of 5 years following the individual's successful completion of the HPRP, records pertaining to the individual's participation in the HPRP, in compliance with section 16170a(3) of the code, MCL 333.16170a.
History: 1996 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

PART 3. INVESTIGATIONS

R 338.1604 Investigations.
Rule 4. The department's investigation conducted as required or permitted by section 16221 of the code, MCL 333.16221, may encompass possible violations other than those specifically identified when the investigation was initiated if the possible violations arise from the same conduct or incident described when the investigation was initiated.
History: 1996 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.1605 Rescinded.
History: 1996 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.1606 Rescinded.
History: 1996 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.1607 Rescinded.
History: 1996 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

PART 4. PLEADINGS

R 338.1607a Pleadings.
Rule 7a. (1) Until a notice of hearing has been issued, all original pleadings and related attachments must be filed with the department or office of the attorney general as set forth in the administrative complaint or notice of compliance conference.
(2) After a notice of hearing has been issued, all original pleadings and any related attachments must be filed with the Michigan office of administrative hearings and rules as required in the notice of hearing. A copy of all original pleadings and any related attachments must be transmitted to all other parties listed on the notice.
(3) An answer to an administrative complaint must be filed within 30 days from the date of receipt of the administrative complaint.
(4) An amended administrative complaint may be filed 31 or more days before the hearing or at any time with leave from the administrative law judge. A respondent must be given a reasonable time to file an amended answer and to prepare a defense before hearing if the allegations in the administrative complaint are substantially amended.
(5) All pleadings and any related attachments that are properly filed become a part of the official record of the hearing.
History: 2021 MR 8, Eff. Ap. 15, 2021.

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

R 338.1608 Compliance conference; request for adjournment; hearing to establish record for disciplinary action only.
Rule 8. (1) The department may conduct a compliance conference held pursuant to section 16231(5) of the code, MCL 333.16231, informally and not as an evidentiary hearing. A licensee or registrant may submit a written statement before the date of the compliance conference.
(2) A respondent may request and may be granted an adjournment of the compliance conference for good cause. As used in this subrule, "good cause" means that the respondent submitted a written request for adjournment to the department that provides legally sufficient grounds to warrant the adjournment, such as circumstances beyond the respondent's control.
(3) If the parties agree on all issues except the terms of the appropriate disciplinary action, the department must schedule a hearing to establish an official record for consideration by the disciplinary subcommittee of the appropriate board or task force in making its determination of the appropriate disciplinary action. The disciplinary subcommittee must consider the parties' agreement and the official record of the hearing when determining the appropriate disciplinary action.

History: 1996 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.1609 Rescinded.
History: 1996 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.1610
Source: 2015 AACS.

R 338.1611
Source: 2015 AACS.

R 338.1612 Rescinded.
History: 1996 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.1614
Source: 2015 AACS.

R 338.1615 Rescinded.
History: 1996 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.1616
Source: 2015 AACS.

R 338.1617
Source: 2015 AACS.

R 338.1618
Source: 2015 AACS.

R 338.1619
Source: 2015 AACS.

R 338.1620
Source: 2015 AACS.

R 338.1621
Source: 2015 AACS.

R 338.1622
Source: 2015 AACS.

R 338.1623
Source: 2015 AACS.

R 338.1624
Source: 2015 AACS.

R 338.1625
Source: 2015 AACS.

R 338.1626
Source: 2015 AACS.

R 338.1627
Source: 2015 AACS.

R 338.1628
Source: 2015 AACS.

R 338.1629
Source: 2015 AACS.

PART 6. FINAL ORDER, RECONSIDERATION OF FINAL ORDER, AND DUTY TO COMPLY WITH FINAL ORDER

R 338.1630 Final order; remand for additional evidence; revisions to findings; majority vote required; department review.
Rule 30. (1) If an agreement has been reached at an informal conference, the disciplinary subcommittee may accept the proposed disposition and enter a final order, suggest other terms, or require that administrative proceedings be commenced.
(2) In a contested case, the disciplinary subcommittee, board, or task force may enter a final order after reviewing the official record of the hearing.
(3) If the disciplinary subcommittee, board, or task force determines that additional testimony or evidence is necessary, it must issue an order remanding the case to the administrative law judge.–
(a) The order remanding the case to the administrative law judge must specify what witnesses, evidence, or questions are to be addressed on remand without limiting the witnesses or evidence the parties may present.
(b) After the administrative law judge has held a hearing on the remanded matter, the administrative law judge must issue a proposal for decision on remand with findings of fact and conclusions of law to the disciplinary subcommittee, board, or task force having jurisdiction over the case.
(4) The disciplinary subcommittee, board, or task force may make revisions to the findings of fact and conclusions of law based on the evidence in the official record of the hearing. The revision must specifically identify the findings of fact or conclusions of law, or both, being modified or rejected and identify the evidence from the official record of the hearing that supports the revision.
(5) In its final order, a disciplinary subcommittee, board, or task force may adopt, modify, or reject, in whole or in part, the opinion or proposal for decision of the administrative law judge. If the disciplinary subcommittee, board, or task force modifies or rejects the opinion or proposal for decision, the reasons for that action must be stated in the final order.
(6) Except as provided in section 16221(b)(x) of the code, MCL 333.16221, a disciplinary subcommittee must not rely on any prior final order in determining whether grounds for discipline exist in the case under consideration. In determining an appropriate disciplinary action, a disciplinary subcommittee, board, or task force may review any prior final order, and the underlying administrative complaint, that imposed disciplinary action on the applicant, licensee, or registrant.
History: 1996 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.1631 Request for reconsideration of a final disciplinary subcommittee, board, or task force order.
Rule 31. (1) A person may file a written request for reconsideration of a final disciplinary subcommittee, board, or task force order.
(2) The bureau must receive the written request for reconsideration within 30 calendar days after the effective date of the final order. The bureau must deny an untimely request.
(3) The written request must state with specificity the material error claimed and the relief requested. A request for reconsideration that presents the same issues ruled on, either expressly or by reasonable implication, must not be granted.
(4) A properly submitted request must be forwarded to the appropriate disciplinary subcommittee, board, or task force for reconsideration. A request for a modification of a consent order may only be granted after agreement by the parties.
History: 1996 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.1632 Duty to comply with final order.
Rule 32. An applicant, licensee, or registrant must comply with a final order issued by a disciplinary subcommittee, board, or task force.

History: 1996 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

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

R 338.1632a Denial of application; hearing; surrendered license or registration ineligible.
Rule 32a. (1) If the department determines that an applicant for licensure, relicensure, license renewal, registration, reregistration, or registration renewal has not met the requirements for licensure or registration, the department must serve upon the applicant a notice of intent to deny (NOID) the application for licensure or registration.
(2) An applicant may request a hearing to show that he or she has fulfilled the requirements for licensure or registration. The applicant's request for a hearing must be filed within 30 days after a NOID is served on the applicant. If the applicant fails to request a hearing within 30 days of service, the NOID becomes a final order of the board, disciplinary subcommittee, or task force denying the application for licensure or registration.
(3) The department may request that the attorney general prepare and present the grounds believed to support a denial of the application at the hearing.
(4) An applicant who has previously surrendered a license or registration to practice in this state is ineligible to apply for licensure, relicensure, registration, or reregistration in the same profession.
History: 2021 MR 8, Eff. Ap. 15, 2021.

R 338.1633
Source: 2015 AACS.

R 338.1634
Source: 2015 AACS.

R 338.1635
Source: 2015 AACS.

R 338.1636
Source: 2015 AACS.

R 338.1637
Source: 2015 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

COUNSELING - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.1751 Definitions.
Rule 1. (1) As used in these rules:
(a) "Board" means the Michigan board of counseling created under section 18103 of the code, MCL 333.18103.
(b) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
(c) "Department" means the department of licensing and regulatory affairs.
(d) "Supervision" means the term as defined in section 16109(2) of the code, MCL 333.16109.
(e) "Supervisor" means a licensed professional counselor who received training in the function of counseling supervision, as specified in R 338.1781.
(f) "Under the supervision of a licensed professional counselor" means under the ongoing supervision of a licensed professional counselor licensed in this state who meets the requirements of a supervisor or under the

ongoing supervision of an individual in another state who substantially meets the requirements for a professional counselor license and counseling supervisor in this state.
(2) A term defined in the code has the same meaning when used in these rules.
History: 1991 AACS; 1993 AACS; 1995 AACS; 2003 AACS; 2012 AACS; 2021 MR 9, Eff. May 5, 2021.

R 338.1751a Rescinded.
History: 2016 AACS; 2021 MR 9, Eff. May 5, 2021.

R 338.1752 Rescinded.
History: 1991 AACS; 1993 AACS; 1995 AACS; 2003 AACS; 2012 AACS; 2021 MR 9, Eff. May 5, 2021.

R 338.1752a Rescinded.
History: 1993 AACS; 2012 AACS; 2021 MR 9, Eff. May 5, 2021.

R 338.1753 Rescinded.
History: 1991 AACS; 1993 AACS; 2003 AACS; 2012 AACS; 2021 MR 9, Eff. May 5, 2021.

R 338.1753a Rescinded.
History: 2012 AACS; 2021 MR 9, Eff. May 5, 2021.

R 338.1753b Rescinded.
History: 2012 AACS; 2021 MR 9, Eff. May 5, 2021.

R 338.1753c Rescinded.
History: 2012 AACS; 2021 MR 9, Eff. May 5, 2021.

R 338.1754 Rescinded.
History: 1991 AACS; 1995 AACS; 2012 AACS; 2021 MR 9, Eff. May 5, 2021.

R 338.1755 Rescinded.
History: 2012 AACS; 2021 MR 9, Eff. May 5, 2021.

R 338.1756
Source: 2012 AACS.

R 338.1757 Rescinded.
History: 2012 AACS; 2021 MR 9, Eff. May 5, 2021.

PART 2. EDUCATION

R 338.1761 Accreditation standards; higher education institutions; adoption by reference.
Rule 61. (1) A higher education institution is considered approved if it is accredited by the accrediting body of the region in which the institution is located and the accrediting body satisfies either the recognition standards and criteria of the Council for Higher Education Accreditation (CHEA) or the recognition procedures and criteria of the United States Department of Education.
(2) The recognition standards and criteria of CHEA, effective September 24, 2018, and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR 602.10 to 602.38, are adopted by reference. Copies of the standards and criteria of CHEA and the United States Department of Education are available for inspection and distribution at a cost of 10 cents per page from the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.
(3) The CHEA recognition standards also may be obtained from the Council for Higher Education Accreditation, One Dupont Circle NW, Suite 510, Washington, District of Columbia 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, District of Columbia 20006 or from the department's website at

http://www.ed.gov/about/offices/list/OPE/index.html at no cost.
History: 2021 MR 9, Eff. May 5, 2021.

R 338.1763 Accreditation standards; counselor training programs; adoption by reference.
Rule 63. (1) The standards of the Council for Accreditation of Counseling and Related Educational Programs (CACREP) for accrediting master's-level counseling degree programs and doctoral-level counseling or counselor education and supervision programs, as set forth in the document entitled "Council for Accreditation of Counseling and Related Educational Programs (CACREP), 2016 Standards," are approved and adopted by reference. Copies of CACREP's standards are available for inspection and distribution at a cost of 10 cents per page from the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909. Copies of the standards are available at no cost from the website for CACREP at http://www.cacrep.org.
(2) The standards of the Council for Accreditation of Counseling and Related Educational Programs (CACREP) for accrediting master's-level counseling degree programs and doctoral-level counseling or counselor education and supervision programs, as set forth in the document entitled "Council for Accreditation of Counseling and Related Educational Programs (CACREP), 2009 Standards," are approved and adopted by reference. Copies of CACREP's standards are available for inspection and distribution at a cost of 10 cents per page from the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909. Copies of the standards are available at no cost from the website for CACREP at http://www.cacrep.org.
History: 2021 MR 9, Eff. May 5, 2021.

R 338.1765 Counselor educational training requirements.
Rule 65. A counselor educational training program is considered approved if it is conducted in a higher education institution that satisfies the standards in R 338.1761 and satisfies 1 of the following requirements:
(a) A program is accredited under the standards approved and adopted under R 338.1763(1) or (2).
(b) For a program that does not satisfy the requirements of subdivision (a) of this rule, proof of satisfying 1 of the following requirements is required:
(i) For applicants who entered a program on or before June 30, 2023, the program must consist of not less than 48 semester hours or 72 quarter hours in a graduate-level degree granting program. The program must include graduate coursework and training in the diagnosis and treatment of mental and emotional disorders and all other coursework requirements of CACREP, including a practicum and an internship. The applicant shall bear the expense of a program evaluation to determine whether his or her educational program was substantially equivalent to a program that satisfies the standards adopted under R 338.1763(1) or (2). The evaluation must be completed by 1 of the following entities:
(A) The Center for Credentialing and Education, Inc. (CCE), located at the website http://cce-global.org.
(B) A credential evaluation organization that is a current member organization of the National Association of Credential Evaluation Services (NACES), located at the website http://www.naces.org.
(ii) For applicants who entered a program on or after July 1, 2023, the program must consist of not less than 60 semester hours or 90 quarter hours in a graduate-level degree granting program. The program must include graduate coursework and training in the diagnosis and treatment of mental and emotional disorders and all other coursework requirements of CACREP, including a practicum and an internship. The applicant shall bear the expense of a program evaluation to determine whether his or her educational program was substantially equivalent to a program that satisfies the standards adopted under R 338.1763(1) or (2). The evaluation must be completed by 1 of the following entities:
(A) The CCE, located at the website http://cce-global.org.
(B) A credential evaluation organization that is a current member organization of NACES, located at the website http://www.naces.org.
History: 2021 MR 9, Eff. May 5, 2021.

PART 3. LICENSURE

R 338.1771 Training standards for identifying victims of human trafficking; requirements.
Rule 71. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure or registration or who is licensed or registered shall complete training in identifying victims

of human trafficking that satisfies the following standards:
(a) Training content must cover all of the following:
(i) Understanding the types and venues of human trafficking in the United States.
(ii) Identifying victims of human trafficking in health care settings.
(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
(iv) Resources for reporting the suspected victims of human trafficking.
(b) Acceptable providers or methods of training include any of the following:
(i) Training offered by a nationally recognized or state-recognized health-related organization.
(ii) Training offered by, or in conjunction with, a state or federal agency.
(iii) Training obtained in an educational program that has been approved for initial licensure or registration, or by a college or university.
(iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
(c) Acceptable modalities of training include any of the following:
(i) Teleconference or webinar.
(ii) Online presentation.
(iii) Live presentation.
(iv) Printed or electronic media.
(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
(i) For training completed under subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
(ii) For training completed under subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
(3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2016 renewal cycle and for initial licenses issued after March 17, 2021.
History: 2021 MR 9, Eff. May 5, 2021.

R 338.1772 Application requirements; limited licenses; disclosure of supervision requirement.
Rule 72. An applicant for licensure as a limited licensed professional counselor shall submit a completed application on a form provided by the department, together with the requisite fee, and the professional disclosure statement required under the code. In addition to satisfying the requirements of the code, an applicant shall satisfy the following requirements:
(a) Establish that he or she has received a master's or doctoral degree in a program approved under R 338.1765.
(b) Submit a professional disclosure statement with the application for a limited license, as required under section 18113(3) of the code, MCL 333.18113. The limited licensed professional counselor's professional disclosure statement, when provided to the client, must state that the limited licensed professional counselor shall practice under the supervision of a licensed professional counselor. In addition to the requirements under section 18113 of the code, MCL 333.18113, the disclosure statement must identify the licensed professional counselor who is supervising the limited licensed professional counselor's practice.
(c) Provide for his or her license to be verified, on a form provided by the department, by the licensing agency of any state in which the applicant holds a current license or ever held a license as a professional counselor. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.
History: 2021 MR 9, Eff. May 5, 2021.

R 338.1773 Examination adoption.

Rule 73. (1) The National Counselor Examination for Licensure and Certification (NCE) developed by the National Board for Certified Counselors (NBCC) is approved and adopted. The passing score for the NCE is the passing score established by the NBCC.
(2) The certified rehabilitation counselor examination developed by the Commission on Rehabilitation Counselor Certification (CRCC) is approved and adopted. The passing score on the certified rehabilitation counselor examination is the passing score established by the CRCC.
(3) The National Clinical Mental Health Counseling Examination (NCMHCE) developed by the NBCC is approved and adopted. The passing score for the NCMHCE is the passing score established by the NBCC.
History: 2021 MR 9, Eff. May 5, 2021.

R 338.1774 Application requirements; licensure by examination.
Rule 74. (1) An applicant for a professional counselor license shall submit a completed application on a form provided by the department, together with the requisite fee, and the professional disclosure statement required under the code. In addition to satisfying the requirements of the code, an applicant shall satisfy all of the following requirements:
(a) Establish that he or she has received a master's or doctoral degree in a program approved under R 338.1765.
(b) Have engaged in the practice of counseling under section 18101(d) of the code, MCL 333.18101, which practice involved an opportunity to work with a broad range of the population and which was conducted in an organized education, business, health, private practice, or human services setting under the supervision of a licensed professional counselor for either of the following periods of time, as applicable:
(i) For an applicant who has completed a master's degree, not less than 3,000 hours accrued in not less than a 2-year period, with not less than 100 hours of regularly scheduled supervision accrued in the immediate physical presence of the supervisor. Of the 100 hours, no more than 25 hours may be accrued via 2-way real-time audiovisual technology that allows direct, contemporaneous interaction by sight and sound between the supervisor and the supervisee. The supervision begins upon the issuance of the limited license and continues until the licensed professional counselor license is issued.
(ii) For an applicant who has completed a doctoral degree, not less than 1,500 hours accrued over not less than a 1-year period, with not less than 50 hours of regularly scheduled supervision accrued in the immediate physical presence of the supervisor. Of the 50 hours, no more than 15 hours may be accrued via 2-way real-time audiovisual technology that allows direct, contemporaneous interaction by sight and sound between the supervisor and the supervisee. The supervision begins upon the issuance of the limited license and continues until the licensed professional counselor license is issued.
(c) Have passed an examination approved and adopted under either R 338.1773(1), (2), or (3).
(2) For practice experience gained in Michigan, an applicant shall have held a limited license under R 338.1772, while accruing the experience.
History: 2021 MR 9, Eff. May 5, 2021.

R 338.1775 Application requirements; licensure by endorsement.
Rule 75. (1) In addition to satisfying the requirements of the code, an applicant for a professional counselor license by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee.
(2) If an applicant was licensed as a professional counselor in another state for a minimum of 5 years before the date of filing an application for Michigan licensure, then it is presumed that the applicant satisfies the requirements of section 16186(1)(a) and (b) of the code, MCL 333.16186. In addition, an applicant shall satisfy both of the following requirements:
(a) Submit a professional disclosure statement with the application for licensure, as required under section 18113(3) of the code, MCL 333.18113.
(b) Provide for his or her license to be verified, on a form provided by the department, by the licensing agency of any state in which the applicant holds a current license or ever held a license as a professional counselor. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.
(3) If an applicant was licensed as a professional counselor in another state for less than 5 years before the date of filing an application for Michigan licensure, then the applicant shall satisfy the requirements for licensure by examination, as specified under R 338.1774, and shall satisfy both of the following requirements:
(a) Submit a professional disclosure statement with an application for licensure, as required under section

18113(3) of the code, MCL 333.18113.
(b) Provide for his or her license to be verified, on a form provided by the department, by the licensing agency of any state in which the applicant holds a current license or ever held a license as a professional counselor. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.
History: 2021 MR 9, Eff. May 5, 2021.

R 338.1776 License renewal; requirements.
Rule 76. (1) An applicant for license renewal who has been licensed for the 3-year period immediately preceding the application for renewal shall submit the required fee and a completed application on a form provided by the department.
(2) Effective January 1, 2012, a limited license may be renewed annually, but for no more than 10 years. In cases of hardship, the department in consultation with the board may consider a request for an extension of this time period. Relicensure of the limited license is counted the same as renewal for the purposes of this subrule.
History: 2021 MR 9, Eff. May 5, 2021.

PART 4. SUPERVISOR TRAINING

R 338.1781 Requirements to provide counseling supervision.
Rule 81. (1) Before providing counseling supervision, a licensed professional counselor shall satisfy 1 of the following requirements:
(a) Began providing supervision on or before January 1, 2013, completed training in the function of counseling supervision, and acquired at least 3 years post-master's practice in counseling.
(b) Began providing supervision after January 1, 2013, completed training in the function of counseling supervision that complies with the requirements of subrule (2) of this rule, and acquired at least 3 years of post-master's practice in counseling.
(c) Begins providing supervision 1 year after promulgation of this rule, completes training in the function of counseling supervision that complies with the requirements of subrule (2) of this rule, and acquires at least 5 years of post-master's practice in counseling.
(d) Currently holds the Approved Clinical Supervisor (ACS) credential from the CCE.
(2) Training in the function of counseling supervision must include both of the following requirements:
(a) Specialized training that includes 1 of the following:
(i) Two semester hours of graduate credit in training in counseling supervision.
(ii) Thirty contact hours of workshop training in counseling supervision.
(b) The specialized training specified in subdivision (2)(a) of this rule must include studies in all of the following topics:
(i) Roles and functions of counseling supervisors.
(ii) Models of counseling supervision.
(iii) Mental health-related professional development.
(iv) Methods and techniques in counseling supervision.
(v) Supervisory relationship issues.
(vi) Cultural issues in supervision.
(vii) Group supervision.
(viii) Legal and ethical issues in counseling supervision.
(ix) Evaluation of supervisee and the supervision process.
(3) Before the onset of supervision, a licensed professional counselor shall provide a supervisee with a written statement that addresses the licensee's supervising qualifications, including how the licensee complies with the requirements in subrules (1) and (2) of this rule.
(4) A licensee who provides counseling supervision shall keep ongoing documentation including, but not limited to, performance and clinical notes, for each supervisee on the supervision being provided.
History: 2021 MR 9, Eff. May 5, 2021.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BEHAVIOR ANALYSTS - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.1801 Definitions.
Rule 801. (1) As used in these rules:
(a) "BACB" means the Behavior Analyst Certification Board, or its successor.
(b) "Board" means the Michigan board of behavior analysts created under section 18255 of the code, MCL 333.18255.
(c) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
(d) "Department" means the department of licensing and regulatory affairs.
(2) A term defined in the code has the same meaning when used in these rules.
History: 2019 AACS; 2021 MR 23, Eff. Dec. 7, 2021.

PART 2. LICENSURE

R 338.1821 Training standards for identifying victims of human trafficking; requirements.
Rule 821. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure or registration or who is licensed or registered shall complete training in identifying victims of human trafficking that satisfies the following standards:
(a) Training content shall cover all 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 approved for initial licensure or registration, or by a college or university.
(iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
(c) Acceptable modalities of training may include any of the following:
(i) Teleconference or webinar.
(ii) Online presentation.
(iii) Live presentation.
(iv) Printed or electronic media.
(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
(i) For training completed under subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
(ii) For training completed under subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
(3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2023 renewal cycle and for initial licenses issued beginning January 7, 2024.
History: 2019 AACS; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.1823 Application for license; qualifications.
Rule 823. (1) In addition to satisfying the requirements of the code, the department shall issue a behavior analyst license to an applicant who satisfies all the following requirements:
(a) Provides a completed application on a form provided by the department.
(b) Pays the required fee to the department.
(c) Has proof of current certification in good standing with the BACB.
(d) Has not been convicted of a listed offense under section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant may request a hearing under section 16232 of the code, MCL 333.16232, if denied under this subdivision.
(2) In addition to satisfying the requirements of the code, the department shall issue an assistant behavior analyst license to an applicant who satisfies all the following requirements:
(a) Provides a completed application on a form provided by the department.
(b) Pays the required fee to the department.
(c) Has proof of current certification in good standing with the BACB.
(d) Has not been convicted of a listed offense under section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant may request a hearing under section 16232 of the code, MCL 333.16232, if denied under this subdivision.
(e) Provides proof acceptable to the department that supervision will occur under a Michigan licensed behavior analyst in this state who is currently certified and in good standing with the BACB, and that the supervision satisfies current BACB supervision requirements.
(3) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country shall disclose that fact on the application form. The applicant shall satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application. If licensure is granted and it is determined that sanctions have been imposed, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.
History: 2019 AACS; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.1824 Application for license by endorsement; qualifications.
Rule 824. (1) An applicant for a behavior analyst license by endorsement who satisfies the requirements of the code and this rule satisfies the requirements of section 16186 of the code, MCL 333.16186. The department shall issue a behavior analyst license to an applicant who satisfies all the following requirements:
(a) Provides a completed application on a form provided by the department.
(b) Pays the required fee to the department.
(c) Holds a current behavior analyst license in another state or in a province of Canada.
(d) Has proof of current certification in good standing with the BACB.
(e) Has not been convicted of a listed offense under section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant may request a hearing under section 16232 of the code, MCL 333.16232, if denied under this subdivision.
(2) An applicant for an assistant behavior analyst license by endorsement who satisfies the requirements of the code and this rule satisfies the requirements of section 16186 of the code, MCL 333.16186. The department shall issue an assistant behavior analyst license to an applicant who satisfies all the following requirements:
(a) Provides a completed application on a form provided by the department.
(b) Pays the required fee to the department.
(c) Holds a current assistant behavior analyst license in another state or in a province of Canada.
(d) Has proof of current certification in good standing with the BACB.
(e) Has not been convicted of a listed offense under section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant may request a hearing under section 16232 of the code, MCL 333.16232, if denied under this subdivision.
(f) Provides proof acceptable to the department that supervision will occur under a Michigan licensed behavior analyst in this state who is currently certified and in good standing with the BACB, and that the supervision satisfies current BACB supervision requirements.

(3) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country shall disclose that fact on the application form. The applicant shall satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application. If licensure is granted and it is determined that sanctions have been imposed, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

History: 2021 MR 23, Eff. Dec. 7, 2021.

R 338.1825 Application for relicensure; qualifications.

Rule 825. (1) An applicant may be relicensed within 3 years after the expiration date of the license under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies all the following requirements:

(a) Provides a completed application on a form provided by the department.

(b) Pays the required fee to the department.

(c) Has proof of current certification in good standing with the BACB.

(d) Has not been convicted of a listed offense under section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant may request a hearing under section 16232 of the code, MCL 333.16232, if denied under this subdivision.

(e) Establishes good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.

(f) If applying for relicensure as an assistant behavior analyst, provides proof acceptable to the department that supervision will occur under a Michigan licensed behavior analyst in this state who is currently certified and in good standing with the BACB, and that the supervision satisfies current BACB supervision requirements.

(2) An applicant may be relicensed more than 3 years after the expiration date of the license under section 16201(4) of the code, MCL 333.16201, if the applicant satisfies all the following requirements:

(a) Provides a completed application on a form provided by the department.

(b) Pays the required fee to the department.

(c) Has proof of current certification in good standing with the BACB.

(d) Has not been convicted of a listed offense under section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant may request a hearing under section 16232 of the code, MCL 333.16232, if denied under this subdivision.

(e) Establishes good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.

(f) Provides fingerprints as required under section 16174(3) of the code, MCL 333.16174.

(g) If applying for relicensure as an assistant behavior analyst, provides proof acceptable to the department that supervision will occur under a Michigan licensed behavior analyst in this state who is currently certified and in good standing with the BACB, and that the supervision satisfies current BACB supervision requirements.

(3) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country shall disclose that fact on the application form. The applicant shall satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application. If licensure is granted and it is determined that sanctions have been imposed, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

History: 2019 AACS; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.1827 Application for renewal of license; qualifications.

Rule 827. (1) The department shall renew a behavior analyst license for a current licensee who satisfies all the following requirements:

(a) Provides a completed application on a form provided by the department.

(b) Pays the required fee to the department.

(c) Has proof of current certification in good standing with the BACB.

(d) Has not been convicted of a listed offense under section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant may request a hearing under section 16232 of the code, MCL 333.16232, if denied under this subdivision.

(2) The department shall renew an assistant behavior analyst license for a current licensee who satisfies all the following requirements:
(a) Provides a completed application on a form provided by the department.
(b) Pays the required fee to the department.
(c) Has proof of current certification in good standing with the BACB.
(d) Has not been convicted of a listed offense under section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722. An applicant may request a hearing under section 16232 of the code, MCL 333.16232, if denied under this subdivision.
(e) Provides proof acceptable to the department that supervision will occur under a Michigan licensed behavior analyst in this state who is currently certified and in good standing with the BACB, and that the supervision satisfies current BACB supervision requirements.
History: 2019 AACS; 2021 MR 23, Eff. Dec. 7, 2021.

PART 3. STANDARDS OF PRACTICE

R 338.1831 Certification; requirement.
Rule 831. A licensee shall keep active status certification with the BACB throughout the duration of the license cycle.
History: 2019 AACS; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.1832 Telehealth.
Rule 832. (1) A licensee shall obtain consent for treatment before providing a telehealth service under section 16284 of the code, MCL 333.16284.
(2) A licensee shall keep proof of consent for telehealth treatment in the patient's up-to-date medical record and follow section 16213 of the code, MCL 333.16213.
(3) A licensee providing any telehealth service shall do both of the following:
(a) Act within the scope of the licensee's practice.
(b) Exercise the same standard of care applicable to a traditional, in-person health care service.
History: 2021 MR 23, Eff. Dec. 7, 2021.

R 338.1833 Adoption of standards.
Rule 833. The professional standards of the BACB are adopted by reference, as specified in the publication entitled "Ethical Code for Behavior Analysts," effective January 1, 2022. The standards are available from the BACB's website https://www.bacb.com/ethics-information/ethics-codes/ at no cost. Copies of the standards are available for inspection and distribution at the cost of 10 cents per page from the Board of Behavior Analysts, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 W. Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.
History: 2019 AACS; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.1835 Permanent revocation; grounds; hearing.
Rule 835. (1) Notwithstanding sections 16221, 16226, and 16245 of the code, MCL 333.16221, 333.16226, and 333.16245, a licensee's license shall be permanently revoked if convicted of a listed offense under section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722, while licensed under this part.
(2) A licensee may request a hearing under section 16232 of the code, MCL 333.16232, if revocation of the license occurs under subrule (1) of this rule.
History: 2019 AACS; 2021 MR 23, Eff. Dec. 7, 2021.

MARRIAGE COUNSELORS

R 390.1801
Source: 2003 AACS.

PART 1. ORGANIZATION OF BOARD

R 338.1811
Source: 1997 AACS.

R 338.1812
Source: 1997 AACS.

R 338.1813
Source: 1997 AACS.

R 338.1814
Source: 1997 AACS.

R 338.1815
Source: 1997 AACS.

PART 2. CERTIFICATION

R 338.1821
Source: 1997 AACS.

R 338.1822
Source: 1997 AACS.

R 338.1823
Source: 1997 AACS.

R 338.1824
Source: 1997 AACS.

R 338.1825
Source: 1997 AACS.

PART 3. HEARINGS

R 338.1831
Source: 1997 AACS.

R 338.1832
Source: 1997 AACS.

R 338.1833
Source: 1997 AACS.

R 338.1834
Source: 1997 AACS.

R 338.1835
Source: 1997 AACS.

R 338.1836
Source: 1997 AACS.

R 338.1837
Source: 1997 AACS.

R 338.1841
Source: 1998-2000 AACS.

R 338.1842
Source: 1998-2000 AACS.

R 338.1843
Source: 1998-2000 AACS.

R 338.1844
Source: 1998-2000 AACS.

R 338.1861
Source: 1998-2000 AACS.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTORS OFFICE

HEARING AID DEALERS

PART 1. LICENSING

R 338.1901
Source: 2014 AACS.

R 338.1905
Source: 2014 AACS.

R 338.1906
Source: 1998-2000 AACS.

R 338.1907
Source: 1998-2000 AACS.

R 338.1908
Source: 2014 AACS.

R 338.1909
Source: 2014 AACS.

R 338.1910
Source: 2014 AACS.

R 338.1911
Source: 2014 AACS.

R 338.1912
Source: 2014 AACS.

R 338.1913
Source: 2014 AACS.

R 338.1914
Source: 1998-2000 AACS.

PART 2. CONDUCT OF BUSINESS

R 338.1921
Source: 2014 AACS.

R 338.1922

Source: 2014 AACS.

HEARING AID DEALERS

PART 3. COMPLAINTS AND HEARINGS

R 338.1941
Source: 1997 AACS.

R 338.1942
Source: 1997 AACS.

R 338.1943
Source: 1997 AACS.

BARBER EXAMINERS

R 338.2001
Source: 1997 AACS.

R 338.2002
Source: 1997 AACS.

R 338.2003
Source: 1997 AACS.

R 338.2004
Source: 1997 AACS.

R 338.2005
Source: 1997 AACS.

R 338.2006
Source: 1997 AACS.

R 338.2007
Source: 1997 AACS.

R 338.2008
Source: 1997 AACS.

R 338.2009
Source: 1997 AACS.

R 338.2010
Source: 1997 AACS.

R 338.2011
Source: 1997 AACS.

R 338.2012
Source: 1997 AACS.

R 338.2013
Source: 1997 AACS.

R 338.2014
Source: 1997 AACS.

R 338.2015
Source: 1997 AACS.

R 338.2016
Source: 1997 AACS.

R 338.2017
Source: 1997 AACS.

R 338.2018
Source: 1997 AACS.

R 338.2019
Source: 1997 AACS.

R 338.2020
Source: 1997 AACS.

R 338.2021
Source: 1997 AACS.

R 338.2022
Source: 1997 AACS.

R 338.2023
Source: 1997 AACS.

R 338.2024
Source: 1997 AACS.

R 338.2025
Source: 1997 AACS.

R 338.2026
Source: 1997 AACS.

R 338.2027
Source: 1997 AACS.

R 338.2028
Source: 1997 AACS.

R 338.2029
Source: 1997 AACS.

R 338.2030
Source: 1997 AACS.

R 338.2031
Source: 1997 AACS.

R 338.2032
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R 338.2033

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R 338.2040
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R 338.2041
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R 338.2042
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R 338.2044
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R 338.2045
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R 338.2046
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R 338.2047
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R 338.2048
Source: 1997 AACS.

R 338.2049
Source: 1997 AACS.

R 338.2050
Source: 1997 AACS.

R 338.2051
Source: 1997 AACS.

R 338.2052
Source: 1997 AACS.

R 338.2053
Source: 1997 AACS.

R 338.2054
Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

COSMETOLOGY – GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.2101 Definitions.
Rule 1. (1) As used in these rules:
(a) "Apprenticeship program" means a licensed cosmetology establishment that is teaching cosmetology to an apprentice without charging a fee.
(b) "Autoclave" means a device registered and listed as an autoclave or dry-heat sterilizer with the United States Food and Drug Administration.
(c) "Blade" means a flat or curved implement designed for cutting, including, but not limited to, implements commonly referred to as razors, callus shavers, graters, and credo blades intended to cut or shave growths of skin on the hands and feet.
(d) "Clean" or "cleaned" means an item that was disinfected or sterilized pursuant to R 338.2171a or a new and unused single-use item.
(e) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.
(f) "Department" means the department of licensing and regulatory affairs.
(g) "Disinfectant" means a substance, or mixture of substances, that is registered as a disinfectant by the United States Environmental Protection Agency (EPA).
(h) "Equivalent" means the passing of a standard examination that is equal to or greater than the statutorily required grade level or a statement from a school administrator indicating that the person has potentially and scholastically achieved the required grade.
(i) "Establishment" means a cosmetology establishment as defined under section 1201(e) of the code, MCL 339.1201, and includes a mobile salon, as defined in section 1201(o) of the code, MCL 339.1201, and a cosmetology suite as defined in section 1201(g) of the code, MCL 339.1201.
(j) "Patron" means an individual receiving a cosmetology service whether or not the individual intends to pay for the service.
(k) "Practical application" means a service performed on a mannequin, student, or patron.
(l) "Practical hours" means hours spend performing a practical application.
(m) "Reactive chemicals" means, but is not limited to, any of the following:
(i) Permanent wave solutions.
(ii) Relaxers.
(iii) Temporary, semipermanent, or permanent hair colorings.
(iv) Hair lighteners.
(v) Acids.
(vi) Bases.
(vii) Creams.
(viii) Fluids.
(ix) Any other preparation designed to modify or rearrange the structure of the hair, skin, or nails.
(n) "School" means a school of cosmetology licensed under section 1205 of the code, MCL 339.1205, which may include a school of cosmetology with a license limited only to the teaching of electrology.
(o) "Specialty license" means an electrologist license, esthetician license, manicurist license, or natural hair cultivation license.
(p) "Specialty service" means a service pertaining to electrology, skin care services, manicuring, or natural hair cultivation.
(q) "Sterilant" means a substance, or mixture of substances, that is registered as a sterilant by the EPA.

(r) "Wet sanitizer" means a covered container filled with a liquid substance, or mixture of liquid substances, that is registered as a disinfectant or sterilant by the EPA.
(2) Terms that are defined in the code have the same meaning when used in these rules.
History: 1979 AC; 1981 AACS; 1998-2000 AACS; 2004 AACS; 2006 AACS; 2014 AACS; 2017 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2102
Source: 2014 AACS.

R 338.2103
Source: 1998-2000 AACS.

R 338.2106
Source: 1998-2000 AACS.

R 338.2107
Source: 1998-2000 AACS.

R 338.2109
Source: 1979 AC.

PART 2. LICENSES AND PERMITS

R 338.2121a Examination requirement; examination administrator; valid score.
Rule 21a. (1) For 1 year following the date of promulgation of these rules, an applicant for an initial cosmetology or specialty license, in addition to meeting all the requirements of the code, shall pass the state examination required for the license pursuant to Table 21a. A passing score is valid for 1 year from the date it was earned.
(2) Beginning 1 year after promulgation of these rules, the board adopts the National Barber Cosmetology Program (NBCP) examination developed and scored by PSI Services, LLC, (PSI). An applicant for a cosmetology license or specialty license, in addition to meeting all the requirements of the code, shall achieve a passing score on the NBCP, as determined by PSI, on the examination required for the license pursuant to Table 21a. A passing score is valid for 1 year from the date it was earned.
(3) For 1 year following the date of promulgation of these rules, an applicant for an initial cosmetology or specialty instructor license, in addition to meeting all the requirements of the code, shall pass the state examination required for the license pursuant to Table 21a. A passing score is valid for 1 year from the date it was earned. The examination does not need to be repeated if a licensed instructor applies for a subsequent cosmetology or specialty instructor license.
(4) Beginning 1 year after promulgation of these rules, the board adopts the NBCP examination developed and scored by PSI. An applicant for an initial cosmetology or specialty instructor license, in addition to meeting all the requirements of the code, shall achieve a passing score on the NBCP, as determined by PSI, on the examination required for the license pursuant to Table 21a. A passing score is valid for 1 year from the date it was earned.
(5) The state examination shall be administered by a third party chosen by the department. The NBCP shall be administered by PSI or its successor organization.
(6) The passing score on the state or national examination is determined by the third party chosen to administer the examination.
TABLE 21a

License Type		Required Examination
(a)	Cosmetologist	Cosmetologist theory Cosmetologist practical
(b)	Electrologist	Electrologist theory Electrologist practical
(c)	Esthetician	Esthetician theory Esthetician practical

(d)	Manicurist	Manicurist theory Manicurist practical
(e)	Natural hair culturist	Natural hair culturist theory Natural hair culturist practical
(f)	Instructor	Cosmetology instructor theory

History: 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2121b Licensure by endorsement; substantially equal requirements; substituted experience.

Rule 21b. (1) An individual who is licensed to perform cosmetology services in another state may apply for a cosmetology license or specialty license by endorsement under this rule.

(2) An applicant for licensure by endorsement, in addition to meeting all the requirements under section 1211 of the code, MCL 339.1211, shall submit an application on a form provided by the department, pay the required fee, and satisfy all of the following requirements:

(a) Establish that he or she has an education equivalent to the completion of the ninth grade.

(b) Hold an active license or registration in good standing from another state that authorizes him or her to perform a cosmetology service in that state. An applicant's license or registration in good standing shall be verified by the licensing or registering agency of each state in which the applicant holds or ever held a license or registration as a cosmetologist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

(c) Provide proof of any name change, if the name on the application does not match the name shown on the submitted documents.

(d) Demonstrate that the licensure or registration requirements of the state in which he or she is authorized to perform cosmetology services are substantially equal to the requirements for licensure under the code and these rules.

(3) Another state's requirements are considered substantially equal to the requirements of a cosmetologist license if both of the following conditions are satisfied:

(a) The state required an applicant for a cosmetology license or registration to pass 1 or more examinations that tested cosmetology theory and practical cosmetology application that is substantially equal to the theory and practical application examinations for licensure in this state.

(b) The state required an applicant to receive not less than 1,500 hours of prelicensure training as a student in cosmetology services or not less than 2 years of prelicensure training as an apprentice in cosmetology services.

(4) Another state's requirements are considered substantially equal to the requirements of a specialty license if both of the following conditions are satisfied:

(a) The state required an applicant for a specialty cosmetology license or registration to pass 1 or more examinations that tested the specialty cosmetology theory and practical specialty cosmetology application substantially equal to the theory and practical application examinations for licensure in this state.

(b) The state required an applicant to receive not less than 400 hours of prelicensure training as a student in the services for which the applicant seeks a specialty license or not less than 6 months of prelicensure training as an apprentice in the services for which the applicant seeks a specialty license.

(5) Pursuant to section 1211(2) of the code, MCL 339.1211, the hours of prelicensure training required under the code and these rules may be substituted with work experience at a ratio of 100 hours of training for each 6 months of work experience. To receive credit, the applicant shall attest, on a form provided by the department, that he or she was employed for a period of time equal to the number of hours of training required for the license.

(6) An applicant's license must be verified by the licensing agency of each state of the United States in which the applicant holds or has ever held a cosmetology, electrology, esthetician, manicuring, or natural hair culturist license. Verification includes, but is not limited to, showing proof that the applicant's license is in good standing and, if applicable, any disciplinary action taken or pending against the applicant.

History: 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2121c Relicensure requirements.

Rule 21c. (1) An applicant whose cosmetologist or specialty license has lapsed for 3 years or less after the expiration date of the last license may be relicensed under section 411(3) of the code, MCL 339.411, after

submitting a completed application on a form provided by the department and the required fee.
(2) An applicant whose cosmetologist or specialty license has lapsed for more than 3 years after the expiration date of the last license may be relicensed under section 411(4) of the code, MCL 339.411, after submitting a completed application on a form provided by the department, the required fee, and satisfying either of the following requirements:
(a) Pass the examinations required for the applicable license pursuant to Table 21a under R 338.2121a within a 1-year period immediately preceding the date of the relicensure.
(b) Establish that he or she has held an active cosmetology license in good standing in another state within the 3 years preceding application for relicensure.
History: 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2122
Source: 2014 AACS.

R 338.2123
Source: 2014 AACS.

R 338.2124
Source: 1998-2000 AACS.

R 338.2125
Source: 1998-2000 AACS.

R 338.2126
Source: 1998-2000 AACS.

SUBPART 2. ESTABLISHMENTS AND SCHOOLS

R 338.2126a Cosmetology establishment license.
Rule 26a. An applicant for an establishment license, in addition to meeting the requirements of the code, shall satisfy all of the following:
(a) Submit an application as required by the department, together with the required fee.
(b) If the premises of the establishment is either a permanent, physical location, including a cosmetology suite, or is a mobile salon as defined in section 1201(o)(i) of the code, MCL 339.1201, a drawing or diagram showing the location of the equipment and facilities required by the code and these rules must be submitted to the department at the time of application.
(c) If the premises of the establishment is a mobile salon as defined in section 1201(o)(ii) of the code, MCL 339.1201, photographs demonstrating the establishment's compliance with the requirements of R 338.2171(1)(c) to (e), (g) to (i), (2)(e), (3), and (4) must be submitted to the department at the time of application.
(d) The establishment and its premises shall pass the inspection required by section 1204(1)(c) of the code, MCL 339.1204. To pass the inspection the establishment shall demonstrate its compliance with all requirements of the code and these rules.
History: 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2127 Permanent, physical business address; change of ownership or location; closure; branch facility license.
Rule 27. (1) An establishment or school shall provide a permanent, physical business address. The permanent, physical business address of a mobile salon is determined as follows:
(a) If the establishment is a mobile salon as defined in section 1201(o)(i) of the code, MCL 339.1201, the permanent, physical business address is the physical location from which the mobile salon is dispatched and to which it returns.
(b) If the establishment is a mobile salon as defined in section 1201(o)(ii) of the code, MCL 339.1201, the permanent, physical business address is the owner's premises.
(2) Pursuant to section 1204(4) of the code, MCL 339.1204, the sale or transfer of a cosmetology establishment voids the owner's cosmetology establishment license. If a cosmetology establishment changes

ownership, the parties involved shall inform the department, in writing, within 30 calendar days before the change occurs.
(3) The change in the location of a cosmetology establishment, except for a mobile salon, voids the owner's cosmetology establishment license. If a cosmetology establishment, other than a mobile salon, changes location, the parties involved shall inform the department, in writing, within 30 calendar days before the change occurs. A change in the permanent, physical business address of a mobile salon must comply with the requirements of R 338.2180(3).
(4) Pursuant to section 1205(5) of the code, MCL 339.1205, the sale or other transfer of a school, a sale or transfer of its ownership, or a change in the location of a school, including a branch facility, voids the owner's school of cosmetology license. If a cosmetology school changes ownership or location, the parties involved shall inform the department, in writing, within 30 calendar days before making the change.
(5) Within 30 calendar days before a school or establishment that is conducting an apprenticeship program is closed, changes ownership, or changes its permanent, physical business address, the school or establishment that is conducting an apprenticeship program shall provide the department with up-to-date information pertaining to each student's or apprentice's record. The up-to-date information must include all reports and timesheets that have not previously been reported to the department.
(6) Branch facilities where training by a cosmetology school is conducted in a physical location apart from the main school premises, may be approved by the department if the branch facility meets all of the following criteria:
(a) Is not used for training students until the department has approved the use of the facility, based upon school need.
(b) Meets all requirements for Michigan cosmetology schools, except that it shall not include a full-service facility and shall not offer clinic services to the public.
(c) Provides for proper supervision of students.
(d) Is submitted for approval on an application provided by the department, to include, at a minimum, both of the following:
(i) The complete address of the premises to be licensed.
(ii) A current, detailed floor plan, not larger than 8 1/2 by 11 inches, of the proposed premises, showing arrangement of the classroom, placing of equipment, entrances, exits, and a statement of the purpose for which the premises will be used.
(7) Beginning 60 calendar days after the promulgation of these rules, the department shall not accept an application for an initial branch facility license.
(8) Beginning 1 year after the promulgation of these rules, the department shall not grant a renewal of a branch facility license.
(9) Beginning 1 year after the promulgation of these rules, a branch facility license becomes void on the expiration date of the license and the facility shall not operate without obtaining a school of cosmetology license.
(10) A school whose licensure application involved the approval of more than 1 premises shall satisfy all of the following requirements:
(a) Display a copy of the school license at each premises in a prominent place that is always visible to the public.
(b) Display a copy of the license of each instructor who works for the school, whether or not the instructor works on the premises. The license must be displayed in a prominent place that is always visible to the public.
(c) Provide the department with the address of each premises and identify the primary address at which to receive correspondence from the department.
History: 1979 AC; 1998-2000 AACS; 2006 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2128
Source: 1979 AC.

PART 3. GENERAL TRAINING ADMINISTRATION

R 338.2131 Substitution of hours for credits earned in Michigan-licensed barber college; substantially similar criteria and determination; notice to department.
Rule 31. (1) Pursuant to section 1205(6) of the code, MCL 339.1205, a school of cosmetology may allow a student who is a Michigan-licensed barber to substitute up to 1,000 hours of substantially similar instruction

obtained from a Michigan-licensed barber college for hours of instruction required by the school of cosmetology.
(2) In determining if an hour of instruction earned from a Michigan-licensed barber college is substantially similar and may be substituted for required instruction in the cosmetology student's curriculum, the school of cosmetology may consider all of the following:
(a) The student's barber college transcript.
(b) The student's scores on examinations.
(c) The barber college's course descriptions.
(d) The student's performance on an examination conducted by the school of cosmetology that tests the student's theory and practical knowledge.
(3) The school of cosmetology shall determine the number of substantially similar instruction hours that will be substituted for required instruction in the student's cosmetology curriculum before the student begins his or her cosmetology program.
(4) The school of cosmetology shall notify the department of the number of substantially similar hours it permitted the student to substitute in the student's cosmetology curriculum and the number of minimum practical applications it has verified for the student.
History: 1979 AC; 1981 AACS; 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2132 School equipment requirement.
Rule 32. A school shall have all of the following items:
(a) Seating facilities for patrons.
(b) An adequate number of chairs and adequate desk space to meet the needs of each student attending.
(c) If services are performed on the public, an adequate amount of equipment, supplies, and tools necessary for performing services on patrons in compliance with the requirements under part 4 of these rules.
(d) A shampoo bowl installed in a classroom other than the main clinic classroom, unless a limited school of electrology.
(e) If services are not performed on the public, an adequate amount of equipment, supplies, and tools necessary for providing the theory hour and practical training offered on the premises.
History: 1979 AC; 1981 AACS; 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2132a
Source: 1998-2000 AACS.

R 338.2133 Rescinded.
History: 1979 AC; 1981 AACS; 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2134 Rescinded.
History: 1979 AC; 1981 AACS; 1998-2000 AACS; 2006 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2135
Source: 2014 AACS.

R 338.2136 School and apprenticeship records.
Rule 36. (1) A school or apprenticeship program shall keep complete records for each student or apprentice. The records must be maintained for not less than 7 years after the last date of attendance of the student or apprentice.
(2) The records must be available to the department upon request and must include all of the following information:
(a) A summary of the attendance record.
(b) A summary of the practical hours and theory hours of training that were completed by the student or apprentice, including the subjects and number of practical applications, practical hours, and theory hours that were credited under R 338.2138(4) and (5).
(c) The date of the enrollment and the last date of attendance.
(d) The final grades.
(e) A copy of the contract that is required under section 1205(2)(j) of the code, MCL 339.1205.
History: 1999 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2137 Rescinded.
History: 1999 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2138 School and apprenticeship program requirements.
Rule 38. (1) A school or apprenticeship program, in addition to meeting all the requirements of the code and these rules, shall satisfy all of the following:
(a) Submit a monthly report to the department that contains the daily record of attendance of each student or apprentice.
(b) Establish a system of grades for the advancement of training in each curriculum.
(c) Require a student or apprentice to pass at least 1 examination based on the curriculum in which the student or apprentice is enrolled.
(d) Certify, on a form provided by the department, that the student or apprentice has completed the training in the curriculum under part 4 of these rules in which he or she is enrolled. A school or apprenticeship program that grants transfer credit under subrules (4) and (5) of this rule shall identify on the form the subjects and number of theory and practical hours that it granted transfer credit to a student or an apprentice.
(e) Notify the department in writing when a student's or apprentice's training is terminated prior to completion of the training program.
(2) A school licensed under the code shall provide instruction in not less than both of the following:
(a) The cosmetology curriculum pursuant to Table 11 under R 338.2169a.
(b) The cosmetology instructor and cosmetology limited instructor curriculum pursuant to Table 16 under R 338.2169b.
(3) An establishment conducting an apprenticeship program shall display its apprenticeship program permit in a prominent place on the premises that is visible to the public at all times.
(4) A school may transfer credit of hours a student had previously earned in a school of cosmetology toward the completion of a curriculum under part 4 of these rules, if the school determined that the previously earned hours are substantially similar to the hours required under the applicable curriculum. A school has the discretion for determining whether to grant credit.
(5) An apprenticeship program may transfer credit of hours an apprentice has earned in an apprenticeship program toward the completion of a curriculum under part 4 of these rules, if the apprenticeship program determined that the previously earned hours are substantially similar to the hours required under the applicable curriculum. An apprenticeship program has the discretion for determining whether to grant credit.
(6) A school shall not transfer credit of hours that were earned in an apprenticeship program. An apprenticeship program shall not transfer credit of hours that were earned as a student.
History: 1999 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2139 Rescinded.
History: 1999 AACS; 2004 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2139a
Source: 2014 AACS.

PART 4. SCHOOL TRAINING PROGRAMS

R 338.2141
Source: 2014 AACS.

R 338.2142
Source: 2014 AACS.

R 338.2143
Source: 2014 AACS.

R 338.2144
Source: 2014 AACS.

R 338.2145
Source: 2014 AACS.

R 338.2146
Source: 1998-2000 AACS.

R 338.2147
Source: 1997 AACS.

R 338.2148
Source: 1998-2000 AACS.

R 338.2149
Source: 1998-2000 AACS.

PART 5. APPRENTICE TRAINING PROGRAMS

R 338.2151 Rescinded.
History: 1979 AC; 1981 AACS; 1998-2000 AACS; 2004 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2151a
Source: 1998-2000 AACS.

R 338.2152
Source: 1998-2000 AACS.

R 338.2153 Rescinded.
History: 1979 AC; 1981 AACS; 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2155
Source: 1997 AACS.

R 338.2156
Source: 1998-2000 AACS.

PART 4. CURRICULUM

R 338.2158 Distance education requirements.
Rule 58. (1) As used in this rule, "distance education" means education that uses technology to deliver instruction to a student who is physically separated from the instructor while permitting live interaction between the student and the instructor.
(2) Distance education is permitted in the delivery of theory hours of the curriculum if all of the following are satisfied:
(a) The instructor has been trained in the use of the modality and technology resources used in distance education.
(b) The technology and practices are in place to verify the identity of the distance education student who participates, while protecting student privacy.
(c) The student has been provided with written information that clearly describes the distance education technology requirements to successfully complete the course.
(3) A cosmetology school offering distance education pursuant to subrule (2) of this rule shall have a policy in place that it provides to each student and includes all of the following information:
(a) A clear statement that all practical hours and practical applications in the curriculum must be done in-person.
(b) A clear statement that the student's interaction with the instructor through distance education must be logged by the instructor.
(c) A clear statement that an in-person performance evaluation must be completed after each 10% of the distance education component.

(d) A clear statement that the student shall pass a comprehensive theory and practical examination before he or she graduates from the program.
(e) A clear statement that the student's transcript and other documents will identify the portion of the curriculum that was delivered through distance education.
(4) Before a student enrolls in the cosmetology school, the student shall be provided with, and shall sign, a disclaimer that advises him or her that distance education may not be accepted for reciprocity or licensure in some states. The cosmetology school shall maintain a copy of the signed waiver in the student's record.
History: 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2161 Cosmetology curriculum.
Rule 61. Students and apprentices who were enrolled in the study of cosmetology before 1 year after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 1

Subject	Theory Hours	Practical Hours	Unassigned Hours	Total Hours	Minimum Practical Applications
Sanitation and patron protection. Laws and rules. Personal hygiene. Salon management. Mechanical and electrical equipment safety.	90	40	0	130	585 (Sanitation and patron protection must be included in all services.)
Facials. Skin analysis and care. Manipulation, massage, electricity. Removal of hair by the use of wax, tweezers, or depilatories. Makeup and eyebrow arch.	35	80	0	115	40 (a minimum of 5 services in each category)
Hairdressing. Arranging, cutting, dressing, curling, pressing, artificial hair finger waving, and natural hair cultivation.	125	400	0	525	300 (a minimum of 20 services in each category)
Scalp and hair treatments.	10	15	0	25	30

Temporary, semi-permanent, and permanent hair coloring. Bleaching and dimensional coloring. Color mixing.	40	170	0	210	80 (a minimum of 8 services in each category)
Chemical hair restructuring. Permanent waving. Straightening and relaxing.	40	180	0	220	80 (a minimum of 15 services in each category)
Applied chemistry and occupational safety and health administration as related to skin, hair, nails, and scalp.	20	10	0	30	5
Applied anatomy, physiology, and histology of the human head, hands, nails, skin, and hair.	45	0	0	45	0
Manicuring and pedicuring.	15	55	0	70	35
Artificial nails.	5	15	0	20	5
Unassigned hours.	0	0	110	110	0
Totals	425	965	110	1500	1160

History: 1979 AC; 1981 AACS; 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2161a Rescinded.
History: 2004 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2161b Rescinded.
History: 2004 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2162 Manicuring curriculum.
Rule 62. Students and apprentices who were enrolled in the study of manicuring before 1 year after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 2

Subject	Theory Hours	Practical Hours	Unassigned Hours	Total Hours	Minimum Practical Applications

Sanitation and patron protection. Laws and rules. Personal hygiene. Salon management. Mechanical and electrical equipment safety.	50	50	0	100	100 (Sanitation and patron protection must be included in all services.)
Anatomy and disorders.	25	0	0	25	0
Artistic principles.	10	0	0	10	0
Manicuring and pedicuring techniques.	20	50	0	70	40
Chemistry and occupational safety and health administration.	15	0	0	15	0
Artificial nails, extensions, and repairs.	25	105	0	130	50
Unassigned hours.	0	0	50	50	0
Totals	145	205	50	400	190

History: 1979 AC; 1981 AACS; 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2162a Rescinded.
History: 2004 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2163 Electrology curriculum.
Rule 63. Students and apprentices who were enrolled in the study of electrology before 1 year after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 3

Subject	Theory Hours	Practical Hours	Unassigned hours	Total Hours	Minimum Practical Applications
Sanitation and patron protection. Laws and rules. Personal hygiene. Salon management.	40	10	0	50	160 (Sanitation and patron protection must be included in all services.)

Applied anatomy, physiology, and histology.	25	0	0	25	0
Applied electrolysis. Mechanical and electrical equipment safety. Techniques.	25	250	0	275	150
Unassigned hours.	0	0	50	50	0
Totals	90	260	50	400	310

History: 1979 AC; 1981 AACS; 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2163a Esthetics curriculum.
Rule 63a. Students and apprentices who were enrolled in the study of esthetics before 1 year after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 4

Subject	Theory Hours	Practical Hours	Unassigned Hours	Total Hours	Minimum Practical Applications
Sanitation and patron protection. Laws and rules. Personal hygiene. Salon management.	25	25	0	50	90 (Sanitation and patron protection must be included in all services.)
Mechanical and electrical equipment safety.	25	25	0	50	15
Anatomy and disorders.	40	0	0	40	0
Artistic principles and makeup.	20	20	0	40	0
Facial and skin care techniques.	20	125	0	145	50
	15	0	0	15	0

Chemistry and occupational safety and health administration.					
Temporary removal of hair.	5	5	0	10	5
Unassigned hours.	0	0	50	50	0
Totals	150	200	50	400	160

History: 1998-2000 AACS; 2004 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2163b Natural hair cultivation curriculum.
Rule 63b. Students and apprentices who were enrolled in the study of natural hair cultivation before 1 year after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 5

Subject	Theory Hours	Practical Hours	Unassigned Hours	Total Hours	Minimum Practical Applications
Sanitation and patron protection. Laws and rules. Personal hygiene. Salon management. Equipment safety.	25	25	0	50	50 (Sanitation and patron protection must be included in all services.)
Anatomy and disorders.	25	0	0	25	0
Artistic principles.	30	0	0	30	0
Braiding techniques and extensions.	40	215	0	255	40
Occupational safety and health administration.	5	0	0	5	0
Unassigned hours.	0	0	35	35	0
Totals	125	240	35	400	90

History: 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2163c Cosmetology instructor curriculum.
Rule 63c. Students who were enrolled in the study of cosmetology instructor before 1 year after the

promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 6

Subject	Theory Hours	Practical Hours	Total Hours	Minimum practical applications
Orientation and review of the cosmetology curriculum.	25	50	75	20
Introduction to teaching.	30	0	30	0
Course outlining and development. Lesson planning. Teaching techniques. Teaching aids. Developing, administering, and grading examinations.	80	85	165	20 (a minimum of 5 services in each category)
Laws and rules. Record keeping. School administration.	15	10	25	70
Teaching. Assisting in the clinic and theory classrooms.	0	75	75	15
Practice teaching in the clinic and theory classrooms.	0	130	130	25
Totals	150	350	500	150

History: 1998-2000 AACS; 2004 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2164
Source: 1981 AACS.

R 338.2165
Source: 1981 AACS.

R 338.2166 Electrology instructor curriculum.
Rule 66. Students who were enrolled in the study of electrology instructor before 1 year after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 7

Subject	Theory Hours	Practical Hours	Total Hours	Minimum Practical Applications
Orientation and review of the curriculum.	10	15	25	10
Introduction to teaching.	30	0	30	0
Course outlining and development. Lesson planning. Teaching techniques. Teaching aids. Developing, administering, and grading examinations.	80	85	165	20 (a minimum of 5 services in each category)
Laws and rules. Record keeping. School administration.	15	10	25	40
Teaching. Assisting in the clinic and theory classrooms. Practice teaching in the clinic and theory classrooms.	0	55	55	15
Totals	135	165	300	85

History: 1979 AC; 1981 AACS; 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2167 Limited specialist manicuring instructor curriculum.
Rule 67. Students who were enrolled in the study of limited specialist manicuring instructor before 1 year after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 8

Subject	Theory Hours	Practical Hours	Total Hours	Minimum Practical Applications

Orientation and review of the curriculum.	10	15	25	10
Introduction to teaching.	30	0	30	0
Course outlining and development. Lesson planning. Teaching techniques. Teaching aids. Developing, administering, and grading examinations.	80	85	165	20 (a minimum of 5 services in each category)
Laws and rules. Record keeping. School administration.	15	10	25	40
Teaching. Assisting in the clinic and theory classrooms. Practice teaching in the clinic and theory classrooms.	0	55	55	15
Totals	135	165	300	85

History: 1979 AC; 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2168 Limited specialist skin care instructor curriculum.
Rule 68. Students who were enrolled in the study of limited specialist skin care instructor before 1 year after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 9

Subject	Theory Hours	Practical Hours	Total Hours	Minimum Practical Applications
Orientation and review of the curriculum.	10	15	25	10
Introduction to teaching.	30	0	30	0
Course outlining and development.	80	85	165	20

Lesson planning. Teaching techniques. Teaching aids. Developing, administering, and grading examinations.				(a minimum of 5 services in each category)
Laws and rules. Record keeping. School administration.	15	10	25	40
Teaching. Assisting in the clinic and theory classrooms. Practice teaching in the clinic and theory classrooms.	0	55	55	15
Totals	135	165	300	85

History: 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2169 Limited specialist natural hair culturist instructor curriculum.
Rule 69. Students who were enrolled in the study of limited specialist natural hair culturist instructor before 1 year after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 10

Subject	Theory Hours	Practical Hours	Total Hours	Minimum Practical Applications
Orientation and review of the curriculum.	10	15	25	10 (Sanitation and patron protection must be included in all services.)
Introduction to teaching.	30	0	30	0
Course outlining and development. Lesson planning. Teaching techniques. Teaching aids.	80	85	165	20 (a minimum of 5 services in each category)

Developing, administering, and grading examinations.				
Laws and rules. Record keeping. School administration.	15	10	25	40
Teaching. Assisting in the clinic and theory classrooms. Practice teaching in the clinic and theory classrooms.	0	55	55	15
Totals	135	165	300	85

History: 1979 AC; 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2169a Cosmetologist, esthetician, electrologist, manicurist, and natural hair culturist curriculum.
Rule 69a. (1) Students and apprentices who are enrolled in the study of cosmetology 1 year or later after the promulgation of this rule shall complete a curriculum pursuant to the following table:
TABLE 11

Subject		Theory Hours	Practical Application Hours	Total Hours	Minimum Practical Applications
(a)	Health and safety related to hair care services, manicuring services, skin care services, and natural hair cultivation that include all of the following topics: (i) Anatomy and physiology. (ii) Chemical safety. (iii) Diseases and disorders. (iv) Laws and rules. (v) Occupational safety. (vi) Personal hygiene. (vii) Sanitation. (viii) Equipment, supply, and tool safety.	100	100	200	Health and safety must be included in all practical applications.
(b)	Hair care services and natural hair cultivation that include all of the following topics: (i) Arranging.	250	800	1050	425

	(ii) Artificial Hair. (iii) Bleaching. (iv) Cleansing. (v) Curling. (vi) Cutting. (vii) Coloring and bleaching. (viii) Dressing. (ix) Perming. (x) Relaxing. (xi) Singeing. (xii) Straightening. (xiii) Tinting. (xiv) Waving. (xv) Natural hair cultivation.				
(c)	Esthetic services that include all of the following topics: (i) Beautifying the skin using cosmetic preparations, chemicals, and liquids, including body wrapping. (ii) Cleansing the skin with hands and equipment. (iii) Temporary hair removal. (iv) Facials, makeup, and eyelashes.	50	75	125	25
(d)	Manicuring services that include all of the following: (i) Artificial nails, extensions, and repairs. (ii) Manicuring. (iii) Pedicuring.	50	75	125	25
Total Hours		450	1050	1500	475

(2) Students and apprentices who are enrolled in the study of electrology 1 year or later after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 12

Subject		Theory Hours	Practical Application Hours	Total Hours	Minimum Practical Applications
(a)	Health and safety related to electrology services that include all of the following topics: (i) Anatomy and physiology. (ii) Chemical safety. (iii) Diseases and disorders. (iv) Laws and rules. (v) Occupational safety.	50	50	100	Health and safety must be included in all practical applications.

	(vi) Personal hygiene. (vii) Sanitation. (viii) Equipment, supply, and tool safety.				
(b)	Electrology services that include the topic of removal of the hair with electricity.	125	175	300	150
Total Hours		175	225	400	150

(3) Students and apprentices who are enrolled in the study of esthetics 1 year or later after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 13

Subject		Theory Hours	Practical Application Hours	Total Hours	Minimum Practical Applications
(a)	Health and safety related to esthetic services that include all of the following topics: (i) Anatomy and physiology. (ii) Chemical safety. (iii) Diseases and disorders. (iv) Laws and rules. (v) Occupational safety. (vi) Personal hygiene. (vii) Sanitation. (viii) Equipment, supply, and tool safety.	50	50	100	Health and safety must be included in all practical applications.
(b)	Esthetic services that include the following topics: (i) Beautifying the skin using cosmetic preparations, chemicals, and liquids, including body wrapping. (ii) Cleansing the skin with hands and equipment. (iii) Temporary hair removal. (iv) Facials, makeup, and eyelashes.	125	175	300	50
Total Hours		175	225	400	50

(4) Students and apprentices who are enrolled in the study of manicuring 1 year or later after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 14

Subject		Theory Hours	Practical Application Hours	Total Hours	Minimum Practical Applications
(a)	Health and safety related to manicuring services that include all of the following topics: (i) Anatomy and physiology. (ii) Chemical safety. (iii) Diseases and disorders. (iv) Laws and rules. (v) Occupational safety. (vi) Personal hygiene. (vii) Sanitation. (viii) Equipment, supply, and tool safety.	50	50	100	Health and safety must be included in all practical applications.
(b)	Manicuring services that include all of the following topics: (i) Artificial nails, extensions, and repairs. (ii) Manicuring. (iii) Pedicuring.	125	175	300	50
Total Hours		175	225	400	50

(5) Students and apprentices who are enrolled in the study of natural hair cultivation 1 year or later after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 15

Subject		Theory Hours	Practical Application Hours	Total Hours	Minimum Practical Applications
(a)	Health and safety related to natural hair cultivation that include all of the following topics: (i) Anatomy and physiology. (ii) Chemical safety. (iii) Diseases and disorders. (iv) Laws and rules. (v) Occupational safety. (vi) Personal hygiene. (vii) Sanitation. (viii) Equipment, supply, and tool safety.	50	50	100	Health and safety must be included in all practical applications.
(b)	Natural hair cultivation services that include all of the following topics: (i) Braiding. (ii) Extending.	125	175	300	40

	(iii) Locking. (iv) Twisting. (v) Weaving. (vi) Wrapping.				
Total Hours		175	225	400	40

History: 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2169b Cosmetologist instructor and cosmetologist limited instructor curriculum; electrologist instructor, limited electrologist instructor, and limited specialist instructor curriculum.
Rule 69b. (1) Students who are enrolled in the study of cosmetology instructor or cosmetology limited instructor 1 year or later after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 16

Subject		Theory Hours	Practical Application Hours	Total Hours	Minimum Practical Applications
(a)	Orientation and review of the cosmetology curriculum.	25	50	75	20
(b)	Introduction to teaching.	30	0	30	0
(c)	Teaching skills that include all of the following topics: (i) Course outlining and development. (ii) Lesson planning. (iii) Teaching techniques. (iv) Teaching aids. (v) Developing, administering, and grading examinations.	80	85	165	20
(d)	Administration skills that include all of the following topics: (i) Laws and rules. (ii) Record keeping. (iii) School administration.	15	10	25	10
(e)	Teaching theory and practical hours that include all of the following topics: (i) Assisting in the clinic and theory classrooms. (ii) Practice teaching in the clinic and theory classrooms.	0	205	205	40
Total Hours		150	350	500	90

(2) Students who are enrolled in the study of electrology instructor, electrology limited instructor, esthetics

limited specialist instructor, manicuring limited specialist instructor, or natural hair cultivation limited specialist instructor 1 year or later after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 17

Subject		Theory Hours	Practical Application Hours	Total Hours	Minimum Practical Applications
(a)	One of the following: (i) For an electrology instructor or electrology limited instructor, orientation and review of the electrology curriculum. (ii) For an esthetics limited specialist instructor, orientation and review of the esthetician curriculum. (iii) For a manicuring limited specialist instructor, orientation and review of the manicuring curriculum. (iv) For a natural hair cultivation limited specialist instructor, orientation and review of the natural hair cultivation curriculum.	10	15	25	10
(b)	Introduction to teaching.	30	0	30	0
(c)	Teaching skills that include all of the following topics: (i) Course outlining and development. (ii) Lesson planning. (iii) Teaching techniques. (iv) Teaching aids. (v) Developing, administering, and grading examinations.	80	85	165	20
(d)	Administration skills that include all of the following topics: (i) Laws and rules. (ii) Record keeping. (iii) School administration.	15	10	25	10
(e)	Teaching theory and practical hours that include all of the following topics: (i) Assisting in the clinic and theory classrooms.	0	55	55	15

	(ii) Practice teaching in the clinic and theory classrooms.				
Total Hours		135	165	300	55

History: 2021 MR 21, Eff. Nov. 4, 2021.

PART 5. HEALTH AND SAFETY

R 338.2171 Establishment and school requirements.
Rule 71. (1) An establishment or school shall have and maintain all of the following:
(a) An adequate supply of running hot and cold water.—
(b) Adequate ventilation to prevent the concentration of chemical vapors and strong odors.—
(c) Covered containers for holding used towels, capes, and neck strips.
(d) An adequate amount of cleaning, disinfecting, and sterilizing equipment and supplies necessary to meet the sanitation requirements of these rules.
(e) The manufacturer-labeled container of each disinfectant and sterilant that is used.
(f) Covered waste containers that are large enough to contain 1 day's accumulation of waste materials.
(g) If services are performed that involve fusing hair with an open flame, at least 1 multi-purpose fire extinguisher that is labeled by the manufacturer as suitable for use on class a, b, and c fires. The fire extinguisher must be located within 20 feet of where the open flame is used.
(h) At least 1 first aid kit that is labeled by the manufacturer as meeting the American National Standards Institute (ANSI) and International Safety Equipment Association (ISEA) American national standard - minimum requirements for workplace first aid kits and supplies. A first aid kit labeled by the manufacturer with a stamp indicating "ANSI/ISEA Z308.1" satisfies the requirement of this rule.
(i) If a chair, bed, table, headrest, or other station is used for providing services to patrons, it must be made of, or covered in, a non-porous material that can be disinfected.
(2) An establishment or school shall comply with all of the following minimum operational requirements:
(a) Maintain all areas in a safe and sanitary condition.
(b) Dispose of vaporous chemical waste materials pursuant to the manufacturer's recommendations.
(c) Disinfect waste containers at least once every 24 hours unless lined with a plastic bag that is disposed of each time the waste container is emptied.
(d) Dispose of all single-use tools and supplies after use on a patron.
(e) Store clean nonelectrical tools and supplies in covered containers and separate from used tools and supplies.
(f) Dispose towels, capes, and neck strips used on a patron in a container for used items.
(g) All waste materials including, but not limited to, hair clippings, paper, tissue, and single-use tools must be disposed of in a covered waste container.
(3) An establishment providing hair care services shall have a shampoo bowl equipped with hot and cold running water.
(4) An establishment providing pedicuring services shall have a pedicuring basin.
History: 1979 AC; 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2171a Disinfecting and sterilizing requirements; non-electrical and electrical tools; towels, capes, and neck strips; chairs, headrests, tables, and beds; semi-solid substances; pedicuring basins; shampoo bowls, dusters, and brushes.
Rule 71a. (1) Unless otherwise provided under this rule, all non-electrical tools that are not disposed must be disinfected after each use on a patron in the following sequential manner:
(a) Remove all visible debris.
(b) Disinfect using either of the following methods:
(i) Full immersion in a wet-sanitizer for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.
(ii) Scrubbing all surfaces with a disinfectant wipe or a disinfectant spray and clean towel.
(c) Fully dry by air or with a clean towel.

(2) Unless otherwise provided under this rule, all removeable parts of an electrical tool must be disinfected after each use on a patron in the following sequential manner:
(a) Remove all visible debris.
(b) Disinfect using either of the following methods:
(i) Full immersion in a wet-sanitizer for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.
(ii) Scrubbing all surfaces with a disinfectant wipe or a disinfectant spray and clean towel.
(c) Fully dry by air or with a clean towel before storing in a clean place such as a stand, hook, or on a clean towel covered by a clean towel. Electrical items with a cord must not be stored in a container used for storing other clean items.
(3) Tools and supplies that go beneath the top layer of the skin must be sterilized after each use in the following sequential manner:
(a) Remove all visible debris.
(b) Sterilize using either of the following methods:
(i) Full immersion in a liquid sterilant for not less than 10 minutes or the period recommended by the manufacturer of the sterilant.
(ii) Sterilization in an autoclave pursuant to the autoclave manufacturer's instructions.
(4) Towels, capes, and neck strips must be machine washed with a detergent in water of not less than 160 degrees Fahrenheit for not less than 25 minutes during a wash and rinse cycle. The following exceptions and presumption apply to this subrule:
(a) A detergent registered as a disinfectant with the EPA is not required.
(b) Machine washing is not required for plastic or nylon capes that are disinfected after each use by scrubbing all surfaces using a disinfectant wipe or a disinfect spray and clean towel.
(c) Towels, capes, and neck strips laundered through commercial laundry services are presumed to satisfy the requirements of this subrule.
(5) Chairs, headrests, tables, beds, and other stations that come in direct contact with a patron's skin must be disinfected after use on a patron in the following sequential manner:
(a) Remove all visible debris.
(b) Scrub all surfaces with a disinfectant wipe or a disinfectant spray and clean towel.
(6) All semi-solid substances, including, but not limited to, waxes, creams, lotions, oils, and powders must be stored in a covered container and removed by using a clean spatula or single-use spatula that is disposed after use on a patron unless it is dispensed from a shaker dispenser that prevents contact with the skin.
(7) After each use, a basin used by a patron for pedicuring services must be disinfected in the following sequential manner:
(a) Drain all water from the basin.
(b) Remove all visible debris.
(c) Circulate a disinfectant in the basin for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.
(d) Drain, rinse, and fully dry by air or with a clean towel.
(e) If the basin contains a screen or other removable parts, the screen and removeable parts must be disinfected in the following sequential manner:
(i) Remove all visible debris.
(ii) Disinfect using either of the following methods:
(A) Full immersion in a wet sanitizer for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.
(B) Scrub all surfaces with a disinfectant wipe or a disinfectant spray and clean towel.
(iii) Rinse with water and fully dry by air or with a clean towel.
(8) A basin that uses a liner that is disposed of after each use by a patron and that prevents water and skin from contacting the basin is not required to be disinfected pursuant to subrule (7) of this rule. However, a screen and any other removable parts that contact the water or skin must be disinfected pursuant to subrule (7) of this rule.
(9) Shampoo bowls must be disinfected after each use in the following sequential manner:
(a) Remove all visible debris.
(b) Scrub all surfaces with a disinfectant wipe or disinfectant spray and clean towel.
(10) Neck and nail dusters and other brushes not included under subrule (11) of this rule must be disinfected after each use in the following sequential manner:

(a) Remove all visible debris.
(b) Immerse in a wet sanitizer for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.
(11) Natural fiber, facial, acrylic, gel, nail-art, and makeup brushes must be cleaned after each use in the following sequential manner:
(a) Remove all visible debris.
(b) Fully immerse in a wet-sanitizer for at least 10 minutes or the period recommended by the manufacturer of the disinfectant.
History: 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2171b Patron protection.
Rule 71b. A licensee, student, or apprentice shall satisfy all of the following:
(a) Ensure his or her attire and hands are kept sanitary.
(b) Apply antiseptic to his or her hands before performing any cosmetology service.
(c) Clean tools, equipment, and supplies that are not disposed after each use on a patron pursuant to R 338.2171a.
(d) Store clean tools and supplies in covered containers and separate from used tools and supplies.
(e) Use clean tools, equipment, and supplies on patrons.
(f) Dispose of all single-use tools and supplies after each use on a patron.
(g) Once hair care services are completed on a patron, remove any hair clippings from the floor.
History: 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2171c Mobile salon services performed in a self-contained or other device that is moved, towed, or transported from 1 location to another.
Rule 71c. In addition to complying with all health and safety requirements in these rules, a mobile salon that is a self-contained vehicle or other device that is moved, towed, or transported from 1 location to another shall comply with all of the following:
(a) It must not be used as a residence or for any purpose other than providing cosmetology services.
(b) All furniture must be anchored to the unit.
(c) It must have a functioning restroom, including a self-contained, flush toilet with holding tank.
(d) It must have a water heater that provides fresh, hot water continuously and on demand.
(e) All chemicals must be stored in cabinets with secured safety latches in an area apart from customer service areas.
(f) All services rendered within the mobile salon must comply with all local, state, and federal laws and regulations where the services are provided.
(g) It must be parked in a safe, accessible, and legal parking spot when rendering services. A ramp or lift must be provided for access if providing services for a disabled individual.
(h) No cosmetology services shall be performed while the mobile salon is moving.
History: 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2172
Source: 1998-2000 AACS.

R 338.2173 Rescinded.
History: 1979 AC; 1981 AACS; 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2174
Source: 1998-2000 AACS.

R 338.2175
Source: 1998-2000 AACS.

R 338.2176 Rescinded.
History: 1979 AC; 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2178 Rescinded.

History: 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2179 Rescinded.
History: 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2179a Rescinded.
History: 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2179b Rescinded.
History: 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2179c Rescinded.
History: 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2179d Rescinded.
History: 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2179e
Source: 2004 AACS.

R 338.2179f Rescinded.
History: 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2179g Student, apprentice, and licensee; prohibitions.
Rule 79g. (1) A student, apprentice, or licensee shall not do any of the following, and a licensee shall not allow another to do any of the following:
(a) Use or possess methyl methacrylate monomers.
(b) Abrade, roughen, buff, or file the nail plate to the extent that the nail bed is exposed or that deeply filed trenches or ridges in the nail plate are created.
(c) Use a nail white pencil.
(d) Use lump alum or a styptic pencil to stop bleeding.
(e) Carry any equipment, tools, implements, or supplies in the pocket of a uniform.
(f) Use the same powder puffs, makeup brushes, or cosmetic pencils on more than 1 patron.
(g) Use an ultraviolet ray electrical sanitizer to disinfect or sterilize items. However, items that are disinfected or sterilized pursuant to R 338.2171a may be stored in an ultraviolet ray electrical sanitizer.
(h) Use or possess a blade in the practice of manicuring or pedicuring.
(i) Perform services that are limited to the scope of practice of a licensed health profession regulated under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, unless he or she is performing a service that is delegated to him or her under section 16215 of the public health code, 1978 PA 368, MCL 333.16215.
(j) Fail to provide proof of identity with a picture I.D. or alternative acceptable to the department at the time of an inspection, if requested by a department representative performing an inspection of the licensed establishment.
(k) Allow a member of the public to drink from a water source used for mixing chemicals.
(2) An esthetician shall not use razors, scissors, or clippers on the scalp of a patron.
(3) A natural hair cultivation student, apprentice, or practitioner shall not use reactive chemicals or perform any service included in the practice of cosmetology as defined in section 1201 of the code, MCL 339.1201.
History: 1998-2000 AACS; 2004 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2179h Rescinded.
History: 1998-2000 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

PART 6. OPERATION OF MOBILE SALON

R 338.2180 Mobile salon premises; license display; permanent, physical business address; contact information; notice of sale or transfer; change of name or contact information.

Rule 80. (1) The premises of a mobile salon, as defined in section 1201(s) of the code, MCL 339.1201, shall comply with all requirements established under the code and these rules.
(2) A mobile salon shall display the establishment license and the license of each cosmetologist who works in the mobile salon in compliance with section 1204(2)(b) of the code, MCL 339.1204.
(3) The mobile salon owner shall provide and keep current with the department all of the following contact information:
(a) The permanent, physical business address of the mobile salon.
(b) The permanent physical address of the mobile salon owner.
(c) The telephone number of the mobile salon.
(d) The telephone number of the mobile salon owner.
(e) The electronic mail address of the mobile salon owner.
(4) As provided in R 338.2127(2), the sale or transfer of a mobile salon voids the cosmetology establishment license. The mobile salon owner shall notify the department within 15 calendar days before there is a change to its permanent, physical business address.
(5) A mobile salon owner shall report a change in his or her name or any of the contact information required by subrule (2) of this rule within 15 calendar days before the change to facilitate the department's ability to locate, investigate, and inspect the mobile salon to ensure compliance with the requirements of the code and these rules, pursuant to section 1203(2)(c) of the code, MCL 339.1203.
History: 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2181
Source: 1998-2000 AACS.

R 338.2182
Source: 1998-2000 AACS.

R 338.2183
Source: 1998-2000 AACS.

R 338.2184
Source: 1998-2000 AACS.

R 338.2185
Source: 1998-2000 AACS.

R 338.2186
Source: 1998-2000 AACS.

R 338.2187 Mobile salons; duty to provide itinerary; duty to provide access to the premises.
Rule 87. (1) Within 10 calendar days of receiving a notice of a request for disclosure of the mobile salon's itinerary issued by the department, the mobile salon owner shall provide the department with a written, detailed itinerary indicating the dates, times, and locations where the mobile salon will be located and providing cosmetology services for the upcoming 30 calendar days.
(2) The notice of a request for disclosure of the mobile salon's itinerary from the department is effective 3 business days after it is mailed by first-class mail to the permanent, physical business address of the mobile salon.
(3) The mobile salon owner shall ensure that the department has permission and access to enter the premises of a mobile salon, including a location defined in section 1201(o)(ii) of the code, MCL 339.1201, at any time that a cosmetology service is being provided on the premises.
History: 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2188 Mobile salon; records.
Rule 88. The mobile salon owner shall maintain the following records at the permanent, physical business address of the mobile salon:
(a) Seven years of appointment records, or if the mobile salon has been in operation less than 7 years, all appointment records.
(b) A copy of the license of each employee or independent contractor performing a cosmetology service on

the premises of the mobile salon.
(c) If the mobile salon is a self-contained vehicle, a copy of the vehicle registration and proof of insurance.
History: 2021 MR 21, Eff. Nov. 4, 2021.

R 338.2191
Source: 1997 AACS.

R 338.2192
Source: 1997 AACS.

R 338.2193
Source: 1997 AACS.

R 338.2194
Source: 1997 AACS.

R 338.2195
Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

RESPIRATORY CARE - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.2201 Definitions.
Rule 2201. (1) As used in these rules:
(a) "Board" means the board of respiratory care
(b) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
(c) "Department" means the department of licensing and regulatory affairs.
(d) "Endorsement" means the acknowledgement that the licensing criteria in 1 jurisdiction is substantially equivalent to the criteria established and described in section 16186 of the code, MCL 333.16186.
(2) The terms defined in the code have the same meanings when used in these rules.
History: 2006 AACS; 2019 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.2201a Training standards for identifying victims of human trafficking; requirements.
Rule 2201a. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual licensed or seeking licensure shall complete training in identifying victims of human trafficking that meets the following standards:
(a) Training content must cover all of the following:
(i) Understanding the types and venues of human trafficking in Michigan or the United States.
(ii) Identifying victims of human trafficking in health care settings.
(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
(iv) Resources for reporting the suspected victims of human trafficking.
(b) Acceptable providers or methods of training include any of the following:
(i) Training offered by a nationally recognized or state-recognized, health-related organization.
(ii) Training offered by, or in conjunction with, a state or federal agency.
(iii) Training obtained in an educational program that has been approved by the department in consultation with the board for initial licensure, or by a college or university.
(iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (1)(a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
(c) Acceptable modalities of training includes any of the following:
(i) Teleconference or webinar.
(ii) Online presentation.

(iii) Live presentation.
(iv) Printed or electronic media.
(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to license renewals beginning December 2018 and initial licenses issued after March 16, 2021.
History: 2016 AACS; 2019 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.2201b Telehealth.
Rule 2201b. (1) Consent for treatment must be obtained before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.
(2) Evidence of consent for treatment must be maintained in a patient's medical record and retained in compliance with section 16213 of the code, MCL 333.16213.
(3) A respiratory therapist providing any telehealth service shall do both of the following:
(a) Act within the scope of his or her practice.
(b) Exercise the same standard of care applicable to a traditional, in-person health care service.
History: 2021 MR 20, Eff. Oct 28, 2021.

PART 2. LICENSURE

R 338.2202
Source: 2019 AACS.

R 338.2202a
Source: 2019 AACS.

R 338.2202b. Rescinded.
History: 2019 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.2203
Source: 2019 AACS.

R 338.2204
Source: 2019 AACS.

R 338.2205 Licensure by endorsement; respiratory therapist.
Rule 2205. (1) An applicant for a respiratory therapist license by endorsement, in addition to meeting the requirements of the code and the administrative rules promulgated under the code, shall comply with all of the following:
(a) Submit a completed application on a form provided by the department, together with the requisite fee.
(b) Hold an active license, registration, or certification in good standing from another state immediately preceding the date of filing an application for licensure by endorsement.
(c) Provide verification of his or her license, registration, or certification from the licensing agency of each state in which the applicant holds, or has ever held, a license, registration, or certification to practice respiratory care. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

(2) In addition to complying with the requirements of subrule (1) of this rule, if the applicant has been licensed for less than 5 years immediately preceding the date of the application, he or she shall comply with all of the following:
(a) Submit educational information that satisfies the requirements of R 338.2202.
(b) Submit NBRC examination and certification information that satisfies the requirements of R 338.2202.
(c) Be of good moral character.
History: 2006 AACS; 2019 AACS; 2021 MR 20, Eff. Oct 28, 2021.

PART 3. EDUCATION

R 338.2206 Accreditation standards; adoption by reference.
Rule 2206. (1) The department in consultation with the board approves, and adopts by reference, the following standards for accrediting respiratory therapist educational programs from the Commission on Accreditation for Respiratory Care (CoARC). Copies of these standards may be obtained at cost from CoARC, 1248 Harwood Rd., Bedford, Texas 76021-4244, or at no cost from the CoARC website, www.coarc.com. Copies may be obtained at a cost of 10 cents per page from the Michigan Board of Respiratory Care, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909. Any respiratory therapist educational program that is accredited by CoARC is a respiratory therapist educational program approved by department in consultation with the board.
(a) "Accreditation Policies and Procedures Manual," March 14, 2020.
(b) "Accreditation Standards for Entry into Respiratory Care Professional Practice," effective January 1, 2018.
(c) "Accreditation Standards for Degree Advancement Programs in Respiratory Care," effective January 1, 2018.
(2) The department in consultation with the board adopts by reference the procedures and criteria for recognizing accrediting organizations of the Council of Higher Education Accreditation (CHEA), effective June 28, 2010, and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR part 602. The CHEA recognition standards may be obtained from CHEA, One Dupont Circle NW, Suite 510, Washington, DC 20036-1110, or from the council's website at www.chea.org at no cost. The federal recognition criteria may be obtained at no cost from the United States Department of Education's website at: www.ed.gov. Copies of the standards and criteria recognizing accrediting agencies used by CHEA and the Department of Education are available for inspection and distribution at a cost of 10 cents per page from the Board of Respiratory Care, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.
History: 2006 AACS; 2019 AACS; 2021 MR 20, Eff. Oct 28, 2021.

PART 4. RELICENSURE

R 338.2207 Relicensure.
Rule 2207. An applicant for relicensure whose license has lapsed, under section 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements as noted by (√):

(1) For an applicant who has let his or her license lapse and who does not hold a current and valid respiratory care license, registration, or certification in another state of the United States or province of Canada:	Lapsed 3 Years or less	Lapsed more than 3 Years
(a) Submit a completed application on a form provided by the department, together with the requisite fee.	√	√

(b) Establish that the applicant is of good moral character.		√
(c) Submit fingerprints as set forth in section 16174(3) of the code, MCL 333.16174.		√
(d) Provide to the department documentation that the applicant passed the NBRC certification examination within the 2 years immediately preceding the application for relicensure.		√
(e) An applicant's respiratory care license, registration, or certification in good standing must be verified by the licensing agency of any state of the United States or province of Canada in which the applicant ever held a respiratory care license, registration, or certification. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√
(2) For an applicant who has let his or her license lapse and holds a current and valid respiratory care license, registration, or certificate within another state of the United States or province of Canada:		
(a) Submit a completed application on a form provided by the department, together with the requisite fee.	√	√
(b) Establish that the applicant is of good moral character.		√
(c) Submit fingerprints as set forth in section 16174(3) of the code, MCL 333.16174.		√
(d) An applicant's respiratory care license, registration, or certification in good standing must be verified by the licensing agency of any state of the United States or province of Canada in which the applicant holds or has ever held a respiratory care license, registration, or certification. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√

History: 2006 AACS; 2019 AACS; 2021 MR 20, Eff. Oct 28, 2021.

CHIROPRACTIC

R 338.2208
Source: 1997 AACS.

R 338.2209
Source: 1997 AACS.

R 338.2210
Source: 1997 AACS.

R 338.2211
Source: 1997 AACS.

R 338.2212
Source: 1997 AACS.

R 338.2213
Source: 1997 AACS.

R 338.2214
Source: 1997 AACS.

R 338.2215
Source: 1997 AACS.

R 338.2216
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R 338.2217
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R 338.2218
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R 338.2219
Source: 1997 AACS.

R 338.2220
Source: 1997 AACS.

R 338.2221
Source: 1997 AACS.

R 338.2222
Source: 1997 AACS.

R 338.2223
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R 338.2224
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R 338.2237
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R 338.2238
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R 338.2239
Source: 1997 AACS.

R 338.2240
Source: 1997 AACS.

R 338.2241
Source: 1997 AACS.

R 338.2242
Source: 1997 AACS.

R 338.2243
Source: 1997 AACS.

R 338.2244
Source: 1997 AACS.

R 338.2245
Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

MEDICINE - GENERAL RULES

R 338.2301
Source: 2016 AACS.

R 338.2302
Source: 2016 AACS.

R 338.2303
Source: 2013 AACS.

R 338.2304
Source: 2016 AACS.

R 338.2305
Source: 2016 AACS.

R 338.2308
Source: 2016 AACS.

R 338.2309
Source: 1979 AC.

PART 2. LICENSES

R 338.2311
Source: 1997 AACS.

R 338.2312
Source: 1997 AACS.

R 338.2313
Source: 2016 AACS.

R 338.2314
Source: 2016 AACS.

R 338.2315
Source: 1997 AACS.

R 338.2316
Source: 2016 AACS.

R 338.2317
Source: 2016 AACS.

R 338.2318
Source: 2016 AACS.

R 338.2319
Source: 2016 AACS.

R 338.2320
Source: 1997 AACS.

R 338.2322
Source: 1997 AACS.

R 338.2323
Source: 1997 AACS.

R 338.2325
Source: 1997 AACS.

R 338.2326
Source: 2016 AACS**.**

R 338.2327
Source: 1997 AACS.

R 338.2327a
Source: 2016 AACS**.**

R 338.2328
Source: 1997 AACS.

R 338.2329
Source: 1997 AACS.

R 338.2329a
Source: 2016 AACS**.**

PART 3. ADMINISTRATIVE HEARINGS

R 338.2330
Source: 1997 AACS.

R 338.2331
Source: 1997 AACS.

R 338.2332
Source: 1997 AACS.

R 338.2333
Source: 1997 AACS.

R 338.2334
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R 338.2354
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R 338.2355
Source: 1997 AACS.

R 338.2371
Source: 2016 AACS**.**

R 338.2372
Source: 2016 AACS**.**

R 338.2373
Source: 2016 AACS**.**

R 338.2374
Source: 2016 AACS**.**

R 338.2375
Source: 2016 AACS**.**

R 338.2376
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R 338.2377
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R 338.2378
Source: 2016 AACS.

R 338.2379
Source: 2016 AACS.

R 338.2380
Source: 2016 AACS.

R 338.2381
Source: 2016 AACS.

R 338.2382
Source: 2016 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

MEDICINE - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.2401 Definitions.
Rule 101. (1) As used in these rules:
(a) "Board" means the Michigan board of medicine created under section 17021 of the code, MCL 333.17021.
(b) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
(c) "Department" means the department of licensing and regulatory affairs.
(2) A term defined in the code has the same meaning when used in these rules.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.2403 Rescinded.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.2405 Rescinded.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.2407 Telehealth.
Rule 107. (1) Consent for treatment must be obtained before providing a telehealth service under section 16284 of the code, MCL 333.16284.
(2) Proof of consent must be maintained in the patient's up-to-date medical record and retained in compliance with section 16213 of the code, MCL 333.16213.
(3) A physician providing a telehealth service may prescribe a drug if the physician is a prescriber acting within the scope of his or her practice and in compliance with section 16285 of the code, MCL 333.16285, and if he or she does both of the following:
(a) If medically necessary, refers the patient to a provider who is geographically accessible to the patient.
(b) Makes himself or herself available to provide follow-up care services to the patient, or to refer the patient

to another provider, for follow-up care.
(4) A physician providing any telehealth service shall do both of the following:
(a) Act within the scope of his or her practice.
(b) Exercise the same standard of care applicable to a traditional, in-person health care service.
History: 2021 MR 8, Eff. Apr. 26, 2021.

R 338.2409 Prescribing of drugs by physician's assistants; procedures and protocols.
Rule 109. (1) Under sections 17048(2) and 17076(2) of the code, MCL 333.17048 and 333.17076, and under the terms of a practice agreement, a physician's assistant may prescribe a drug, including a controlled substance that is included in schedules 2 to 5 of part 72 of the code, MCL 333.7201 to 333.7231, subject to both of the following requirements:
(a) If a physician's assistant prescribes a drug, the physician's assistant's name must be used, recorded, or otherwise indicated in connection with that prescription.
(b) If a physician's assistant prescribes a drug that is included in schedules 2 to 5, the physician's assistant's Drug Enforcement Agency (DEA) registration number must be used, recorded, or otherwise indicated in connection with that prescription.
(2) Under sections 17048(2) and 17076(3) of the code, MCL 333.17048 and 333.17076, and under the terms of a practice agreement, a physician's assistant may order, receive, and dispense complimentary starter dose drugs, including controlled substances that are included in schedules 2 to 5 of part 72 of the code, MCL 333.7201 to 333.7231, subject to both of the following requirements:
(a) If a physician's assistant orders, receives, or dispenses a complimentary starter dose drug, the physician's assistant's name must be used, recorded, or otherwise indicated in connection with that order, receipt, or dispensing.
(b) If a physician's assistant orders, receives, or dispenses a complimentary starter dose drug that is included in schedules 2 to 5, the physician's assistant's DEA registration number must be used, recorded, or otherwise indicated in connection with that order, receipt, or dispensing.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.2411 Delegation of prescribing controlled substances to an advanced practice registered nurse; limitation.
Rule 111. (1) A physician may delegate the prescription of controlled substances listed in schedules 2 to 5 to a registered nurse who holds a specialty certification under section 17210 of the code, MCL 333.17210, with the exception of a nurse anesthetist, if the delegating physician establishes a written authorization that contains all of the following information:
(a) The name, license number, and signature of the delegating physician.
(b) The name, license number, and signature of the nurse practitioner, nurse midwife, or clinical nurse specialist.
(c) The limitations or exceptions to the delegation.
(d) The effective date of the delegation.
(2) The delegating physician shall review and update a written authorization on an annual basis from the original date or the date of amendment, if amended. The delegating physician shall note the review date on the written authorization.
(3) The delegating physician shall maintain a written authorization at the delegating physician's primary place of practice.
(4) The delegating physician shall provide a copy of the signed, written authorization to the nurse practitioner, nurse midwife, or clinical nurse specialist.
(5) The delegating physician shall ensure that an amendment to the written authorization is in compliance with subrules (1), (2), (3), and (4) of this rule.
(6) A delegating physician may authorize a nurse practitioner, a nurse midwife, or a clinical nurse specialist to issue ~~a~~ multiple prescriptions allowing the patient to receive a total of up to a 90-day supply of a schedule 2 controlled substance.
(7) A delegating physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.2413 Training standards for identifying victims of human trafficking; requirements.
Rule 113. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure or licensed shall complete training in identifying victims of human trafficking that satisfies the following standards:
(a) Training content must cover all of the following:
(i) Understanding the types and venues of human trafficking in this state or the United States.
(ii) Identifying victims of human trafficking in health care settings.
(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
(iv) Resources for reporting the suspected victims of human trafficking.
(b) Acceptable providers or methods of training include any of the following:
(i) Training offered by a nationally recognized or state-recognized, health-related organization.
(ii) Training offered by, or in conjunction with, a state or federal agency.
(iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
(iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
(c) Acceptable modalities of training include any of the following:
(i) Teleconference or webinar.
(ii) Online presentation.
(iii) Live presentation.
(iv) Printed or electronic media.
(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
(i) For training completed under subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
(ii) For training completed under subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
(3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2017 renewal cycle and for initial licensure beginning December 6, 2021.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

PART 2. LICENSES

R 338.2421 Accreditation standards for approval of medical schools and medical residency programs.
Rule 121. (1) The board approves and adopts by reference the standards for accrediting medical schools developed and adopted by the Liaison Committee on Medical Education, 655 K Street, NW, Suite 100, Washington, District of Columbia 20001-2399, set forth in the publication entitled "Functions and Structures of a Medical School", March 2018 edition, which is available at no cost on the committee's website at: www.lcme.org. The board considers any medical school accredited by the Liaison Committee on Medical Education approved by the board.
(2) The board approves and adopts by reference the standards for approval of a postgraduate training program developed and adopted by the Accreditation Council for Graduate Medical Education, 401 N. Michigan Avenue, Suite 2000, Chicago, Illinois 60611, effective July 1, 2016, and are available at no cost on the council's website at: www.acgme.org. The board considers any medical postgraduate training program accredited by the Accreditation Council for Graduate Medical Education approved by the board.
(3) The board approves and adopts by reference the standards for approval of a resident training program by the College of Family Physicians of Canada, 2630 Skymark Avenue, Mississauga, Ontario, Canada L4W 5A4, set forth in the publication entitled "Specific Standards for Family Medicine Training Programs Accredited by the College of Family Physicians of Canada," 2016 edition available at no cost from the

college's website at: http://www.cfpc.ca/Residency_Program_Accreditation. The board considers any residency program accredited by the College of Family Physicians of Canada approved by the board.
(4) The board approves and adopts by reference the standards for approval of a resident training program by the Royal College of Physicians and Surgeons of Canada, 774 Echo Drive, Ottawa, Ontario, Canada K1S 5N8 set forth in the publication entitled "General Standards of Accreditation," June 2013 edition, available at no cost from the college's website: http://www.royalcollege.ca/portal/page/portal/rc/credentials. The board considers any residency program accredited by the Royal College of Physicians and Surgeons approved by the board.
(5) The board approves and adopts by reference the standards for approval of a resident training program by the Canadian Medical Association's Conjoint Accreditation Services, 1867 Alta Vista Drive, Ottawa, Ontario, Canada K 1G 5W8, set forth in the publication entitled "Requirements for Accreditation," 2014 edition, available at no cost from the association's website at: http://www.cma.ca/learning/conjointaccreditation. The board considers any residency program accredited by the Conjoint Accreditation Service approved by the board.
(6) Copies of the standards and criteria adopted by reference in subrules (1), (2), (3), (4), and (5) of this rule are available for inspection and distribution at a cost of 10 cents per page from the Board of Medicine, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 W. Ottawa, P.O. Box 30670, Lansing, Michigan 48909.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.2423 Medical doctor; license requirements; United States and Canadian graduates.
Rule 123. An applicant for a medical license who graduated from a medical school located inside the United States, its territories, or the Dominion of Canada, in addition to satisfying the requirements of the code, shall satisfy all of the following requirements:
(a) Submit the required fee and a completed application on a form provided by the department.
(b) Possess a degree from a medical school that satisfies the standards set forth in R 338.2421(1).
(c) Have passed all parts of the United States Medical Licensing Examination (USMLE) adopted under R 338.2431.
(d) Have completed a minimum of 2 years of postgraduate clinical training in a program that satisfies the requirements of R 338.2421(2), (3), (4), or (5).
(e) Submit a certificate of completion of the postgraduate training required under subdivision (d) of this rule to the department no more than 15 days prior to the scheduled date of completion.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.2425 Medical doctor; license requirements; foreign graduates.
Rule 125. An applicant for a medical license who graduated from a medical school located outside the United States, its territories, or the Dominion of Canada, in addition to satisfying the requirements of the code, shall satisfy all of the following requirements:
(a) Submit the required fee and a completed application on a form provided by the department.
(b) Have certification provided directly to the department from the Educational Commission for Foreign Medical Graduates (ECFMG) verifying that the applicant has satisfied both of the following requirements:
(i) Graduated from a medical school listed in the World Directory of Medical Schools.
(ii) Passed all parts of the USMLE adopted under R 338.2431.
(c) Completed a minimum of 2 years of postgraduate clinical training in a program that satisfies the requirements of R 338.2421(2), (3), (4), or (5).
(d) Submit a certificate of completion of the postgraduate training required under subdivision (c) of this rule to the department no more than 15 days prior to the scheduled date of completion.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.2427 Licensure by endorsement.
Rule 127. (1) An applicant for a Michigan medical license by endorsement shall-submit the required fee and a completed application on a form provided by the department.
(2) An applicant shall satisfy 1 of the following requirements:
(a) Has first been licensed in good standing in another state and actively engaged in the practice of medicine for at least 10 years prior to the date of filing the application.
(b) Has first been licensed in good standing in another state and actively engaged in the practice of medicine less than 10 years prior to the date of filing the application and satisfies both of the following requirements:

(i) Passed all parts of the USMLE adopted under R 338.2431.
(ii) Completed a minimum of 2 years of postgraduate clinical training in a program that satisfies the requirements of R 338.2421(2), (3), (4), or (5).
(3) An applicant's license shall be verified by the licensing agency of any state of the United States in which the applicant holds a current license or has ever held a license as a medical doctor. Verification includes, but is not limited to, showing proof that the applicant's license is in good standing and, if applicable, any disciplinary action taken or pending against the applicant.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.2429 Educational limited license.
Rule 129. (1) An individual not eligible for a Michigan medical license shall obtain an educational limited license before engaging in postgraduate training.
(2) An applicant for an educational limited license who is from a medical school located inside the United States, its territories, or the Dominion of Canada, in addition to satisfying the requirements of the code, shall satisfy all of the following requirements:
(a) Submit the required fee and a completed application on a form provided by the department.
(b) Have documentation provided directly to the department from a medical school that satisfies the requirements of R 338.2421(1) verifying that the applicant has graduated or is expected to graduate within 3 months of the date of the application.
(c) Have documentation provided directly to the department verifying that the applicant has been accepted into a postgraduate training program that satisfies the requirements of R 338.2421(2).
(3) An applicant for an educational limited license who is from a medical school located outside the United States, its territories, or the Dominion of Canada, in addition to satisfying the requirements of the code, shall satisfy all of the following requirements:
(a) Submit the required fee and a completed application on a form provided by the department.
(b) Have certification provided directly from the ECFMG to the department verifying that the applicant has satisfied both of the following requirements:
(i) Graduated from a medical school listed in the World Directory of Medical Schools.
(ii) Passed parts 1 and 2 of the USMLE adopted under R 338.2431.
(c) Have documentation provided directly to the department verifying that the applicant has been accepted into a postgraduate training program that satisfies the requirements of R 338.2421(2).
(4) Under section 17012(2) of the code, MCL 333.17012, an educational limited license may be renewed not more than 5 years.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.2431 Examination; adoption; passing scores; limitation on attempts; time limitations.
Rule 131. (1) The board adopts the United States Medical Licensing Examination (USMLE) developed and administered by the Federation of State Medical Boards (FSMB) which consists of the following parts:
(a) USMLE – part 1.
(b) USMLE – part 2.
(c) USMLE – part 3.
(2) The passing score for each part of the USMLE accepted for licensure is the passing score established by the FSMB.
(3) An applicant shall not make more than 3 attempts to pass any part of the USMLE.
(4) An applicant shall successfully pass all parts of the USMLE within 7 years from the date that he or she first passed any part of the USMLE. An applicant may request consideration of a variance of the 7-year requirement by providing, at a minimum, proof of both of the following requirements to the board:
(a) That the applicant has already passed all parts of the USMLE, but that the time taken to pass all parts is more than 7 years.
(b) That the applicant has completed either of the following activities:
(i) Graduation from an accredited graduate degree program in addition to medical school.
(ii) Completion of a residency or fellowship program with demonstrated consistent participation in the program.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.2433 Rescinded.

History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.2435 Clinical academic limited license.
Rule 135. An applicant for a clinical academic limited license shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code, the applicant shall satisfy both of the following requirements:
(a) Have documentation provided directly to the department verifying that he or she has been appointed to a position in an academic institution as defined in section 17001(1)(a) of the code, MCL 333.17001.
(b) Provide documentation from either of the following entities:
(i) Verification provided directly to the department from a medical school that satisfies the requirements of R 338.2421(1), indicating that the applicant has graduated or is expected to graduate within 3 months of the date of the application.
(ii) Certification provided directly to the department from the ECFMG indicating that the applicant has satisfied both of the following requirements:
(A) Graduated from a medical school listed in the World Directory of Medical Schools.
(B) Passed parts 1 and 2 of the USMLE adopted under R 338.2431.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.2437 Relicensure.
Rule 137. (1) An applicant whose Michigan medical license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies all of the following requirements:
(a) Submits the required fee and a completed application on a form provided by the department.
(b) Submits proof to the department of completing not less than 150 hours of continuing education that satisfies the requirements of R 338.2443 during the 3 years immediately preceding the date of the application for relicensure.
(c) Establishes that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.
(d) An applicant who holds or has ever held a license to practice medicine shall establish all of the following requirements:
(i) Disciplinary proceedings are not pending against the applicant.
(ii) If sanctions have been imposed against the applicant, the sanctions are not in force at the time of application.
(iii) A previously held license was not surrendered or allowed to lapse to avoid discipline.
(2) An applicant whose Michigan medical license has been lapsed for 3 years but less than 5 years may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174, and satisfies the requirements of subrule (1) of this rule and either of the following requirements:
(a) Presents proof to the department that he or she is actively licensed and in good standing as a medical doctor in another state.
(b) Completes 1 of the following during the 3 years immediately preceding the date of the application for relicensure:
(i) Takes and passes the Special Purpose Examination (SPEX) offered by the FSMB. The passing score is the passing score established by the FSMB.
(ii) Successfully completes a postgraduate training program that satisfies the requirements of R 338.2421(2), (3), (4), or (5).
(iii) Successfully completes a physician re-entry program accredited by the Coalition for Physician Enhancement (CPE).
(iv) Successfully completes a physician re-entry program affiliated with a medical school that satisfies the requirements of R 338.2421(1).
(3) An applicant whose Michigan medical license has been lapsed for 5 years or more may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174, and satisfies the requirements of subrule (1) of this rule and either of the following requirements:
(a) Presents proof to the department that he or she is actively licensed and in good standing as a medical doctor in another state.

(b) Completes both of the following during the 3 years immediately preceding the date of the application for relicensure:
(i) Takes and passes the SPEX offered by the FSMB. The passing score is the passing score established by the FSMB.
(ii) Successfully completes 1 of the following training options:
(A) A postgraduate training program that satisfies the requirements of R 338.2421(2), (3), (4), or (5).
(B) A physician re-entry program that is accredited by the CPE.
(C) A physician re-entry program affiliated with a medical school that satisfies the requirements of R 338.2421(1).
(4) If required to complete the requirements of subrule (2)(b) or (3)(b) of this rule, the applicant may obtain an educational limited license for the sole purpose of completing that training.
(5) An applicant with an educational limited license may be relicensed under section 16201(3) or (4) of the code, MCL 333.16201(3) or (4), if he or she complies with subrule (1) of this rule and R 338.2429.
(6) An applicant shall have his or her license verified by the licensing agency of any state of the United States in which the applicant holds or has ever held a license to practice as a medical doctor. Verification must include information that the license is in good standing and, if applicable, the record of any disciplinary action taken or pending against the applicant.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

PART 3. CONTINUING EDUCATION

R 338.2441 License renewals.
Rule 141. (1) This part applies to an application for renewal of a medical license under section 17031 of the code, MCL 333.17031, and a medical special volunteer license under section 16184 of the code, MCL 333.16184.
(2) An applicant for license renewal who has been licensed in the 3-year period immediately preceding the application for renewal shall accumulate a minimum of 150 hours of continuing education in activities approved by the board under R 338.2443 during the 3 years immediately preceding the application for renewal.
(3) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The licensee shall retain documentation of satisfying the requirements of this rule for 4 years from the date of applying for license renewal. Failure to satisfy this rule is a violation of section 16221(h) of the code, MCL 333.16221.
(4) The department may select and audit a sample of licensees who have renewed their license and request proof of compliance with subrule (2) of this rule. If audited, a licensee shall submit documentation as specified in R 338.2443.
History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.2443 Acceptable continuing education; requirements; limitations.
Rule 143. (1) The 150 hours of continuing education required under R 338.2441 must satisfy the following requirements, as applicable:
(a) Credit for a continuing education program or activity that is identical or substantially identical to a program or activity for which the licensee has already earned credit during the renewal period cannot be granted.
(b) A minimum of 1 hour of continuing education must be earned in the area of medical ethics.
(c) For license renewals filed December 6, 2017, or later, a minimum of 3 hours of continuing education must be earned in the area of pain and symptom management under section 17033(2) of the code, MCL 333.17033(2). At least 1 of the 3 hours must include controlled substances prescribing. Continuing education hours in pain and symptom management may include, but are not limited to, any of the following areas:
(i) Public health burden of pain.
(ii) Ethics and health policy related to pain.
(iii) Michigan pain and controlled substance laws.
(iv) Pain definitions.
(v) Basic sciences related to pain including pharmacology.
(vi) Clinical sciences related to pain.
(vii) Specific pain conditions.

(viii) Clinical physician communication related to pain.
(ix) Management of pain, including evaluation and treatment and non-pharmacological and pharmacological management.
(x) Ensuring quality pain care and controlled substances prescribing.
(xi) Michigan programs and resources relevant to pain.
(d) A minimum of 75 continuing education credits must be obtained through category 1 programs listed in subrule (2) of this rule.
(2) The board considers any of the following activities as acceptable category 1 continuing education:

	Activity and Proof of Completion	Number of Continuing Education Hours granted/permitted for the activity
(a)	Attendance at or participation in a continuing education program or activity related to the practice of medicine, which includes, but is not limited to, live, in-person programs, interactive or monitored teleconference, audio-conference, or web-based programs, online programs, and journal articles with a self-study component or other self-study programs approved or offered by any of the following organizations: American Medical Association Michigan State Medical Society Accreditation Council for Continuing Medical Education American Osteopathic Association Michigan Osteopathic Association If audited, the licensee must submit a copy of the letter or certificate of completion showing the licensee's name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or the activity completed.	The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or the approving organization for the specific program. A maximum of 150 hours of continuing education may be earned for this activity during the renewal period.
(b)	Taking and passing a specialty board certification or recertification examination for a specialty board recognized by the American Board of Medical Specialties, the American Board of Physician Specialties, or the National Board of Physicians and Surgeons. If audited, the licensee shall provide proof from the specialty board of the successful passing of the examination.	A specialty board certification or recertification examination successfully passed during the renewal period is granted 50 hours of continuing education credit. A maximum of 50 hours of continuing education may be earned for this activity in each renewal period.
(c)	Successfully completing an activity that is required for maintenance of a specialty certification for a board recognized by the American Board of Medical Specialties, the American Board of Physician Specialties, or the National Board of Physicians and Surgeons that does not satisfy the requirements of subrule 2(a) or 2(b) of this rule. If audited, the licensee shall provide proof from	One hour of continuing education is granted for every 60 minutes spent on the activity. A maximum of 30 hours may be earned for this activity in each renewal period.

	the specialty board that the activity was required for maintenance of certification, that the activity was successfully completed and the date of completion.	
(d)	Participation in a clinical training program that satisfies any of the requirements of R 338.2421(2), (3), (4), or (5) or is accredited by a board recognized by the American Board of Medical Specialties, the American Board of Physician Specialties, or the National Board of Physicians and Surgeons. To receive credit, the licensee shall be enrolled for a minimum of 5 months in a 12-month period. If audited, the licensee shall submit a letter from the program director verifying the licensee participated in the program.	Fifty hours of continuing education credit per year may be granted for this activity. A maximum of 150 hours of continuing education credit may be earned per renewal period.

(3) The board considers any of the following activities as acceptable category 2 continuing education:

	Activity and Proof of Completion	Number of Continuing Education Hours granted/permitted for the activity
(a)	Serving as a clinical instructor for medical students or residents engaged in a postgraduate training program that satisfies requirements of R 338.2421(2), (3), (4), or (5). To receive credit, the clinical instructorship must not be the licensee's primary employment function. If audited, the licensee shall submit proof of scheduled instructional hours and a letter from the program director verifying the licensee's role.	Two hours of continuing education is granted for each 50 to 60 minutes of scheduled instruction. Additional credit for preparation of a lecture cannot be granted. A maximum of 48 hours of continuing education may be earned for this activity in each renewal period.
(b)	Initial presentation of a scientific exhibit, poster, or paper to a professional medical organization. If audited, the licensee shall submit a copy of the document presented with proof of presentation or a letter from the program sponsor verifying the date of the presentation.	Two hours of continuing education is granted for each presentation. No additional credit is granted for preparation of the presentation. A maximum of 24 hours of continuing education may be earned in this activity in each renewal period. Under R 338.2443(1)(a), credit for a presentation is granted only once per renewal period.
(c)	Publication of a scientific article relating to the practice of medicine in a peer-reviewed journal or periodical. 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.	Six hours of continuing education is granted for serving as the primary author. Three hours of continuing education is granted for serving as a secondary author. A maximum of 24 hours of continuing education may be earned for this activity in each renewal period. Under R 338.2443(1)(a), credit for an article is granted once per renewal period.
(d)	Initial publication of a chapter or a portion of a chapter related to the practice of medicine in either of the following textbooks: A professional health care textbook. A peer-reviewed textbook.	Five hours of continuing education is granted for serving as the primary author. Two hours of continuing education is granted for serving as a secondary author. A maximum of 24 hours of continuing education may be earned for this activity in each renewal period. Under R

	If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	338.2443(1)(a), credit for publication is granted once per renewal period.
(e)	Participating on any of the following committees: A peer review committee dealing with quality of patient care as it relates to the practice of medicine. A committee dealing with utilization review as it relates to the practice of medicine. A health care organization committee dealing with patient care issues related to the practice of medicine. A national or state committee, board, council, or association related to the practice of medicine. 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.	Eighteen hours of continuing education is granted for participating on a committee. A maximum of 18 hours of continuing education may be earned for this activity in each renewal period.
(f)	Until December 6, 2019, attendance at or participation in a continuing education activity that had been approved by the board prior to the effective date of this rule but does not satisfy the requirements of subrule (2)(a) of this rule. 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.	The number of continuing education hours for a specific program or activity is the number of hours approved by the board. A maximum of 36 hours of continuing education may be earned for this activity.
(g)	Independently reading a peer-reviewed journal that does not satisfy the requirements of subrule (2)(a) of this rule. The reading must have been completed prior to the effective date of this rule. If audited, a licensee shall submit a bibliography listing the journal, article, authors, publication date, and date read.	Two hours of continuing education credit is granted for each article read. A maximum of 18 hours of continuing education may be earned for this activity.
(h)	Prior to December 6, 2016, completing a multi-media self-assessment program that does not satisfy the requirements of subrule (2)(a) of this rule. The self-assessment program must improve the licensee's knowledge and understanding of the practice of medicine.	The number of continuing education hours is the number of hours approved by the activity sponsor. A maximum of 18 hours of continuing education credit may be earned for this activity.

	If audited, the licensee shall submit a certificate of self-assessment provided by the program sponsor.	

History: 2016 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENETIC COUNSELING – GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.2451 Definitions.
Rule 151. (1) As used in these rules:
(a) "ABGC" means the American Board of Genetic Counseling, Inc., or its successor.
(b) "ABMGG" means the American Board of Medical Genetics and Genomics or its successor.
(c) "Board" means the Michigan board of medicine created under section 17021 of the code, MCL 333.17021.
(d) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
(e) "Department" means the department of licensing and regulatory affairs.
(2) A term defined in the code has the same meaning when used in these rules.
History: 2021 MR 8, Eff. Ap. 15, 2021.

R 338.2455 Telehealth.
Rule 155. (1) Consent for treatment must be obtained before providing a telehealth service under section 16284 of the code, MCL 333.16284.
(2) Proof of consent must be maintained in the patient's up-to-date medical record and retained in compliance with section 16213 of the code, MCL 333.16213.
(3) A licensee providing a telehealth service may prescribe a drug if the licensee is a prescriber acting within the scope of his or her practice and in compliance with section 16285 of the code, MCL 333.16285, and if he or she does both of the following:
(a) If medically necessary, refers the patient to a provider that is geographically accessible to the patient.
(b) Makes himself or herself available to provide follow-up care services to the patient, or to refer the patient to another provider, for follow-up care.
(4) A licensee providing any telehealth service shall do both of the following:
(a) Act within the scope of his or her practice.
(b) Exercise the same standard of care applicable to a traditional, in-person health care service.
History: 2021 MR 8, Eff. Ap. 15, 2021.

R 338.2457 Training standards for identifying victims of human trafficking; requirements.
Rule 157. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure or registration or who is licensed or registered shall complete training in identifying victims of human trafficking that satisfies all of the following standards:
(a) Training content must cover all of the following:
(i) Understanding the types and venues of human trafficking in the United States.
(ii) Identifying victims of human trafficking in health care settings.
(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
(iv) Resources for reporting the suspected victims of human trafficking.
(b) Acceptable providers or methods of training include any of the following:
(i) Training offered by a nationally recognized or state-recognized health-related organization.
(ii) Training offered by, or in conjunction with, a state or federal agency.
(iii) Training obtained in an educational program that has been approved by the board for initial licensure

or registration, or by a college or university.
(iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
(c) Acceptable modalities of training include any of the following:
(i) Teleconference or webinar.
(ii) Online presentation.
(iii) Live presentation.
(iv) Printed or electronic media.
(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
(i) For training completed under subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
(ii) For training completed under subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
(3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license or registration renewals beginning with the first renewal cycle after the promulgation of this rule and for initial licenses or registrations issued 5 or more years after the promulgation of this rule.
History: 2021 MR 8, Eff. Ap. 15, 2021.

PART 2. LICENSURE

R 338.2461 Application for license; qualifications.
Rule 161. (1) In addition to satisfying the requirements of the code, an applicant for a genetic counselor license shall satisfy all of the following requirements:
(a) Submit a completed application on a form provided by the department.
(b) Pay the required fee to the department.
(c) Provide proof directly to the department of current certification in good standing with the ABGC or the ABMGG.
(2) In addition to satisfying the requirements of the code, an applicant for a temporary-licensed genetic counselor license shall satisfy all of the following requirements:
(a) Submit a completed application on a form provided by the department.
(b) Pay the required fee to the department.
(c) Provide proof directly to the department of active candidate status with the ABGC or the ABMGG.
(d) Provide proof acceptable to the department that he or she will be supervised by a qualified supervisor in this state.
(3) An applicant shall have his or her license, certification, or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as a genetic counselor or temporary-licensed genetic counselor. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.
History: 2021 MR 8, Eff. Ap. 15, 2021.

R 338.2463 Relicensure.
Rule 163. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies all of the following requirements:
(a) Submits a completed application on a form provided by the department.
(b) Pays the required fee to the department.

(c) Provides proof of 1 of the following directly to the department, as applicable:
(i) If applying for relicensure as a genetic counselor, current certification in good standing with the ABGC or the ABMGG.
(ii) If applying for relicensure as a temporary-licensed genetic counselor, active candidate status with the ABGC or the ABMGG.
(d) Establishes that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.
(e) If applying for relicensure as a temporary-licensed genetic counselor, provides proof acceptable to the department that he or she will be supervised by a qualified supervisor in this state.
(2) An applicant whose license has lapsed for 3 years or more preceding the date of application for relicensure may be relicensed under section 16201(4) of the code, MCL 333.16201(4), if the applicant satisfies all of the following requirements:
(a) Submits a completed application on a form provided by the department.
(b) Pays the required fee to the department.
(c) Provides proof of 1 of the following directly to the department, as applicable:
(i) If applying for relicensure as a genetic counselor, current certification in good standing with the ABGC or the ABMGG.
(ii) If applying for relicensure as a temporary-licensed genetic counselor, active candidate status with the ABGC or the ABMGG.
(d) Establishes that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.
(e) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174.
(f) If applying for relicensure as a temporary-licensed genetic counselor, provides proof acceptable to the department that he or she will be supervised by a qualified supervisor in this state.
(3) An applicant shall have his or her license, certification, or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as a genetic counselor or temporary-licensed genetic counselor. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.
History: 2021 MR 8, Eff. Ap. 15, 2021.

R 338.2465 Application for renewal of license; qualifications.
Rule 165. (1) An applicant for renewal of a genetic counselor license shall satisfy all of the following requirements:
(a) Submit a completed application on a form provided by the department.
(b) Pay the required fee to the department.
(c) Provide proof directly to the department of current certification in good standing with the ABGC or the ABMGG.
(d) Satisfy the requirements under R 338.2471, as applicable.
(2) An applicant for renewal of a temporary-licensed genetic counselor license shall satisfy all of the following requirements:
(a) Submit a completed application on a form provided by the department.
(b) Pay the required fee to the department.
(c) Provide proof directly to the department of active candidate status with the ABGC or the ABMGG.
(d) Provide proof acceptable to the department that he or she will be supervised by a qualified supervisor in this state.
(3) An applicant shall have his or her license, certification, or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as a genetic counselor or temporary-licensed genetic counselor. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.
(4) A temporary-licensed genetic counselor license may be renewed not more than 5 years.
History: 2021 MR 8, Eff. Ap. 15, 2021.

PART 3. CONTINUING EDUCATION

R 338.2471 License renewals.
Rule 171. (1) This part applies to an application for renewal of a genetic counselor license under R 338.2465 and sections 16201 and 17091 of the code, MCL 333.16201 and MCL 333.17091.
(2) An applicant for license renewal who has been licensed in the 3-year period immediately preceding the application for renewal shall accumulate a minimum of 75 contact hours of continuing education in activities approved by the board under R 338.2473 during the 3 years immediately preceding the application for renewal.
(3) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The licensee shall retain documentation of satisfying the requirements of this rule for 4 years from the date of applying for license renewal. Failure to satisfy this rule is a violation of section 16221(h) of the code, MCL 333.16221.
(4) The department may select and audit a sample of licensees who have renewed their license and request proof of compliance with subrule (2) of this rule. If audited, a licensee shall submit documentation as specified in R 338.2473.
History: 2021 MR 8, Eff. Ap. 15, 2021.

R 338.2473 Acceptable continuing education; requirements; limitations.
Rule 173. (1) The 75 contact hours of continuing education required under R 338.2471 must satisfy the following requirements, as applicable:
(a) Credit for a continuing education program or activity that is identical or substantially identical to a program or activity for which the licensee has already earned credit during the renewal period cannot be granted.
(b) A minimum of 1 contact hour of continuing education must be earned in the area of medical ethics.
(c) A minimum of 1 contact hour of continuing education must be earned in the area of pain and symptom management under section 16204 of the code, MCL 333.16204. Continuing education contact hours in pain and symptom management may include, but are not limited to, any of the following areas:
(i) Public health burden of pain.
(ii) Ethics and health policy related to pain.
(iii) Michigan pain and controlled substance laws.
(iv) Pain definitions.
(v) Basic sciences related to pain including pharmacology.
(vi) Clinical sciences related to pain.
(vii) Specific pain conditions.
(viii) Clinical physician communication related to pain.
(ix) Management of pain, including evaluation and treatment and non-pharmacological and pharmacological management.
(x) Ensuring quality pain care.
(xi) Michigan programs and resources relevant to pain.
(2) The board considers any of the following activities as acceptable continuing education:

	Activity and Proof of Completion	Number of Continuing Education Contact Hours Granted/Permitted for the Activity
(a)	Attendance at or participation in a continuing education program or activity related to the practice of genetic counseling that includes, but is not limited to, live in-person programs, interactive or monitored teleconference, audio-conference, or web-based programs, online programs, and journal articles with a self-study component or other self-study programs approved or offered by any of the following organizations: • Accreditation Council for Continuing Medical Education. • American College of Medical Genetics and Genomics. • American College of Obstetricians and Gynecologists.	The number of continuing education contact hours credit for a specific program or activity is the number of contact hours approved by the sponsor or the approving organization for the specific program. A minimum of 45 hours of continuing education must be earned in this activity in each renewal period.

	• American Medical Association. • American Nurses Credentialing Center's Commission on Accreditation. • American Osteopathic Association. • American Society for Reproductive Medicine. • Michigan Association of Genetic Counselors. • Michigan Osteopathic Association. • Michigan State Medical Society. • National Society of Genetic Counselors. • Society for Maternal Fetal Medicine. If audited, the licensee shall submit a copy of the letter or certificate of completion showing the licensee's name, number of continuing education contact hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or the activity completed.	A maximum of 75 contact hours of continuing education credit may be earned for this activity in each renewal period.
(b)	Serving as a clinical supervisor for a student at a site used by an ACGC accredited program. To receive credit, the clinical supervision must not be the licensee's primary employment function. If audited, the licensee shall submit the student's initials, training program, dates supervision began and ended, and number of supervision hours provided per week.	Five contact hours of continuing education credit is granted for a minimum of 25 hours of direct clinical supervision. A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.
(c)	Publication of an article or chapter in a peer-reviewed journal or book related to practice-based competency. If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author.	Ten contact hours of continuing education credit is granted for serving as the first, second, or senior author. Five contact hours of continuing education credit is granted for serving as any other author that is not first, second, or senior author. A maximum of 10 contact hours of continuing education credit may be earned per article or chapter. A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.
(d)	Service in a leadership position role as a board member, chair, or leader of a genetics-related organization. If audited, the licensee shall submit the organization name, contact information, dates of service, dated agenda, and meeting minutes documenting at least 25 hours of service.	Five contact hours of continuing education credit is granted for 25 hours of service for each organization. A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.
(e)	Serving as an instructor for a graduate-level course in an area	Five contact hours of continuing

	related to genetics competency. To receive credit, the instructorship must not be the licensee's primary employment function. If audited, the licensee shall provide document titles, course description, faculty list of each course, dates of all courses, scheduled instructional hours, and a letter from the program director verifying the licensee's role.	education credit is granted for a minimum of 5 hours of teaching. A maximum of 10 contact hours of continuing education credit may be earned for each course. A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.
(f)	Serving as a peer reviewer of a manuscript by invitation for a scientific journal. If audited, a licensee shall submit copies of documentation inviting the license to complete the review and thanking them for completing the review.	Two contact hours of continuing education credit is granted for each manuscript reviewed. A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.

History: 2021 MR 8, Eff. Ap. 15, 2021.

PART 4. STANDARDS OF PRACTICE

R 338.2481 Certification; active candidate status; requirement.
Rule 171. (1) A genetic counselor licensee shall maintain certification with the ABGC or the ABMGG.
(2) A temporary-licensed genetic counselor license automatically expires upon issuance of a genetic counselor license or upon loss of active candidate status with the ABGC or the ABMGG.
History: 2021 MR 8, Eff. Ap. 15, 2021.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PSYCHOLOGY - GENERAL RULES

R 338.2501
Source: 2015 AACS.

R 338.2502
Source: 2015 AACS.

R 338.2503
Source: 2007 AACS.

R 338.2504
Source: 2015 AACS.

R 338.2505
Source: 2015 AACS.

R 338.2505a
Source: 2015 AACS.

R 338.2506
Source: 2015 AACS.

R 338.2507
Source: 2015 AACS.

R 338.2507a
Source: 2015 AACS.

R 338.2508
Source: 2003 AACS.

R 338.2509
Source: 2003 AACS.

R 338.2510
Source: 2015 AACS.

R 338.2510a
Source: 2015 AACS.

R 338.2511
Source: 2015 AACS.

R 338.2511a
Source: 2015 AACS.

R 338.2512
Source: 1997 AACS.

R 338.2513
Source: 2015 AACS.

R 338.2514
Source: 2015 AACS.

R 338.2515
Source: 2015 AACS.

R 338.2516
Source: 2015 AACS.

PART 1. GENERAL PROVISIONS

R 338.2521
Source: 2019 AACS.

R 338.2523 Rescinded.
History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.2525 Training standards for identifying victims of human trafficking; requirements.
Rule 25. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure or licensed shall complete training in identifying victims of human trafficking that satisfies the following standards:
(a) Training content must cover all 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 approved for initial licensure, or by a college or university.
(iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
(c) Acceptable modalities of training include any of the following:
(i) Teleconference or webinar.
(ii) Online presentation.
(iii) Live presentation.
(iv) Printed or electronic media.
(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
(i) For training completed under subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
(ii) For training completed under subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
(3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2017 renewal cycle after the promulgation of this rule and for initial licenses issued after March 30, 2022.
History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.2526 Telehealth.
Rule 26. (1) A licensee shall obtain consent for treatment before providing a telehealth service under section 16284 of the code, MCL 333.16284.
(2) A licensee shall keep proof of consent in the patient's up-to-date medical record and follow section 16213 of the code, MCL 333.16213.
(3) A licensee providing any telehealth service shall do both of the following:
(a) Act within the scope of the licensee's practice.
(b) Exercise the same standard of care applicable to a traditional, in-person health care service.
History: 2021 MR 23, Eff. Dec. 7, 2021.

R 338.2527
Source: 2019 AACS.

R 338.2529 Accreditation; standards; adoption by reference.
Rule 29. (1) A higher education institution is considered approved if it is accredited by the accrediting body of the region in which the institution is located, and the accrediting body satisfies either the recognition standards and criteria of the Council for Higher Education Accreditation (CHEA) or the recognition procedures and criteria of the United States Department of Education.
(2) The procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR part 602 and the policies and procedures for recognition of accrediting organizations of CHEA, effective September 28, 2018, are adopted by reference in these rules. The CHEA recognition standards may be obtained at no cost from the council's website at http://www.chea.org. The federal recognition criteria may also be obtained at no cost from the website for the United States Department of Education, Office of Postsecondary Education at http://www.ed.gov/about/offices/list/OPE/index.html.
(3) A provincially or territorially chartered Canadian university that is acceptable to the Canadian Psychological Association for the purpose of accrediting a doctoral educational program is substantially

equivalent to an accredited educational institution that satisfies the standards adopted in subrule (2) of this rule. Any provincially or territorially chartered Canadian university that satisfies these requirements satisfies the qualifications for an approved educational program.
(4) Copies of the standards and criteria adopted by reference in subrules (1) and (2) of this rule are available for inspection and distribution at a cost of 10 cents per page from the Board of Psychology, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.
History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

PART 2. PSYCHOLOGISTS

R 338.2541 Program accreditation standards; psychologists; adoption of standards by reference; approved programs.
Rule 41. (1) The following criteria and standards for doctoral level psychology programs are adopted by reference in these rules:
(a) The designation criteria of the Association of State and Provincial Psychology Boards (ASPPB) and the National Register of Health Service Psychologists (National Register) set forth in the publication entitled "National Register Doctoral Degree Guidelines," which is available at no cost from the National Register's website at https://www.nationalregister.org/apply/credentialing-requirements/national-register-doctoral-degree-guidelines/.
(b) The accreditation guidelines and principles of the American Psychological Association (APA) as set forth in the publication entitled "Standards of Accreditation for Health Service Psychology," approved February, 2015, which is available at no cost from the association's website at https://accreditation.apa.org/policies.
(c) The accreditation standards of the Canadian Psychological Association (CPA) as set forth in the publication entitled "Accreditation Standards and Procedures for Doctoral Programmes and Internships in Professional Psychology," 5th revision, 2011, which is available at no cost from the association's website at https://cpa.ca/accreditation/resources/.
(d) The accreditation standards of the Psychological Clinical Science Accreditation System (PCSAS) as set forth in the publication entitled "Psychological Clinical Science Accreditation System Purpose, Organization, Policies, and Procedures," May 2020, which is available at no cost from the association's website at https://www.pcsas.org/about/publications-and-links/.
(2) A doctoral program in psychology, or a closely related field, which has obtained the National Register's and ASPPB's designation or that is accredited by either the APA, the CPA, or the PCSAS is approved.
(3) Copies of the standards and criteria adopted by reference in subrule (1) of this rule are available for inspection and distribution at a cost of 10 cents per page from the Board of Psychology, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.
History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.2543 Application for licensure; psychologist; requirements.
Rule 43. Except as provided in R 338.2549, an applicant for a psychologist license under section 18223(1) of the code, MCL 333.18223, shall provide the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code, an applicant shall satisfy all the following requirements:
(a) Education: The applicant shall possess either a doctoral degree in psychology or a doctoral degree in a closely related field. Either degree must satisfy both of the following requirements:
(i) The degree must be from a regionally accredited college, university, or institution that satisfies the standards in R 338.2529(2).
(ii) The degree must be from a designated or accredited educational program that satisfies the standards in R 338.2541(1)(a), (b), (c), or (d).
(b) Training: The applicant shall have successfully completed an internship that was an integrated part of a doctoral degree that satisfies the requirements in subdivision (a)(i) and (ii) of this rule, or an equivalent postdoctoral internship as determined by the board. A request to the board for approval of a postdoctoral internship must include, at a minimum, the following information:
(i) An explanation of the reason the internship was not an integrated part of a doctoral degree.

(ii) How the postdoctoral internship follows standards substantially equivalent to those required by the Association of Psychology Postdoctoral and Internship Centers (APPIC) at https://www.appic.org/Internships/Internship-Membership-Criteria.
(c) Experience: The applicant shall have acquired 1 year of postdoctoral degree experience in the practice of psychology that satisfies the requirements of R 338.2553(3).
(d) Licensure examination: The applicant shall have passed the licensure examination for psychologists approved under R 338.2545(1).
History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.2545 Examination; psychologist; approval and adoption; passing scores.
Rule 45. (1) An applicant for a psychologist license shall pass the approved and adopted Examination for Professional Practice in Psychology (EPPP) (Part 1-Knowledge) developed by the ASPPB. The passing score for the examination is the score recommended by the ASPPB for psychologists in independent practice. The EPPP (Part 2-Skills) is optional, and a passing score is not required.
(2) A limited licensed psychologist who took the examination required in subrule (1) of this rule and achieved a passing score at or above the score required for licensure as a psychologist satisfies the examination requirement in R 338.2543(d).
History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.2547 Psychologist examination; eligibility.
Rule 47. Except as provided in R 338.2549, to establish eligibility for the psychologist licensure examination, an applicant shall satisfy both of the following requirements:
(a) Provide the required fee and a completed application on a form provided by the department.
(b) Have documentation provided directly to the department from an accredited educational institution verifying the applicant satisfies the educational requirements in R 338.2543(a).
History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.2549 Foreign graduate of non-accredited postsecondary institution; psychologist examination; eligibility.
Rule 49. To establish eligibility for the psychologist licensure examination, an applicant who graduated from a foreign, non-accredited postsecondary institution shall satisfy all the following requirements:
(a) Provide the required fee and a completed application on a form provided by the department.
(b) Possess either a doctoral degree in psychology or a doctoral degree in a closely related field from an educational program that is substantially equivalent to an accredited educational program that satisfies the standards in R 338.2541(1)(a), (b), (c), or (d). In addition, the degree must be from an educational institution that is substantially equivalent to an accredited educational institution that satisfies the standards in R 338.2529(2). Proof of satisfying these requirements must include an evaluation of the applicant's non-accredited education by a credential evaluation agency that is a member of the National Association of Credential Evaluation Services (NACES).
(c) Comply with all other requirements of the code.
History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.2551 Licensure by endorsement.
Rule 51. (1) An applicant for a psychologist license by endorsement shall provide the required fee and a completed application on a form provided by the department. An applicant who satisfies the requirements of the code and this rule is presumed to satisfy the requirements of section 16186 of the code, MCL 333.16186.
(2) An applicant for a psychologist license by endorsement shall satisfy all the following requirements:
(a) Hold a license to practice psychology independently in another state or in a province of Canada.
(b) Have completed the educational requirements for a license to practice psychology independently in a province of Canada or another state to obtain licensure as an independent practicing psychologist in a province of Canada or another state.
(c) Have passed the licensure examination for psychologists approved under R 338.2545(1).
(3) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country shall disclose that fact on the application form. The applicant shall satisfy the requirements of section 16174(2) of the code, MCL

333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application. If licensure is granted and it is determined that sanctions have been imposed, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.
History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.2553 Application for educational limited license; postdoctoral experience; requirements; supervision.
Rule 53. (1) An individual shall obtain an educational limited license before engaging in the postdoctoral experience required under section 18223(1)(b) of the code, MCL 333.18223, and R 338.2543(c).
(2) An applicant for an educational limited license, in addition to satisfying the requirements of the code, shall satisfy both of the following requirements:
(a) Provide the required fee and a completed application on a form provided by the department.
(b) Have documentation provided directly to the department from an educational program verifying the applicant satisfies the educational requirements in R 338.2543(a).
(3) The postdoctoral experience must satisfy all the following requirements:
(a) The experience must consist of not less than 2,000 clock hours completed under the supervision of a licensed psychologist during a period of not more than 2 consecutive years.
(b) The supervisee shall meet individually and in-person or via 2-way real-time audiovisual technology that allows direct, contemporaneous interaction by sight and sound between the supervisor and the supervisee weekly for a minimum of 4 hours a month, during which all active work functions and records of the supervisee are reviewed.
(c) The supervisee shall function as a psychologist using generally accepted applications of psychological knowledge and techniques acquired during the supervisee's education and training.
(d) The experience must be acquired in an organized health care setting, as defined in R 338.2521(1)(e).
(e) In cases of extreme hardship, a supervisee may request an alternative to the supervision arrangement specified in this subrule. The alternative supervision arrangement must not be implemented before the board has approved it. In deciding whether to approve the proposed alternative supervision arrangement, the board shall consider the nature of the extreme hardship and the reasonableness of the proposed alternative supervision arrangement. A request to the board for approval of an alternative to the supervision arrangement must include, at a minimum, the following information:
(i) The amount of clock hours currently completed.
(ii) The amount of clock hours left to complete.
(iii) Whether a previous hardship request was made and, if so, the decision on such request.
(iv) The cause for the hardship.
(v) Measures taken to remedy the hardship.
(vi) Whether the hardship still exists.
(vii) The names and addresses of all fully licensed psychologists the licensee contacted or attempted to contact, including number of times, or attempts, or both.
(viii) The responses received from the fully licensed psychologists contacted.
(ix) The qualifications and experience of the proposed alternative supervisor.
(4) An educational limited license must be issued for 1 year and may not be renewed more than 5 times.
History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.2555 Relicensure; psychologist; educational limited license; requirements.
Rule 55. (1) An applicant whose psychologist license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies all the following requirements:
(a) Provides the required fee and a completed application on a form provided by the department.
(b) Establishes good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.
(c) Provides proof to the department of accumulating not less than 30 hours of continuing education that satisfies the requirements of R 338.2581 and R 338.2583 during the 2 years immediately preceding relicensure.
(2) An applicant whose psychologist license has lapsed for 3 years or more preceding the date of application for relicensure may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant satisfies all the following requirements:

(a) Provides the required fee and a completed application on a form provided by the department.
(b) Establishes good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.
(c) Provides fingerprints as required under section 16174(3) of the code, MCL 333.16174.
(d) Satisfies either of the following requirements:
(i) Passes the examination required under R 338.2545(1).
(ii) Presents proof to the department of licensure as a psychologist at the doctoral level in a province of Canada or another state at any time during the 3-year period immediately preceding the application for relicensure.
(3) An applicant whose educational limited license has lapsed may be relicensed under section 16201(3) or (4) of the code, MCL 333.16201, if the applicant satisfies subrule (1)(a) and (b) of this rule.
(4) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country shall disclose that fact on the application form. The applicant shall satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which include verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application. If licensure is granted and it is determined that sanctions have been imposed, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.
History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

PART 3. LIMITED LICENSED PSYCHOLOGISTS

R 338.2561 Application for licensure; limited licensed psychologist; requirements.
Rule 61. (1) Except as provided in R 338.2567, an applicant for a limited license under section 18223(2) of the code, MCL 333.18223, shall provide the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code, the applicant shall satisfy all the following requirements:
(a) Education: The applicant for a limited license shall have earned a master's degree in psychology from an accredited educational institution that satisfies the standards in R 338.2529(2). The degree required under this subdivision must satisfy all the following requirements:
(i) The degree must be an integrated, organized sequence of study that includes at least 1 course in assessment, 1 course in treatment, and 1 course in scientific and professional ethics and standards. Effective June 30, 2009, the 1 course in scientific and professional ethics and standards must be at least 3 semester hours or 15 hours of classroom instruction per semester hour. If an applicant graduated prior to June 30, 2009, and the master's degree included a graduate course in scientific and professional ethics of at least 1 credit hour, the applicant has complied with this paragraph.
(ii) Seventy-five percent of the hours of the required course work must be primarily psychological in content. The thesis and practicum are excluded from what is considered course work. The board may require the applicant to provide such material as it deems necessary to demonstrate the psychological content of a course. To be deemed psychological in content, a course must satisfy at least 1 of the following requirements:
(A) Course work: The subject of the material taught is psychological.
(B) Psychology department: The course is taught in a psychology department.
(b) Training: The applicant shall have completed a practicum that satisfies all the following requirements:
(i) The practicum must be an integrated part of the master's degree program in any setting approved by the degree granting program. A post-degree practicum may be approved by the board if the practicum is through an accredited institution that satisfies the standards adopted in R 338.2529(2) and was completed for academic graduate credit. A request to the board for approval of a post-degree practicum must include, at a minimum, the following information:
(A) The name and address of the accredited institution offering the proposed practicum.
(B) Why a practicum is being pursued post-degree instead of as an integrated part of the master’s degree program.
(C) The responsibilities the practicum will require.
(D) When the practicum will take place and the hourly time commitment.
(E) How the practicum will be supervised and by whom.
(F) The demographic makeup of the geographic area where the practicum will take place.
(G) Whether others have utilized the practicum provider.

(ii) The practicum must require not less than 500 clock hours of psychological work.
(iii) The applicant shall be supervised by a psychologist who is licensed in this state, eligible for licensure in this state, or licensed or certified at the independent practice level in the state where the practicum takes place.
(iv) The applicant must meet in-person or via 2-way real-time audiovisual technology that allows direct, contemporaneous interaction by sight and sound between the supervisor and the supervisee for a minimum of 2 hours a week during the practicum.
(c) Experience: The applicant shall have acquired 1 year of post-master's degree experience in the practice of psychology that satisfies the requirements of R 338.2569(4).
(d) Examination: The applicant shall have passed the examination approved under R 338.2563.
(2) An applicant satisfies the requirements of subrule (1) of this rule if certified as a psychological examiner or eligible for certification as a psychological examiner under former 1959 PA 257 on or before September 30, 1978.
(3) An applicant who satisfies the requirements of R 338.2567 satisfies the requirements of subrule (1)(a) and (b) of this rule.
History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.2563 Examination; limited licensed psychologist; approval and adoption; passing scores.
Rule 63. An applicant for a limited license under section 18223(2) of the code, MCL 333.18223, shall pass the approved and adopted EPPP (Part 1-Knowledge) developed by the ASPPB. The passing score for the examination is the score recommended by the ASPPB for supervised practice. The EPPP (Part 2-Skills) is optional, and a passing score is not required.
History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.2565 Limited licensed psychologist examination; eligibility.
Rule 65. Except as provided in R 338.2567, to establish eligibility for the examination required under R 338.2563, an applicant for a limited license under section 18223(2) of the code, MCL 333.18223, shall provide the required fee and a completed application on a form provided by the department. In addition, the applicant shall satisfy either of the following requirements:
(a) Have documentation provided directly to the department from an educational institution verifying the applicant satisfies the education and training requirements for a limited license specified in R 338.2561(1)(a) and (b).
(b) Provide acceptable documentation to the department that verifies the applicant satisfies the requirements of R 338.2561(2).
History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.2567 Foreign graduate of non-accredited postsecondary institution; limited licensed psychologist examination; eligibility.
Rule 67. To establish eligibility for the examination required under R 338.2563, an applicant who graduated from a foreign, non-accredited postsecondary institution shall satisfy both of the following requirements:
(a) Have documentation provided directly to the department from an educational institution verifying the applicant's possession of a master's degree that is substantially equivalent to the requirements in R 338.2561(1)(a) and (b). In addition, the applicant's master's degree must be from an educational institution that is substantially equivalent to an accredited educational institution that satisfies the standards in R 338.2529(2). Proof of satisfying these requirements must include an evaluation of the applicant's non-accredited education by a credential evaluation agency that is a member of the NACES.
(b) Comply with all other requirements of the code.
History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.2569 Application for temporary limited license for post-master's degree experience; requirements; supervision.
Rule 69. (1) A temporary limited license must be granted to either of the following applicants:
(a) An individual described in section 18223(2) of the code, MCL 333.18223, for the purpose of obtaining the 1 year of postgraduate experience described in that section and R 338.2561(1)(c).

(b) An individual who is enrolled in a doctoral degree program that satisfies the requirements of section 18223(1) of the code, MCL 333.18223, which includes both of the following requirements:
(i) The program is offered in a regionally accredited college, university, or institution that satisfies the standards in R 338.2529(2).
(ii) The program is a designated or accredited educational program that satisfies the standards in R 338.2541(1)(a), (b), (c), or (d).
(2) An applicant for a temporary limited license, in addition to satisfying the requirements of the code, shall satisfy both of the following requirements:
(a) Provide the required fee and a completed application on a form provided by the department.
(b) Have documentation provided directly to the department from an educational institution verifying the applicant satisfies the following requirements, as applicable:
(i) If applying under subrule (1)(a) of this rule, verification that the applicant's educational program satisfies the requirements in R 338.2561(1)(a) and (b) or R 338.2567.
(ii) If applying under subrule (1)(b) of this rule, verification that the applicant's educational program satisfies the requirements in R 338.2529(2) and R 338.2541(1)(a), (b), (c), or (d).
(3) An applicant who is granted a temporary limited license to complete the post-master's degree experience may take the examination approved under R 338.2563.
(4) The post-master's degree experience must satisfy all the following requirements:
(a) The experience must consist of not less than 2,000 clock hours completed under the supervision of a licensed psychologist.
(b) The supervisee shall meet individually and in-person or via 2-way real-time audiovisual technology that allows direct, contemporaneous interaction by sight and sound between the supervisor and the supervisee weekly for a minimum of 4 hours a month, during which all active work functions and records of the supervisee are reviewed.
(c) The supervisee shall function as a psychologist using generally accepted applications of psychological knowledge and techniques acquired during the supervisee's education and training.
(d) The experience must be acquired in an organized health care setting, as defined in R 338.2521(1)(e).
(e) In cases of extreme hardship, a supervisee may request an alternative to the supervision arrangement specified in this subrule. The alternative supervision arrangement must not be implemented before the board has approved it. In deciding whether to approve the proposed alternative supervision arrangement, the board shall consider the nature of the extreme hardship and the reasonableness of the proposed alternative supervision agreement. A request to the board for approval of an alternative to the supervision arrangement must include, at a minimum, the following information:
(i) The amount of clock hours currently completed.
(ii) The amount of clock hours left to complete.
(iii) Whether a hardship request was made and, if so, the decision on the previous request.
(iv) The cause for the hardship.
(v) Measures taken to remedy the hardship.
(vi) Whether the hardship still exists.
(vii) The names and addresses of all fully licensed psychologists the licensee contacted or attempted to contact, including number of times, or attempts, or both.
(viii) The responses received from the fully licensed psychologists contacted.
(ix) The qualifications and experience of the proposed alternative supervisor.
History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.2571 Supervision requirements; reporting of supervision.
Rule 71. An individual who is granted a limited license under section 18223(2) of the code, MCL 333.18223, and is required to be supervised by a licensed psychologist shall satisfy all the following requirements:
(a) A licensee who has less than 10 years of experience as a limited licensed psychologist, excluding experience as a temporary limited licensed psychologist, shall meet individually and in-person or via 2-way real-time audiovisual technology that allows direct, contemporaneous interaction by sight and sound between the supervisor and the supervisee for a minimum of 2 hours a month.
(b) A licensee who has 10 or more years of experience as a limited licensed psychologist, excluding experience as a temporary limited licensed psychologist, shall meet individually and in-person or via 2-way real-time audiovisual technology that allows direct, contemporaneous interaction by sight and sound between the supervisor and the supervisee for a minimum of 1 hour a month.

(c) A licensee who seeks a variance from the supervision requirement described in subrule (a) or subrule (b) of this rule, as provided under section 18223(2) of the code, MCL 333.18223, shall provide a request for a variance to the board for consideration. Reasons for a possible variance include, but are not limited to, issues regarding physical disability, extended absence from practice, or geographical hardships. A variance must not be implemented without the written permission of the board. A request to the board for approval of an alternative to the supervision arrangement must include, at a minimum, the following information:
(i) The details of the variance, and the reason the variance is being requested.
(ii) The underlying cause of the need for a variance.
(iii) Whether a previous variance request was made and, if so, the previous decision.
(iv) The demographic makeup of the surrounding geographic area.
(v) The number of fully licensed psychologists within a 50-mile radius from home and work.
(vi) The names and addresses of all fully licensed psychologists the licensee contacted or attempted to contact, including number of times, or attempts, or both.
(vii) The responses received from the fully licensed psychologists contacted.
History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.2573 Relicensure; limited licensed psychologist; requirements.
Rule 73. (1) An applicant whose limited license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies all the following requirements:
(a) Provides the required fee and a completed application on a form provided by the department.
(b) Establishes good moral character as defined under 1974 PA 381, MCL 338.41 to MCL 338.47.
(c) Provides proof to the department of accumulating not less than 30 hours of continuing education that satisfies the requirements of R 338.2581 and R 338.2583 during the 2 years immediately preceding relicensure.
(2) An applicant whose limited license has lapsed for 3 years or more preceding the date of application for relicensure may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant satisfies all the following requirements:
(a) Provides the required fee and a completed application on a form provided by the department.
(b) Establishes good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.
(c) Provides fingerprints as required under section 16174(3) of the code, MCL 333.16174.
(d) Satisfies either of the following requirements:
(i) Passes the examination approved under R 338.2563.
(ii) Presents proof to the department of licensure as a psychologist in another state at any time during the 3-year period immediately preceding the application for relicensure.
(3) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country shall disclose that fact on the application form. The applicant shall satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application. If licensure is granted and it is determined that sanctions have been imposed, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.
History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

PART 4. CONTINUING EDUCATION

R 338.2581 License renewals; psychologist; limited licensed psychologist; requirements; applicability.
Rule 81. (1) This part applies to applications for renewal of a psychologist license and a psychologist limited license under sections 16201 and 18233(1) of the code, MCL 333.16201 and MCL 333.18233, that are filed for the renewal cycle beginning 1 year or more after September 15, 2015.
(2) An applicant for license renewal who has been licensed for the 2-year period immediately preceding the application date for renewal shall accumulate not less than 30 hours of continuing education in activities approved under these rules during the 2 years immediately preceding the application for renewal.
(3) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The licensee shall retain documentation of satisfying the requirements of this rule

for a period of 4 years from the date of applying for license renewal. Failure to satisfy this rule is a violation of section 16221(h) of the code, MCL 333.16221.
(4) The requirements of this rule do not apply to a licensee during the initial licensure cycle.
History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.2583 Acceptable continuing education; requirements; limitations.
Rule 83. (1) The 30 hours of continuing education required under R 338.2581(2) for the renewal of a psychologist license and a psychologist limited license must satisfy the following requirements, as applicable:
(a) No more than 12 hours of continuing education may be earned during one 24-hour period.
(b) There is no limitation to the number of continuing education credit hours that may be earned online.
(c) Credit for a continuing education program or activity that is identical or substantially identical to a program or activity for which the licensee has already earned credit during that renewal period must not be granted.
(d) Under section 18233(2) of the code, MCL 333.18233, at least 2 hours of continuing education must be earned in the area of pain and symptom management. Continuing education hours in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interventions as they relate to professional practice.
(e) At least 3 hours of continuing education must be earned in the area of ethics.
(2) Any of the following activities are considered acceptable continuing education:
ACCEPTABLE CONTINUING EDUCATION ACTIVITIES

Activity Code	Activity and Proof Required	Number of continuing education hours granted/permitted for activity
(a)	Attendance at or participation in a continuing education program or activity related to the practice of psychology, or any non-clinical subject relevant to psychological practice, education, administration, management, or science, which includes, but is not limited to: live, in-person programs; interactive or monitored teleconference, audio-conference, or web-based programs; online programs; and journal articles or other self-study programs approved or offered by any of the following organizations: A statewide bar association. A statewide psychological association affiliated with the American Psychological Association. The American Association of Group Psychotherapy. The American Association of Marriage and Family Therapists. The American Association of Pastoral Counselors. The American Association of Psychotherapy. The American Association of Sex Educators, Counselors, and Therapists. The American Bar Association. The American Board of Professional Neuropsychology. The American Board of Professional Psychologists. The American Counseling Association. The American Medical Association. The American Mental Health Counselor Association. The American Nurses Association. The American Psychiatric Association. The American Psychological Association. The American Psychotherapy Association. The American Society of Addiction Medicine. Another state or provincial board of psychology.	The number of continuing education hours for a specific program or activity are the number of hours approved by the sponsor or the approving organization for the specific program or activity. A maximum of 30 hours of continuing education may be earned for this activity in each renewal period.

	The Association for Psychological science. The Association of State and Provincial Psychology Boards. The Canadian Psychological Association. The Michigan Certification Board for Addiction Professionals. The Michigan Psychoanalytic Institute. The Michigan Psychological Association. The Michigan Society for Psychoanalytic Psychology. The National Association of School Psychologists. The National Association of Social Workers. The National Board of Certified Counselors. The National Register of Health Service Providers in Psychology. Nationally or regionally accredited academic institutions. Nationally or regionally accredited hospitals or mental health treatment centers. State, provincial, and territorial psychological associations. If audited, the licensee shall provide a program description and a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held, or activity completed.	
(b)	Passing a postgraduate academic course related to the practice of psychology offered in a regionally accredited educational program. If audited, the licensee shall provide an official transcript documenting successful completion of the course.	Five hours of continuing education are granted for each academic credit hour passed. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.
(c)	Initial presentation of a continuing education program related to the practice of psychology provided to a state, regional, national, or international psychological organization. To receive credit, the presentation must not be a part of the licensee's regular job description and must be approved or offered for continuing education credit by any of the organizations listed under activity code (a) of this subrule. If audited, the licensee shall provide a program description, a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter, and the name of the organization that approved or offered the presentation for continuing education credit.	Two hours of continuing education are granted for each 50 to 60 minutes of presentation. No additional credit is granted for preparation of a presentation. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.
(d)	Initial presentation of a scientific exhibit, poster, scientific paper, or clinical demonstration to a psychological organization.	Two hours of continuing education are granted for each 50 to 60 minutes of presentation. No additional credit is granted for

	To receive credit, the presentation shall not be part of the licensee's regular job description or performed in the normal course of the licensee's employment. If audited, the licensee shall provide a copy of the document presented with proof of presentation or a letter from the program sponsor verifying the length and date of the presentation.	preparation of the presentation. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.
(e)	Initial publication of an article related to the practice of psychology in a peer-reviewed journal. If audited, the licensee shall provide a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	Five hours of continuing education are granted for serving as the primary author. Two hours of continuing education are granted for serving as the secondary author. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.
(f)	Initial publication of an article related to the practice of psychology in a non-peer reviewed journal, newsletter, or magazine. If audited, the licensee shall provide a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	One hour of continuing education is granted for each article. A maximum of 3 hours of continuing education may be earned for this activity in each renewal period.
(g)	Initial publication of a chapter related to the practice of psychology in either of the following textbooks: A professional or health care textbook. A peer-reviewed textbook. If audited, the licensee shall provide a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	Five hours of continuing education are granted for serving as the primary author. Two hours of continuing education are granted for serving as the secondary author. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.
(h)	Initial publication of a book related to the practice of psychology. If audited, the licensee shall provide proof of publication that identifies the licensee as the author or a publication acceptance letter.	A maximum of 20 hours of continuing education may be earned for this activity in each renewal period for all non-self-published books. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period for all self-published books.
(i)	Identifying, researching, and resolving an event or issue related to clinical or professional practice. If audited, the licensee shall provide a summary of activities, including hours spent, references if relevant, and a description of event or issue involved in identifying, researching, and resolving the event or issue.	One hour of continuing education is granted for each 50 to 60 minutes spent identifying, researching, and resolving the issue or event. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.
(j)	Participating on a state or national committee, board, council, or association related to the field of psychology. A committee, board, council, or association is considered acceptable by the board if it enhances the participant's knowledge and understanding of the field of psychology.	Ten hours of continuing education are granted for each committee, board, council, or association. A maximum of 20 hours of continuing education may be

	If audited, the licensee shall provide documentation verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.	earned for this activity in each renewal period.
(k)	Participating as a student in a postdoctoral clinical training program related to the practice of psychology provided through an accredited educational program for psychologists that satisfies the standards adopted under R 338.2529(2). If audited, the licensee shall provide a letter from the program director verifying the licensee participated in the program.	Ten hours of continuing education are granted for participating in the program. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.
(l)	Participating as a surveyor in the accreditation, certification, or inspection of an educational, clinical, or service delivery program for psychologists with any of the following organizations: The Commission on Accreditation (COA). The Joint Commission. The Commission on Accreditation of Rehabilitation Facilities (CARF) International. The American Psychological Association. The Psychological Clinical Science Accreditation System (PCSAS). If audited, the licensee shall provide a letter from the accreditation, certification, or inspection program verifying the licensee's participation and the location of the inspections or examinations.	Ten hours of continuing education are granted for participating as a surveyor. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.
(m)	Participating on any of the following committees: A peer review committee dealing with quality patient care as it relates to the practice of psychology. A committee dealing with utilization review as it relates to the practice of psychology. A health care organization committee dealing with patient care issues related to the practice of psychology. If audited, the licensee shall provide a letter from an organization official verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the committee.	Ten hours of continuing education are granted for participating on a committee. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.
(n)	Serving as an instructor for the first time for any of the following programs: Students, staff, or other licensees at a postdoctoral clinical training program related to the practice of psychology provided at an accredited educational program for psychologists that satisfies the standards adopted under R 338.2529(2). Students, interns, residents, or staff in an accredited educational or training program in the area of psychology that satisfies the standards adopted under R 338.2529(2).	Two hours of continuing education are granted for each 50-to-60-minute lecture per subject. Additional credit for preparation of the lecture may not be granted. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.

	If audited, the licensee shall provide a letter from the program director verifying the licensee's role, length of the lecture or lectures, and the date on which the lecture or lectures was held.	
(o)	Providing clinical supervision for master's, doctoral, or postdoctoral level students. To receive credit, this activity must not be part of the licensee's regular job description. If audited, the licensee shall provide a letter from an authorized official at the agency employing the licensee verifying the licensee's role and the number of supervision hours the licensee provided.	One hour of continuing education is granted for each 50 to 60 minutes of supervision provided. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.
(p)	Participating in peer supervision or consultation with professional colleagues. If audited, the licensee shall provide an affidavit from the colleague that took part in the peer supervision or consultation. The affidavit must attest to the licensee's role and the number of hours the licensee spent participating in these activities.	One hour of continuing education is granted for each 50 to 60 minutes of participation. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.
(q)	Participating in case conferences, including hospital grand rounds, multidisciplinary conferences, for training purposes. If audited, the licensee shall provide a letter from the administrative or clinical supervisor verifying the types of conferences and the number of hours the licensee spent participating in the conferences.	One hour of continuing education is granted for each 50 to 60 minutes of participation. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.
(r)	Providing individual supervision for a limited licensed psychologist beyond the hours of supervision required under R 338.2571(a) or (b). Supervision provided as part of a disciplinary sanction may be included under this activity. If audited, the licensee shall provide an affidavit from the limited licensed psychologist who received the supervision. The affidavit must attest to the licensee's role as a supervisor and the number of hours the licensee spent providing supervision to the limited licensed psychologist.	One hour of continuing education is granted for each 50 to 60 minutes of supervision provided beyond the hours of supervision required per month. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.
(s)	Receiving individual supervision from a licensed psychologist beyond the hours of supervision required under R 338.2571(a) or (b). Supervision received as part of a disciplinary sanction may not be included under this activity. If audited, the licensee shall provide an affidavit from the licensed psychologist who provided the supervision. The affidavit must attest to the licensee's role as a supervisee and the number of hours the licensee spent receiving supervision from the licensed psychologist.	One hour of continuing education is granted for each 50 to 60 minutes of supervision received beyond the hours of supervision required per month. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.
(t)	Participation in a panel discussion relevant to the practice of psychology in an approved continuing	One hour of continuing education is granted for each 50 to 60 minutes

	education program or an organized health care setting as defined in R 338.2521(1)(e). If audited, the licensee shall provide documentation from the organizer of the panel discussion verifying the topic of the panel discussion and the number of hours the licensee spent participating in the discussion.	spent participating in the panel discussion. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.
(u)	Obtaining initial certification in a specialty area by 1 of the following organizations: The American Board of Professional Psychology. The Michigan Certification Board for Addiction Professionals. If audited, the licensee shall provide proof of certification.	Twenty hours of continuing education are granted for obtaining initial certification. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.
(v)	Participation in the development of a national examination for psychologists. If audited, the licensee shall provide documentation from the sponsor of the examination verifying the licensee's role and participation in the development of the examination.	Five hours of continuing education are granted for participation. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.

History: 2015 AACS; 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.2585 Continuing education providers; standards for approval.
Rule 85. (1) A continuing education provider that is not pre-approved under R 338.2583 may be approved by the board. To be approved by the board, the provider must complete an application provided by the department, file the application with the department for review no later than 90 days before the program date, and satisfy subrule (2) of this rule. The application and supporting documentation must include all the following information:
(a) A program schedule, including date of the program, topics, the name of the presenter or presenters, and break times.
(b) An explanation of how the program is being designed to further educate psychologists, including a short narrative describing the program content and the criteria for the selection of the content.
(c) Copies of instructional objectives that have been developed.
(d) Copies of all promotional and advertising materials for the program.
(e) The name, title, and address of the program director and a description of qualifications to direct the program.
(f) A description of how the amount of continuing education credit to be awarded for this program was determined.
(g) A description of how participants will be notified that continuing education credit has been earned.
(h) A copy of the curriculum vitae for each presenter.
(i) A description of the delivery method or methods to be used during the presentation.
(j) A copy of the assessment instrument, if any, that will be used for participant evaluation.
(k) A description of how the assessment, if any, will be administered, corrected, and returned to participants.
(l) A description of how attendance will be monitored.
(2) A program provider or sponsor approved under subrule (1) of this rule shall issue certificates or letters of attendance that include all the following information:
(a) The name of the sponsor.
(b) The name of the program, including the name of the presenter or presenters.
(c) The name of the attendee.
(d) The date of the program.
(e) The Michigan approval number, if assigned by the department.
(f) The signature of the person responsible for attendance monitoring and title.
(g) The number of hours attended, and the amount of continuing education credits earned.

History: 2019 MR 23, Eff. Dec. 6, 2019; 2021 MR 23, Eff. Dec. 7, 2021.

REAL ESTATE SCHOOLS

R 338.2601
Source: 1997 AACS.

R 338.2602
Source: 1997 AACS.

R 338.2603
Source: 1997 AACS.

R 338.2604
Source: 1997 AACS.

R 338.2605
Source: 1997 AACS.

R 338.2606
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R 338.2607
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R 338.2608
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R 338.2611
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R 338.2612
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R 338.2613
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R 338.2614
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R 338.2615
Source: 1997 AACS.

R 338.2616
Source: 1997 AACS.

R 338.2617
Source: 1997 AACS.

R 338.2618
Source: 1997 AACS.

R 338.2619
Source: 1997 AACS.

REAL ESTATE BROKERS AND SALESMEN

R 338.2701
Source: 1997 AACS.

R 338.2703
Source: 1997 AACS.

R 338.2721
Source: 1997 AACS.

R 338.2722
Source: 1997 AACS.

R 338.2723
Source: 1997 AACS.

R 338.2724
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R 338.2725
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R 338.2728
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R 338.2729
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R 338.2730
Source: 1997 AACS.

R 338.2731
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R 338.2732
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R 338.2733
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R 338.2744
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R 338.2784
Source: 1997 AACS.

R 338.2785
Source: 1997 AACS.

R 338.2786
Source: 1997 AACS.

NURSING HOME ADMINISTRATORS

R 338.2801
Source: 1997 AACS.

R 338.2802
Source: 1997 AACS.

R 338.2803
Source: 1997 AACS.

R 338.2804
Source: 1997 AACS.

R 338.2805
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R 338.2806
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R 338.2816
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R 338.2817
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R 338.2818
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R 338.2819
Source: 1997 AACS.

NURSING HOME ADMINISTRATORS—CONTINUING EDUCATION

R 338.2841
Source: 1997 AACS.

R 338.2842
Source: 1997 AACS.

R 338.2843
Source: 1997 AACS.

R 338.2844
Source: 1997 AACS.

R 338.2845
Source: 1997 AACS.

R 338.2846
Source: 1997 AACS.

R 338.2847
Source: 1997 AACS.

R 338.2848
Source: 1997 AACS.

R 338.2849
Source: 1997 AACS.

DEPARTMENT LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

SOCIAL WORK - GENERAL RULES

R 338.2901
Source: 2016 AACS**.**

R 338.2902
Source: 1997 AACS.

R 338.2903
Source: 1997 AACS.

R 338.2904
Source: 1997 AACS.

R 338.2905
Source: 2003 AACS.

R 338.2906
Source: 2016 AACS**.**

R 338.2906a
Source: 2005 AACS.

R 338.2907
Source: 1997 AACS.

R 338.2907a
Source: 2016 AACS**.**

R 338.2907b
Source: 2016 AACS**.**

R 338.2908
Source: 2005 AACS.

R 338.2908a
Source: 2003 AACS.

R 338.2908b
Source: 2005 AACS.

R 338.2908c
Source: 2005 AACS.

R 338.2908d
Source: 2005 AACS.

R 338.2908e
Source: 2016 AACS.

R 338.2908f
Source: 2016 AACS.

R 338.2908g
Source: 2016 AACS.

R 338.2908h
Source: 2016 AACS.

R 338.2908i
Source: 2016 AACS.

R 338.2908j
Source: 2016 AACS.

R 338.2908k
Source: 2016 AACS.

R 338.2908l
Source: 2016 AACS.

R 338.2908m
Source: 2016 AACS.

R 338. 2908n
Source: 2016 AACS.

R 338.2908o
Source: 2016 AACS.

R 338.2909
Source: 2016 AACS.

R 338.2910
Source: 2016 AACS.

R 338.2911
Source: 1997 AACS.

R 338.2912
Source: 1997 AACS.

R 338.2913
Source: 1997 AACS.

R 338.2914
Source: 1997 AACS.

R 338.2915
Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

SOCIAL WORK - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.2921 Definitions.
Rule 21. As used in these rules:
(a) "Board" means the Michigan board of social work.
(b) “Code” means the public health code, 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) “State” means that term as defined in section 1108(2) of the code, MCL 333.1108.
(e) “Supervisory review” means that the limited social service technician registrant, limited bachelor’s social work licensee, or limited master’s social work licensee is meeting with his or her Michigan-licensed bachelor’s or Michigan-licensed master’s social worker supervisor, as applicable, individually or in a group modality, during which active work functions and the work records of the supervisee are reviewed.
(f) “Telehealth” means that term as defined in section 16283 of the code, MCL 333.16283.
History: 2016 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 338.2923 Educational standards; adoption by reference.
Rule 23. (1) The board adopts by reference the standards of the Council on Social Work Education (CSWE) for the accreditation of social work education programs in the publication entitled, “Educational Policy and Accreditation Standards,” (2015), which is available at no cost from the CSWE’s website at www.cswe.org. A copy of the standards and procedures also is available for inspection and distribution at a cost of 10 cents per page from the Board of Social Work, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.
(2) A social work education program accredited by CSWE is approved by the board. A social work education program that is not accredited by CSWE may be approved by the board if the board determines that it is substantially equivalent to a program accredited by the CSWE.
(3) The board adopts by reference the policies and procedures for recognizing accrediting organizations of the Council for Higher Education Accreditation (CHEA), effective September 24, 2018, and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in CFR part 602 (2010). Copies of the policies and procedures of the CHEA and the procedures and criteria of the United States Department of Education are available for inspection and distribution at a cost of 10 cents per page from the Board of Social Work, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909. The CHEA recognition standards also may be obtained from the CHEA’s website at www.chea.org at no cost. The federal recognition criteria may be obtained from the United States Department of Education, Office of Postsecondary Education, LBJ Building, 400 Maryland Avenue SW, Washington, DC 20202 or from its website at https://www2.ed.gov/admins/finaid/accred/accreditation_pg11.html#Part602-Secretary'sRecognition at no cost.
History: 2016 AACS; 2019 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 338.2925 Examination adoption; passing scores.
Rule 25. (1) The board approves and adopts the following examinations developed, maintained, and scored by the Association of Social Work Boards (ASWB):-
(a) Bachelor’s examination.
(b) Advanced generalist examination.
(c) Clinical examination.
(2) An applicant shall achieve a passing score as defined by ASWB on the test required for the level of licensure sought.
(3) The board may approve an alternative examination, if the board determines that the examination is substantially equivalent to the ASWB examination required for the level of licensure sought.

History: 2016 AACS; 2019 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

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 must cover all of the following:
(i) Understanding the types and venues of human trafficking in the United States.
(ii) Identifying victims of human trafficking in health care settings.
(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
(iv) Resources for reporting the suspected victims of human trafficking.
(b) Acceptable providers or methods of training include any of the following:
(i) Training offered by a nationally-recognized or state-recognized health-related organization.
(ii) Training offered by, or in conjunction with, a state or federal agency.
(iii) Training obtained in an educational program that has been approved by the board for initial licensure or registration, or by a college or university.
(iv) Reading an article related to the identification of victims of human trafficking that meets 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 must include the individual's name and either of the following:
(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to an applicant for license or registration renewal. The requirements specified in subrule (1) of this rule apply to an applicant for initial licensure or registration beginning December 22, 2021.
History: 2016 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 338.2930 Telehealth services.
Rule 30. (1) A social service technician registrant or social work licensee shall obtain consent before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.
(2) A social service technician registrant or social work licensee providing a telehealth service shall do all of the following:
(a) Act within the scope of his or her practice.
(b) Exercise the same standard of care applicable to a traditional, in-person health care service.
(c) Ensure that the technology method and equipment used complies with all current privacy-protection laws when providing a telehealth service.
History: 2021 MR 6, Eff. Mar. 31, 2021.

PART 2. SOCIAL SERVICE TECHNICIAN REQUIREMENTS

R 338.2931 Limited social service technician registration requirements; limitation on renewal.
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 the code, an applicant for the limited social service technician registration shall meet both of the following requirements:
(a) Successful completion of 60 semester or 90 quarter credit hours 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 that employ social workers engaged in the practice of social work as defined in section 18501(1)(f) or (g) of the code, MCL 333.18501.
(3) The limited social service technician registration is granted for 1 year and may be renewed only once, as specified in section 18507(2) of the code, MCL 333.18507.
History: 2016 AACS; 2019 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

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 1 of the following requirements:
(a) Successful completion of 2,000 hours of social work experience in compliance with the requirements of subrules (2), (3), and (4) of this rule and accumulated while holding a Michigan limited social service technician registration.
(b) Successful completion of a minimum of 60 semester or 90 quarter credit hours from an accredited college meeting the standards of R 338.2923, including a minimum of 20 semester or 30 quarter credit hours of relevant human services coursework and current employment in the practice of social work. As used in this subrule, "relevant human services coursework" includes, but is not limited to, coursework in social work, ethical and legal issues, sociology, psychology, counseling, human development, human behavior, health care, philosophy, criminal justice, early childhood development, and social policy and administration.
(c) Successful completion of an associate degree in social work from an accredited college meeting the standards of R 338.2923 that included supervised instructional field experience.
(2) Social work experience for an applicant for registration as a social service technician under section 18507(1)(a) 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 social work experience must be completed under the supervision of a Michigan-licensed bachelor's or Michigan-licensed master's social worker whose license is in good standing throughout the period of supervision.
(4) The social work experience must comply with all of the following:
(a) An applicant shall meet with his or her supervisor using any of the following methods:
(i) Individually and in person.
(ii) Individually using a telecommunications method that provides for live and simultaneous contact.
(iii) In a group modality, during which active work functions and records of the applicant are reviewed.
(b) Supervisory review must be conducted for at least 4 hours per month with at least 2 hours being conducted between the applicant and the supervisor on an individual basis either in person or using a telecommunication method that provides for live and simultaneous contact.
(c) An applicant may not accumulate more than 2,000 hours of supervised work experience during any 12-month period.
(d) The supervisor shall verify the supervised work experience in writing. If the supervisor is not available, agency staff who are knowledgeable about the individual's work or another person who is knowledgeable about the individual's work, may provide the verification in writing.
History: 2016 AACS; 2019 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

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.
(2) If an applicant holds a valid registration in good standing from another state and has been actively engaged in the practice of a social work technician for a minimum of 10 years before the date of application for Michigan registration, it is presumed that the applicant meets the requirements of section 16186 of the code, MCL 333.16186.
(3) If an applicant holds a valid registration in good standing from another state and has been actively engaged in the practice of a social work technician for less than 10 years before the date of application for Michigan registration, then the applicant shall comply with the requirements for registration pursuant to R 338.2933.
(4) An applicant's registration in good standing must be verified by the registering agency of each state in which the applicant holds a current registration or ever held a registration as a social service technician. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.
History: 2016 AACS; 2019 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 338.2937
Source: 2016 AACS**.**

PART 3. BACHELOR'S SOCIAL WORKER REQUIREMENTS

R 338.2939 Limited bachelor's social worker license requirements; limitations on licensee's accumulation of supervised work experience; limitations on renewal of limited license.
Rule 39. (1) An applicant for a limited bachelor's social worker license to accumulate the supervised work experience hours required pursuant to R 338.2941, in addition to meeting the requirements of the code, shall comply with both of the following:
(a) Submit a completed application on a form provided by the department, together with the required fee.
(b) Have completed a baccalaureate degree program from an accredited school of social work that complies with the standards in R 338.2923.
(2) A limited bachelor's social worker licensee shall accumulate supervised work experience in compliance with the requirements in R 338.2941.
(3) A limited bachelor's social worker licensee shall accumulate supervised work experience in an agency, health facility, institution, or other entity approved by the board pursuant to section 18506 of the code, MCL 333.18506. The board approves an agency, health facility, institution, or other entity where a master's social worker engages in the practice of social work at the master's level as defined in section 18501(1)(g) of the code, MCL 333.18501.
(4) A limited bachelor's social worker license issued for the purpose of accumulating supervised work experience hours for licensure pursuant to R 338.2941 is valid for 1 year**.** This license may be renewed no more than 6 times. Relicensure of this limited license is counted the same as renewal for purposes of this subrule.
(5) A limited bachelor's social worker license issued for the purpose of accumulating supervised work experience for relicensure pursuant to R 338.2945 is valid for 1 year**.** This license may be renewed no more than 6 times. Relicensure of this limited license is counted the same as renewal for purposes of this subrule.
History: 2016 AACS; 2019 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 338.2941 Bachelor's social worker license by examination; educational requirements; supervised work experience requirements.
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) Have completed a baccalaureate degree program from an accredited school of social work that complies with the standards in R 338.2923.
(b) Have completed at least 4,000 hours of post-degree supervised work experience accrued over not less than 2 years, as required in section 18509(1)(a) of the code, MCL 333.18509, and described in subrules (2),

(3), and (4) of this rule.
(c) Have passed the bachelor's examination approved pursuant to R 338.2925.
(2) Supervised work experience 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) Supervised work experience may be earned only while holding a Michigan limited bachelor's of social work license issued pursuant to R 338.2939. The supervised work experience for a bachelor's social worker license must meet all of the following requirements:
(a) The experience must be earned after completion of all the requirements for graduation as verified by the program.
(b) The experience must be completed under the supervision of a Michigan-licensed master's social worker whose license is in good standing throughout the period of supervision.
(4) The supervised work experience must comply with all of the following:
(a) 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.
(b) Supervisory review must be conducted for at least 4 hours per month with at least 2 hours being conducted between the applicant and the supervisor using either of the following methods:
(i) Individually and in person.
(ii) Individually using a telecommunications method that provides for live and simultaneous contact.
(c) An applicant may not accumulate more than 2,080 hours of supervised work experience during any 12-month period.
(d) An applicant shall accumulate at least 16 hours, but not more than 40 hours, of supervised work experience per week.
(e) 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.
(f) The experience may be earned either in an employment or volunteer capacity.
History: 2016 AACS; 2019 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

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.
(2) If an applicant holds an active license in good standing from another state and has been actively engaged in the practice of a bachelor's social worker for a minimum of 10 years before the date of application for Michigan licensure, it is presumed that the applicant meets the requirements of section 16186 of the code, MCL 333.16186.
(3) If an applicant holds an active license in good standing from another state, but does not satisfy the requirements for licensure by endorsement in subrule (2) of this rule, the applicant shall comply with all of the following:
(a) Hold a valid bachelor's social work license in good standing from another state.
(b) Pass the bachelor's examination approved pursuant to R 338.2925.
(c) Submit documentation verifying that the applicant has completed a minimum of 4,000 hours of supervised work experience, work experience, or both, at the bachelor's level.
(4) An applicant's license in good standing must be verified by the licensing agency of each state in which the applicant holds a current license or ever held a license as a social worker. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.
History: 2016 AACS; 2019 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

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:

(a) For a bachelor's social worker who has let his or her Michigan license lapse and is not currently licensed in another state or Canada.		Lapsed 0-3 years	Lapsed more than 3 years, but less than 7 years	Lapsed 7 years or more
(i)	Application and fee: submit a completed application on a form provided by the department, together with the required fee.	√	√	√
(ii)	Good moral character: establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(iii)	Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(iv)	Continuing education: submit proof of having completed 45 hours of continuing education in courses and programs approved by the board, including at least 5 hours in social work ethics, 2 hours in pain and symptom management, and 2 hours in human trafficking as provided under R 338.2961, which was earned within the 3-year period immediately preceding the application for relicensure.	√	√	√
(v)	Supervised work experience: completion of 1,000 hours of supervised work experience under the supervision of a Michigan-licensed master's social worker described in subrules (2) and (3) of this rule, if applicable, and R 338.2941(2) to (4).		√	√
(vi)	Examination: passage of the examination approved pursuant to R 338.2925 within 1 year prior to the application for relicensure.			√
(vii)	License verification: an applicant's license in good standing must be verified by the licensing agency of each state or province of Canada in which the applicant holds or ever held a license as a social worker. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.	√	√	√
(b) For a bachelor's social worker who has let his or her Michigan license lapse and is currently licensed in another state or Canada.		Lapsed 0-3 years	Lapsed more than 3 years, but less than 7 years	Lapsed 7 years or more
(i)	Application and fee: submit a completed application on a form provided by the department, together with the required fee.	√	√	√

(ii)	Good moral character: establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(iii)	Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(iv)	Continuing education: submit proof of having completed 45 hours of continuing education in courses and programs approved by the board, including at least 5 hours in social work ethics, 2 hours in pain and symptom management, and 2 hours in human trafficking as provided under R 338.2961, which was earned within the 3-year period immediately preceding the application for relicensure.	√	√	√
(v)	License verification: an applicant's license in good standing must be verified by the licensing agency of each state or province of Canada in which the applicant holds or ever held a license as a social worker. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.	√	√	√

(2) Supervised work experience must be earned under a Michigan limited license pursuant to R 338.2939.
(3) A licensee with a limited license for supervised work experience for relicensure shall comply with the supervisory requirements in R 338.2941(2) to (4).
History: 2016 AACS; 2019 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

PART 4. MASTER'S SOCIAL WORKER REQUIREMENTS

R 338.2947 Limited master's social worker license requirements; limitations on accumulation of supervised work experience; limitation on renewal of limited license.
Rule 47. (1) An applicant for a limited master's social worker license to accumulate the supervised work experience required for full licensure, in addition to meeting the requirements of the code, shall comply with both of the following:
(a) Submit a completed application on a form provided by the department, together with the required fee.
(b) Have completed a master's or doctoral degree program from an accredited school of social work that complies with the standards in R 338.2923.
(2) A limited master's social worker licensee shall accumulate supervised work experience in compliance with the requirements in R 338.2949.
(3) A limited master's social worker licensee shall accumulate supervised work experience in an agency, health facility, institution, or other entity approved by the board pursuant to section 18506 of the code, MCL 333.18506. The board approves an agency, health facility, institution, or other entity where a master's social worker engages in the practice of social work at the master's level as defined in section 18501(1)(g) of the code, MCL 333.18501.
(4) A limited master's social worker license issued for the purpose of accumulating supervised work experience hours for licensure pursuant to R 338.2949 is valid for 1 year. This license may be renewed no more than 6 times. Relicensure of this limited license is counted the same as renewal for purposes of this subrule.
(5) A limited master's social worker license issued for the purpose of accumulating supervised work experience for relicensure pursuant to R 338.2955 is valid for 1 year. This license may be renewed no more

than 6 times. Relicensure of this limited license is counted the same as renewal for purposes of this subrule.
History: 2016 AACS; 2019 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 338.2949 Master's social worker license requirements; generally.
Rule 49. (1) In addition to meeting the requirements of the code, 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.
(2) An applicant for a master's social worker license shall complete supervised work experience as required by R 338.2951, R 338.2953, or both, under the direction of a Michigan-licensed master's social worker who holds a macro designation, clinical practice designation, or both, as applicable, and whose license is in good standing throughout the period of supervision.
(3) Supervised work experience must comply with all of the following:
(a) Supervised work experience may only be earned while holding a Michigan limited master's of social work license issued pursuant to R 338.2947.
(b) The applicant shall meet with his or her supervisor using any of the following methods:
(i) Individually and in person.
(ii) Individually using a telecommunications method that provides for live and simultaneous contact.
(iii) In a group modality that provides for 50% of the supervision to include individual contact during which active work functions and records of the applicant are reviewed.
(c) Supervisory review must be conducted for at least 4 hours per month with at least 2 hours being conducted between the applicant and the supervisor using either of the following methods:
(i) Individually and in person.
(ii) Individually using a telecommunications method that provides for live and simultaneous contact.
(d) The applicant may not accumulate more than 2,080 hours of supervised work experience during any 12-month period.
(e) The applicant shall accumulate at least 16 hours, but not more than 40 hours, of supervised work experience 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.
(4) In addition to satisfying the requirements of this rule, an applicant for licensure with a macro or clinical practice designation shall satisfy all the requirements of R 338.2951 or R 338.2953, as applicable. An applicant or a licensee may add a second master's level social work specialty designation by completing both of the following requirements:
(a) 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) Pass the appropriate examination for the second designation approved pursuant to R 338.2925.
History: 2016 AACS; 2019 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 338.2951 Master's social worker license; macro designation.
Rule 51. An applicant for the license with a macro designation shall meet all of the following requirements:
(a) Have completed a master's or doctoral degree program from an accredited school of social work that complies with the standards in R 338.2923.
(b) Have passed the advanced generalist examination approved pursuant to R 338.2925.
(c) Have completed at least 4,000 hours of post-degree social work experience accrued over not less than 2 years, as required in section 18509(1)(b) of the code, MCL 333.18509, as follows:
(i) The experience must be earned after completion of all the requirements for graduation as verified by the program.
(ii) The experience must be completed in compliance with the requirements of R 338.2949 under the supervision of a Michigan-licensed master's social worker holding a macro designation.
(iii) The experience for the macro designation must be completed in either or both of the following areas:
(A) 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.

(B) The advanced application of macro social work processes and systems to improve the social or health services of communities, groups, or organizations through planned interventions.
History: 2016 AACS; 2019 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

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) Have completed a master's or doctoral degree program from an accredited school of social work that complies with the standards in R 338.2923.
(b) Have passed the clinical examination approved pursuant to R 338.2925.
(c) Have completed at least 4,000 hours of post-degree social work experience accrued over not less than 2 years, in accordance with section 18509(1)(b) of the code, MCL 333.18509, as follows:
(i) The experience must be earned after completion of all the requirements for graduation as verified by the program.
(ii) The experience must be completed in compliance with the requirements of R 338.2949 under the supervision of a Michigan-licensed master's social worker holding a clinical designation.
(iii) The experience for the clinical practice designation must include 1 or more of the following activities: assessment, treatment, and intervention methods that utilize a specialized and formal interaction between a social worker and an individual, a couple, a family, or a group in which a professional relationship is established; advocating for care; protecting the vulnerable; providing forensic practice functions; increasing social well-being; providing education, and resources; providing psychotherapy; providing case management for complex and high-risk cases; serving on community committees; and, providing clinical supervision or direction of clinical programs.
History: 2016 AACS; 2019 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

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:

(a) For a licensed master's social worker who has let his or her Michigan license lapse and is not currently licensed in another state or Canada.		Lapsed 0-3 years	Lapsed more than 3 years, but less than 7 years	Lapsed 7 years or more
(i)	Application and fee: submit a completed application on a form provided by the department, together with the required fee.	√	√	√
(ii)	Good moral character: establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(iii)	Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(iv)	Continuing education: submit proof of having completed 45 hours of continuing education in courses and programs approved by the board, including at least 5 hours in social work ethics, 2 hours in pain and symptom management, and 2 hours in human trafficking as provided under R 338.2961, which was earned within the 3-year period immediately preceding the application for relicensure.	√	√	√
(v)	Supervised work experience: completion of 1,000 hours of supervised work experience under the supervision of a Michigan-licensed master's social worker		√	√

	of the same designation as described in subrules (2) and (3) of this rule, if applicable, R 338.2951, and R 338.2953.			
(vi)	Examination: passage of the applicable examination approved pursuant to R 338.2925 within 1 year before application for relicensure.			√
(vi)	License verification: an applicant's license in good standing must be verified by the licensing agency of each state or province of Canada in which the applicant holds or ever held a license as a social worker. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.	√	√	√
(b) For a master's social worker who has let his or her Michigan license lapse and is currently licensed in another state or Canada.		Lapsed 0-3 years	Lapsed more than 3 years, but less than 7 years	Lapsed 7 years or more
(i)	Application and fee: submit a completed application on a form provided by the department, together with the required fee.	√	√	√
(ii)	Good moral character: establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(iii)	Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(iv)	Continuing education: submit proof of having completed 45 hours of continuing education in courses and programs approved by the board, including at least 5 hours in social work ethics, 2 hours in pain and symptom management, and 2 hours in human trafficking as provided under R 338.2961, which was earned within the 3-year period immediately preceding the application for relicensure.	√	√	√
(v)	License verification: an applicant's license in good standing must be verified by the licensing agency of each state or province of Canada in which the applicant holds or ever held a license as a social worker. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.	√	√	√

(2) Supervised work experience must be earned under a Michigan limited license pursuant to R 338.2947.
(3) A licensee with a limited license for supervised work experience for relicensure shall comply with the supervisory requirements in R 338.2949(2) to (4).
History: 2016 AACS; 2019 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

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.
(2) If an applicant holds an active master's of social work license in good standing from another state and has been engaged in the practice of social work at the master's level for a minimum of 10 years before the date of application for Michigan licensure, it is presumed that the applicant meets the requirements for licensure under section 16186 of the code, MCL 333.16186. The applicant shall apply for either the macro designation or the clinical designation and provide an attestation that he or she had engaged in the practice of social work at the master's level as defined under MCL 333.18501(1)(g)(ii) or (iii), as applicable. An applicant may apply for a second designation by satisfying the requirements in R 338.2949(4) or by submitting proof that he or she currently holds both designations in the state where he or she is currently licensed.
(3) If an applicant holds an active license in good standing from another state, but does not satisfy the requirements for licensure by endorsement in subrule (2) of this rule, then the applicant shall comply with all of the following:
(a) Hold a valid master's social work license in good standing from another state.
(b) Pass the advanced generalist or clinical examination, as applicable, of the examination approved pursuant to R 338.2925.
(c) Submit documentation verifying that the applicant has completed a minimum of 4,000 hours of supervised work experience, work experience, or both, at the master's macro or clinical level, as applicable.
(4) An applicant's license in good standing must be verified by the licensing agency of each state in which the applicant holds a current license or ever held a license as a social worker. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.
History: 2016 AACS; 2019 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

PART 5. CONTINUING EDUCATION

R 338.2961 Bachelor's and master's of social work 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 application for renewal.
(2) At least 5 of the 45 continuing education contact hours in each renewal period must be in ethics.
(3) At least 2 of the 45 continuing education contact hours in each renewal period must be in pain and symptom management. Continuing education contact hours in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, behavior modification, and stress management.
(4) At least 2 of the 45 continuing education contact hours in each renewal period must be in human trafficking.
(5) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of these rules. A licensed master's or licensed bachelor's social worker shall retain documentation of meeting the requirements of this rule for a period of 5 years from the date of applying for license renewal. The board may require an applicant or licensee to submit evidence to demonstrate compliance with this rule. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.
(6) The department shall receive a request for a waiver under section 16205 of the code, MCL 333.16205, before the expiration date of the license.
History: 2016 AACS; 2019 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 338. 2963 Acceptable continuing education; limitations.
Rule 63. (1) One half of the required continuing education contact hours must be completed in person using live, synchronous contact. The remaining continuing education contact hours may be completed in any other approved format.
(2) The continuing education credit hours earned during 1 renewal cycle may not be carried forward to the next renewal cycle.
(3) A licensee may not earn continuing education credit for completing the same course twice within the

same renewal cycle.
(4) The board approves all of the following as acceptable continuing education:

ACCEPTABLE CONTINUING EDUCATION		
(a)	Attendance at a continuing education program related to the practice of social work approved or offered by any of the following: The ASWB. The National Association of Social Workers (NASW). A state chapter of the NASW. If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program was held or activity completed.	Contact hours may be earned without limitation under this subrule.
(b)	Attendance of an academic course or a continuing education program related to the practice of social work offered by an educational program approved by the board under R 338.2923. If audited, the licensee shall submit an official transcript documenting successful completion of the course, or 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 was held or activity completed for a continuing education program.	Fifteen continuing education contact hours may be earned for each semester credit earned. Ten continuing education contact hours may be earned for each quarter credit earned. One hour of continuing education contact hours may be earned for each hour of attendance of a continuing education program. Credit may be earned without limitation.
(c)	Attendance at a continuing education program that has been granted approval by another state board of social work. If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program was held or activity completed.	Continuing education contact hours may be earned without limitation.
(d)	Presentation of a board-approved continuing education program that is not part of the licensee's regular job description. If audited, a licensee shall submit a letter	Three continuing education contact hours may be earned for each 60 minutes of presentation. Credit may be earned for the same program only once in each renewal period. A maximum of 15

	from the program sponsor confirming the licensee as the presenter and the presentation date and time, or a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter, and the name of the organization that approved or offered the presentation for continuing education credit.	continuing education contact hours may be earned per licensure cycle.
(e)	Publication in a peer reviewed journal or textbook of an article or chapter related to the practice of social work. If audited, a licensee shall submit a copy of the publication that identifies the licensee as an author of the chapter or a publication acceptance letter.	Ten continuing education contact hours may be earned for publication in a journal or textbook, with a maximum of 10 contact hours per licensure cycle.

History: 2016 AACS; 2019 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 338.2965 Rescinded.
History: 2016 AACS; 2019 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

BOARD OF PHARMACY - RADIOPHARMACEUTICALS

R 338.3001
Source: 2015 AACS.

R 338.3002
Source: 2015 AACS.

R 338.3003
Source: 2015 AACS.

R 338.3004
Source: 2015 AACS.

R 338.3005
Source: 2015 AACS.

R 338.3006
Source: 2015 AACS.

R 338.3007
Source: 2015 AACS.

PHARMACY - PUBLIC PARTICIPATION AT OPEN BOARD MEETINGS

R 338.3031

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PHARMACY – PHARMACIST CONTINUING EDUCATION

R 338.3041
Source: 2020 AACS.

R 338.3042
Source: 1997 AACS.

R 338.3043
Source: 2020 AACS.

R 338.3044
Source: 2020 AACS.

R 338.3045
Source: 2020 AACS.

CENTRALIZED PRESCRIPTION PROCESSING PHARMACIES

PART 1. GENERAL PROVISIONS

R 338.3051
Source: 2008 AACS.

R 338.3052
Source: 2008 AACS.

R 338.3053
Source: 2008 AACS.

R 338.3054
Source: 2008 AACS.

PART 2 . CONTROLLED SUBSTANCES PRESCRIPTIONS

R 338.3055
Source: 2008 AACS.

R 338.3056
Source: 2008 AACS.

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PHARMACY – CONTROLLED SUBSTANCES

PART 1. GENERAL PROVISIONS

R 338.3101
Source: 2004 AACS.

R 338.3102
Source: 2007 AACS.

R 338.3104
Source: 2002 AACS.

R 338.3108

Source: 1992 AACS.

R 338.3109
Source: 1979 AC.

PART 2. SCHEDULES

R 338.3111
Source: 1995 AACS.

R 338.3112
Source: 2013 AACS.

R 338.3113
Source: 2016 AACS**.**

R 338.3113a
Source: 2002 AACS.

R 338.3114
Source: 2013 AACS.

R 338.3114a
Source: 2013 AACS.

R 338.3116
Source: 2013 AACS.

R 338.3117
Source: 2013 AACS.

R 338.3118
Source: 2013 AACS.

R 338.3119
Source: 1992 AACS.

R 338.3119a
Source: 2002 AACS.

R 338.3119b
Source: 1994 AACS.

R 338.3120
Source: 2016 AACS**.**

R 338.3121
Source: 2016 AACS**.**

R 338.3121a
Source: 2002 AACS.

R 338.3122
Source: 2013 AACS.

R 338.3123

Source: 2016 AACS.

R 338.3125
Source: 2019 AACS.

R 338.3126
Source: 2002 AACS.

R 338.3127
Source: 2002 AACS.

R 338.3129
Source: 1992 AACS.

PART 3. LICENSES

R 338.3131
Source: 1997 AACS.

R 338.3132
Source: 2007 AACS.

R 338.3133
Source: 2002 AACS.

R 338.3134
Source: 2002 AACS.

R 338.3135
Source: 2019 AACS.

R 338.3136
Source: 2002 AACS.

R 338.3137
Source: 1992 AACS.

R 338.3138
Source: 2013 AACS.

R 338.3139
Source: 2013 AACS.

PART 4. SECURITY

R 338.3141
Source: 2002 AACS.

R 338.3143
Source: 2002 AACS.

R 338.3145
Source: 2002 AACS.

PART 5. RECORDS

R 338.3151
Source: 2002 AACS.

R 338.3152
Source: 2002 AACS.

R 338.3153
Source: 2013 AACS.

R 338.3153a
Source: 2013 AACS.

R 338.3154
Source: 2007 AACS.

PART 6. DISPENSING AND ADMINISTERING CONTROLLED SUBSTANCE PRESCRIPTIONS

R 338.3161
Source: 2013 AACS.

R338.3161a
Source: 2019 AACS.

R 338.3162
Source: 2007 AACS.

R 338.3162a
Source: 2002 AACS.

R 338.3162b
Source: 2007 AACS.

R 338.3162c
Source: 2007 AACS.

R 338.3162d
Source: 2013 AACS.

R 338.3162e
Source: 2002 AACS.

R 338.3164
Source: 2002 AACS.

R 338.3165
Source: 2002 AACS.

R 338.3166
Source: 2002 AACS.

R 338.3167
Source: 2002 AACS.

R 338.3168
Source: 2002 AACS.

R 338.3169
Source: 2013 AACS.

R 338.3170
Source: 2002 AACS.

PART 7. DISTRIBUTIONS

R 338.3181
Source: 1992 AACS.

R 338.3182
Source: 1992 AACS.

R 338.3183
Source: 1992 AACS.

R 338.3185
Source: 1992 AACS.

R 338.3186
Source: 1992 AACS.

PART 8. ADMINISTRATIVE AND DISCIPLINARY PROCEEDINGS

R 338.3191
Source: 1997 AACS.

R 338.3192
Source: 1997 AACS.

R 338.3193
Source: 1997 AACS.

R 338.3194
Source: 1997 AACS.

R 338.3195
Source: 1997 AACS.

R 338.3196
Source: 1997 AACS.

R 338.3197
Source: 1997 AACS.

R 338.3198
Source: 1997 AACS.

R 338.3198a
Source: 1997 AACS.

R 338.3199
Source: 1997 AACS.

R 338.3199a
Source: 1997 AACS.

R 338.3199b
Source: 1997 AACS.

R 338.3199c
Source: 1997 AACS.

R 338.3199d
Source: 1997 AACS.

R 338.3199e
Source: 1997 AACS.

R 338.3199f
Source: 1997 AACS.

R 338.3199g
Source: 1997 AACS.

R 338.3199h
Source: 1997 AACS.

R 338.3199i
Source: 1997 AACS.

R 338.3199j
Source: 1997 AACS.

R 338.3199k
Source: 1997 AACS.

R 338.3199l
Source: 1997 AACS.

R 338.3199m
Source: 1997 AACS.

R 338.3199n
Source: 1997 AACS.

R 338.3199o
Source: 1997 AACS.

R 338.3199p
Source: 1997 AACS.

R 338.3199q
Source: 1997 AACS.

MOBILE HOME AND LAND RESOURCES DIVISION

LAND SALES

PART 1. GENERAL PROVISIONS

R 338.3201
Source: 2013 AACS.

R 338.3202
Source: 2013 AACS.

R 338.3204

Source: 2013 AACS.

R 338.3206
Source: 2013 AACS.

R 338.3208
Source: 2013 AACS.

PART 3. REGISTRATION OF NONEXEMPT SUBDIVIDED LANDS

R 338.3218
Source: 2013 AACS.

R 338.3219
Source: 2013 AACS.

R 338.3220
Source: 2013 AACS.

R 338.3221
Source: 2013 AACS.

R 338.3231
Source: 2013 AACS.

R 338.3232
Source: 2013 AACS.

R 338.3233
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R 338.3234
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R 338.3235
Source: 2013 AACS.

R 338.3236
Source: 2013 AACS.

R 338.3238
Source: 2013 AACS.

R 338.3239
Source: 2013 AACS.

PART 4. PROTECTION OF PURCHASERS

R 338.3241
Source: 2013 AACS.

R 338.3242
Source: 2013 AACS.

R 338.3243
Source: 2013 AACS.

R 338.3251
Source: 2013 AACS.

R 338.3252
Source: 2013 AACS.

R 338.3253
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R 338.3254
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R 338.3255
Source: 2013 AACS.

R 338.3256
Source: 2013 AACS.

R 338.3257
Source: 2013 AACS.

R 338.3258
Source: 2013 AACS.

R 338.3259
Source: 2013 AACS.

PART 5. ADVERTISING AND SALES PROMOTIONS

R 338.3261
Source: 2013 AACS.

R 338.3262
Source: 2013 AACS.

R 338.3263
Source: 2013 AACS.

R 338.3264
Source: 2013 AACS.

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Source: 2013 AACS.

R 338.3266
Source: 2013 AACS.

R 338.3267
Source: 2013 AACS.

R 338.3268
Source: 2013 AACS.

R 338.3269
Source: 2013 AACS.

R 338.3270
Source: 2013 AACS.

R 338.3281
Source: 2013 AACS.

R 338.3282
Source: 2013 AACS.

R 338.3283
Source: 2013 AACS.

R 338.3284
Source: 2013 AACS.

R 338.3291
Source: 2013 AACS.

R 338.3292
Source: 2013 AACS.

R 338.3295
Source: 2013 AACS.

R 338.3301
Source: 2013 AACS.

R 338.3302
Source: 2013 AACS.

R 338.3303
Source: 2013 AACS.

R 338.3304
Source: 2013 AACS.

R 338.3307
Source: 2013 AACS.

R 338.3311
Source: 2013 AACS.

R 338.3312
Source: 2013 AACS.

R 338.3313
Source: 2013 AACS.

R 338.3314
Source: 2013 AACS.

R 338.3317
Source: 2013 AACS.

R 338.3321

Source: 2013 AACS.

R 338.3324
Source: 2013 AACS.

R 338.3327
Source: 2013 AACS.

R 338.3331
Source: 2013 AACS.

R 338.3332
Source: 2013 AACS.

R 338.3335
Source: 2013 AACS.

PART 8. TAXES AND ASSESSMENTS

R 338.3341
Source: 2013 AACS.

R 338.3345
Source: 2013 AACS.

PART 15. DECLARATORY RULINGS; INVESTIGATIONS; HEARINGS

R 338.3451
Source: 2013 AACS.

R 338.3455
Source: 2013 AACS.

R 338.3456
Source: 2013 AACS.

R 338.3461
Source: 2013 AACS.

R 338.3463
Source: 2013 AACS.

R 338.3464
Source: 2013 AACS.

R 338.3465
Source: 2013 AACS.

R 338.3466
Source: 2013 AACS.

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BOARD OF PHARMACY - ANIMAL EUTHANASIA AND SEDATION RULES

Part 1. General Provisions

R 338.3501 Definitions.
Rule 1. (1) As used in these rules:
(a) "Animal control shelter" means a facility operated by a municipality for the impoundment and care of animals that are found in the streets or at large, animals that are otherwise held due to the violation of a municipal ordinance or state law, or animals that are surrendered to the animal control shelter that holds a current registration issued by the Michigan department of agriculture and rural development (MDARD).
(b) "Animal protection shelter" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization for the care of homeless animals that holds a current registration issued by MDARD.
(c) "Animal tranquilizer" means the term as defined in MCL 333.7333(20)(a), a commercially prepared solution of xylazine hydrochloride, a commercially prepared solution of ketamine, or a commercially prepared compound containing tiletamine and zolazepam.
(d) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
(e) "Department" means the department of licensing and regulatory affairs (LARA).
(f) "Euthanasia" means a method of humane death that minimizes pain, distress, and anxiety experienced by the animal prior to loss of consciousness and causes rapid loss of consciousness followed by cardiac or respiratory arrest and death. The euthanasia training described in these rules and euthanasia provided under these rules must comply with the American Veterinary Medical Association's guidelines for the euthanasia of animals.
(g) "Individual" means an animal control officer; law enforcement officer; a person who is under contract with an animal control shelter or an animal protection shelter; or a person who is currently employed by an animal control shelter, an animal protection shelter, or a class B dealer, as used in these rules and section 7333(9) to (19) of the code, MCL 333.7333.
(h) "Sedation" of an animal means a state of central nervous system depression caused by the administration of an animal tranquilizer in which the animal is awake but calm, and with sufficient stimuli may be aroused. Sedation of an animal must be accompanied by the additional use of an anesthetic agent inducing unconsciousness in the animal before euthanasia via intracardiac injection is allowed.
(2) Unless otherwise defined in the rules, the terms defined in the code have the same meaning when used in these rules.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

PART 2. ANIMAL EUTHANASIA

R 338.3502 Animal euthanasia; animal control shelters, animal protection shelters, class B dealers; authorization to apply for permit.
Rule 2. (1) An animal control shelter, animal protection shelter, or a class B dealer, may apply for a permit to buy, possess, store, handle, and administer animal tranquilizers in addition to xylazine hydrochloride for pre-euthanasia sedation or a commercially prepared, pre-mixed solution of sodium pentobarbital to practice euthanasia on animals pursuant to the training required in R 338.3507.
(2) Beginning no later than January 1, 2022, an animal control shelter, animal protection shelter, and class B dealer shall meet the training requirements in R 338.3507 in order to administer an animal tranquilizer for pre-euthanasia sedation or a commercially prepared, premixed solution of sodium pentobarbital to perform euthanasia on animals.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

Editor's Note: An obvious error in R 338.3502 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in *Michigan Register,* 2021 MR 20. The memorandum requesting the correction was published in *Michigan Register,* 2021 MR 20.

R 338.3503 Animal euthanasia; application for permit.
Rule 3. (1) An animal control shelter, animal protection shelter, or class B dealer shall apply to the department for a permit under R 338.3502, on a form provided by the department, together with the requisite fee, which

shall contain all of the following information:
(a) The name, address, and MDARD registration number of the animal control shelter, animal protection shelter, or the USDA license number of the class B dealer.
(b) The name, address, and biographical data of the individual who is in charge of the day-to-day operation of the animal control shelter, animal protection shelter, or class B dealer and who is responsible for the storage and recordkeeping of the commercially prepared, pre-mixed solution of sodium pentobarbital and animal tranquilizers.
(c) The name, address, and biographical data of the individual responsible for designating employees who will practice euthanasia pursuant to the code.
(d) The name of the veterinarian who trained each individual.
(e) Beginning no later than January 1, 2022, or earlier, if a class B dealer chooses to administer an animal tranquilizer for pre-euthanasia sedation before that date, a class B dealer shall submit both of the following:
(i) The name and address of the class B dealer or an employee of the class B dealer and documentation from the trainer that he or she has completed the training required in R 338.3507.
(ii) The name of the individual in charge of the day-to-day operation of the class B dealer and documentation from the trainer that the individual received and can document completion of the training described in R 338.3507.
(f) Beginning no later than January 1, 2022, or earlier, if an animal control shelter or an animal protection shelter chooses to administer animal tranquilizers in addition to xylazine hydrochloride for pre-euthanasia sedation before that date, an animal control shelter or an animal protection shelter shall submit both of the following.
(i) The name and address of an employee and documentation from the trainer that the employee has completed the training required in R 338.3507.
(ii) The name of the individual in charge of the day-to-day operation and documentation from the trainer that the individual received and can document completion of the training described in R 338.3507.
(2) A permit issued under this rule is valid for 2 years and may be renewed upon application to the department and payment of the requisite fee.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.3504 Permit for animal euthanasia; form; non-transferable; change in responsible person.
Rule 4. A permit issued by the department must show the name and address of the facility and the name of the individual in charge of the day-to-day operation. The permit is not transferable. The permit holder shall notify the department, in writing, within 30 days of a change in the individual in charge of the day-to-day operation.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.3505 Registration with United States Department of Justice.
Rule 5. The facility shall obtain a registration, pursuant to 21 CFR 1301.11 (2009), from the United States Department of Justice (DOJ) Drug Enforcement Administration (DEA), or its successor agency, before stocking, purchasing, or using a controlled substance to practice euthanasia. Purchases must be made pursuant to procedures established by the DOJ DEA.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.3506 Animal euthanasia; trained personnel; notification of changes; documentation of training.
Rule 6. (1) If the animal control shelter, animal protection shelter, or class B dealer has been issued a permit pursuant to R 338.3502, R 338.3503, and section 7333(9) and (10) of the code, MCL 333.7333, and does not employ an individual trained as described in R 338.3507 and section 7333(9) and (10) of the code, MCL 333.7333, or does not have a manager in charge of the day-to-day operation that is trained pursuant to section 7333(9) and (10) of the code, MCL 333.7333, then the animal control shelter, animal protection shelter, or class B dealer shall immediately notify the department, and shall securely store and cease to administer any commercially-prepared, pre-mixed solution of sodium pentobarbital or animal tranquilizer until the department is notified that both of the following has occurred:
(a) The individual in charge of the day-to-day operation has been trained as described in R 338.3507 and he or she has submitted documentation of the training to the department.
(b) An individual has been hired or an employee of the animal control shelter, or animal protection shelter, or the class B dealer has been trained as described in R 338.3507 and section 7333(9) and (10) of the code,

MCL 333.7333.
(2) The permit holder shall notify the department within 30 days of any change in the name and address of the individual trained as described in section 7333(9) and (10) of the code, MCL 333.7333.
(3) A permit holder shall comply with all of the following:
(a) Maintain a list of individuals who have received the training required in these rules.
(b) Maintain a list of the veterinarians who trained each individual.
(c) Update the lists required in this subrule every 6 months.
(d) Keep the lists required in this subrule on the site of the class B dealer, animal control shelter, or animal protection shelter.
(e) Make the lists required in this subrule available for inspection by the department or other authorized individual upon request.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.3507 Animal euthanasia; training of personnel.
Rule 7. An applicant for a permit pursuant to R 338.3502(1) shall comply with the following requirements:
(a) The applicant shall complete a training consistent with section 7333(9)(c) and (10)(c) of the code, MCL 333.7333.
(b) The applicant shall complete a training that has been approved by the state veterinarian.
(c) The applicant shall complete a training given by a veterinarian who is currently licensed in this state and is in good standing.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

Editor's Note: An obvious error in R 338.3507 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in *Michigan Register,* 2021 MR 20. The memorandum requesting the correction was published in *Michigan Register,* 2021 MR 20.

R 338.3508 Rescinded.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.3509 Animal euthanasia; establish and maintain written procedures; monitoring continued proficiency and compliance.
Rule 9. (1) An animal control shelter, animal protection shelter, or class B dealer shall establish and maintain written procedures for the administration of a commercially prepared, pre-mixed solution of sodium pentobarbital for euthanasia and animal tranquilizers for pre-euthanasia sedation. These procedures must be kept on the permitted premises and must be available for inspection by the department.
(2) An individual's continued proficiency and compliance with written procedures by an animal control shelter, an animal protection shelter, or a class B dealer, in addition to compliance with all rules and regulations, may be monitored by the department.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.3510 Animal euthanasia; retention of records regarding receipt and administration of sodium pentobarbital and animal tranquilizers.
Rule 10. (1) The permit holder shall maintain separate records of the receipt of commercially prepared, pre-mixed solution of sodium pentobarbital and animal tranquilizers and the administration of a commercially prepared, pre-mixed solution of sodium pentobarbital and animal tranquilizers at the animal control shelter, animal protection shelter, or by the class B dealer.
(2) These records must include all of the following information pertaining to the receipt of commercially prepared, pre-mixed solution of sodium pentobarbital and animal tranquilizers:
(a) The date of acquisition.
(b) The quantity acquired.
(c) The name of the drug.
(d) The trade name of the drug.
(e) The lot number and strength of a commercially prepared, pre-mixed solution of sodium pentobarbital or animal tranquilizer.
(3) The records of the administration of the commercially prepared, pre-mixed solution of sodium

pentobarbital or animal tranquilizer for the purpose of practicing euthanasia, must include all of the following:
(a) The quantity used.
(b) The time and date it was administered.
(c) The name of the individual who administered the animal tranquilizer or pre-mixed solution of sodium pentobarbital.
(d) The full description of the animal to which the commercially prepared, pre-mixed solution of sodium pentobarbital or animal tranquilizer was administered, which includes all of the following and is recorded in the animal's medical or shelter record:
(i) The species of the animal.
(ii) The breed of the animal.
(iii) The sex of the animal.
(iv) The age of the animal.
(v) The approximate weight of the animal.
(vi) The number associated with the animal if a numbering system is used.
(4) The permit holder shall record receipt of controlled substances on DOJ DEA order forms pursuant to 21 CFR part 1305 (2019). 21 CFR part 1305 is available at no cost on the internet at https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=1305. Printed copies of 21 CFR part 1305 are available for inspection and distribution at 10 cents per page from the Michigan Board of Pharmacy, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.
(5) The permit holder shall maintain records of administration of controlled substances pursuant to 21 CFR part 1304 (2019). 21 CFR part 1304 is available at no cost on the internet at https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=1304. Printed copies of 21 CFR part 1304 also are available for inspection and distribution to the public at 10 cents per page from the Michigan Board of Pharmacy, the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.
(6) Permit holders shall keep records for a period of 2 years and shall make them available for inspection by the department or other authorized individual upon request.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.3511 Storage of drugs used for euthanasia on animals.
Rule 11. An animal control shelter, an animal protection shelter, and a class B dealer shall store all drugs used for euthanasia on animals in a securely locked, substantially constructed cabinet located in the facility, with access limited to the individuals described in R 338.3503(b), (e), and (f).
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.3512 Inspections.
Rule 12. The department may conduct an inspection of an animal control shelter, an animal protection shelter, or a class B dealer before a permit is issued. The department or authorized individual may make periodic, additional, unannounced inspections.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

PART 5. ANIMAL SEDATION

R 338.3513 Animal field sedation; authorization to apply for permit.
Rule 13. (1) An animal control shelter, may apply for a permit to buy, possess, store, handle, and administer animal tranquilizers to sedate or immobilize an animal running at large that is dangerous or difficult to capture pursuant to the training required in R 338.3518.-
(2) Beginning no later than January 1, 2022, an individual in charge of the day-to-day operations of an animal control shelter shall meet the training requirements in R 338.3518 in order to administer any animal tranquilizers on animals running at large that are dangerous or difficult to capture.
(3) A permit issued under this rule is valid for 2 years and may be renewed upon application to the department and payment of the requisite fee.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.3514 Animal sedation; application for permit.
Rule 14. An animal control shelter shall apply, on a form provided by the department, for a permit to buy, possess. store, handle, and administer animal tranquilizers to sedate or immobilize an animal, to the department, together with the requisite fee. The application must contain all of the following information:
(a) The name, address, and MDARD registration number of the animal control shelter.
(b) The name, address, and biographical data of the individual who is in charge of the day-to-day operation of the animal control shelter and who is responsible for the storage and recordkeeping of the animal tranquilizing drugs.
(c) The name, address, and biographical data of the individual responsible for designating employees who will practice tranquilizing pursuant to the code.
(d) The name of the veterinarian who trained each employee.
(e) Beginning no later than January 1, 2022, or earlier, if the animal control shelter uses an animal tranquilizer other than xylazine hydrochloride to sedate or immobilize animals before that date, the name and address of the employee and documentation from the trainer that he or she has completed the training required in R 338.3518.
(f) Beginning no later than January 1, 2022, the name of the individual in charge of the day-to-day operation of the animal control shelter and documentation from the trainer that he or she has received and can document completion of the training described in R 338.3518.
(g) If the trained individual is under contract with the shelter to perform tranquilizing services, all of the following must be provided:
(i) An application indicating that tranquilizing services are being performed under contract.
(ii) The name and address of the employment agency with whom the services are being offered under a contract.
(iii) The name of the individual responsible for each individual under contract with the shelter.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.3515 Permit for animal sedation; form; non-transferable; change in responsible person.
Rule 15. A permit issued by the department must show the name and address of the facility and the name of the person in charge of the day-to-day operation. This permit is not transferable. The permit holder shall notify the department in writing, within 30 days of a change in the person in charge of the day-to-day operation.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.3516 Registration with United States department of justice.
Rule 16. The facility shall obtain a registration pursuant to 21 CFR 1301.11 (2009), from the DOJ DEA, or its successor agency, when required by the DOJ DEA, before stocking, purchasing, and using a controlled substance. Purchases must be made pursuant to procedures established by the DOJ DEA.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.3517 Animal sedation; trained personnel; notification of changes; documentation of training.
Rule 17. (1) If an animal control shelter has been issued a permit pursuant to R 338.3513, R 338.3514, and section 7333(16) to (19) of the code, MCL 333.7333, and does not employ an individual trained as described in R 338.3518 and section 7333(16) to (19) of the code, MCL 333.7333, then the animal control shelter shall immediately notify the department, and shall securely store and cease to administer the animal tranquilizer until the department is notified that both of the following has occurred:
(a) An individual trained as described in section 7333(16)(c) of the code, MCL 333.7333, has been hired by the facility.
(b) The individual in charge of the day-to-day operation of the facility has been trained as described in section 7333(16)(f) of the code MCL 333.7333.
(2) The permit holder shall notify the department within 30 days of any change in the name and address of the individual trained as described in section 7333(16)(c), (d), or (f) of the code, MCL 333.7333.
(3) A permit holder shall comply with all of the following:
(a) Maintain a list of individuals who have received the training required in these rules.
(b) Maintain a list of the veterinarians who trained each individual.
(c) Maintain documentation that the training has been approved by the state veterinarian.
(d) Update the lists required in this subrule every 6 months.

(e) Keep the lists required in this subrule on the site of the animal control shelter.
(f) Make the lists required in this section available for inspection by the department or other authorized individual upon request.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

Editor's Note: An obvious error in R 338.3517 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in *Michigan Register,* 2021 MR 20. The memorandum requesting the correction was published in *Michigan Register,* 2021 MR 20.

R 338.3518 Animal sedation; training of personnel.
Rule 18. An applicant for a permit pursuant to R 338.3513(1) shall comply with the following requirements:
(a) The applicant shall complete a training consistent with section 7333(16)(c) of the code, MCL 333.7333.
(b) The applicant shall complete a training that has been approved by the state veterinarian.
(c) The applicant shall complete a training given by a veterinarian who is currently licensed in this state and is in good standing.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.3519 Rescinded.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.3520 Animal sedation; establish and maintain written procedures; monitoring continued proficiency and compliance.
Rule 20. (1) An animal control shelter shall establish and maintain written procedures for the administration of animal tranquilizers. These procedures must be kept on the permitted premises and must be available for inspection by the department.
(2) An individual's continued proficiency and a shelter's compliance with written procedures, in addition to compliance with all rules and regulations, may be monitored by the department.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.3521 Animal sedation; retention of records for receipt and administration of tranquilizing drugs.
Rule 21. (1) The permit holder shall maintain separate records of the receipt of animal tranquilizers and administration of animal tranquilizers at the animal control shelter.
(2) The receipt of animal tranquilizer records must include all of the following information pertaining to an animal tranquilizer:
(a) The date of acquisition.
(b) The quantity acquired.
(c) The drug name.
(d) The trade name of the drug.
(e) The lot number and strength of the animal tranquilizer.
(3) The administration of the animal tranquilizer records must include all of the following:
(a) The quantity used.
(b) The time and date it was administered.
(c) The name of the individual who administered the drug.
(d) The full description of the animal to which the animal tranquilizer was administered, which includes all of the following and is recorded in the animal's shelter or medical record:
(i) The species of the animal.
(ii) The breed of the animal.
(iii) The sex of the animal.
(iv) The age of the animal.
(v) The approximate weight of the animal.
(vi) The number associated with the animal if a number system is used.
(4) The permit holder shall record receipt of controlled substances on DOJ DEA order forms pursuant to 21 CFR part 1305 (2019). 21 CFR part 1305 is available at no cost on the internet at https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=1305. Printed copies of

21 CFR part 1305 are available for inspection and distribution at 10 cents per page from the Michigan Board of Pharmacy, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.
(5) The permit holder shall maintain records of administration for controlled substances pursuant to 21 CFR part 1304 (2019). The 21 CFR part 1304 is available at no cost on the internet at https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=1304. Printed copies of 21 CFR part 1304 are available for inspection and distribution at 10 cents per page from the Michigan Board of Pharmacy, the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.
(6) Permit holders shall keep records for a period of 2 years and make them available for inspection by the department or other authorized individual upon request.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.3522 Storage of animal tranquilizers.
Rule 22. All stocks of the animal tranquilizers must be stored in a securely locked, substantially constructed cabinet located in the facility, with access limited to the individuals described in R 338.3514(b), (f) and (g).
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.3523 Inspections.
Rule 23. The department may conduct an inspection of an animal control shelter before a permit is issued. The department or other authorized official may periodically make additional, unannounced inspections.
History: 2013 AACS; 2021 MR 20, Eff. Oct 28, 2021.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PHARMACY – PROGRAM FOR UTILIZATION OF UNUSED PRESCRIPTION DRUGS

R 338.3601
Source: 2014 AACS.

R 338.3603
Source: 2014 AACS.

R 338.3605
Source: 2014 AACS.

R 338.3607
Source: 2014 AACS.

R 338.3609
Source: 2014 AACS.

R 338.3611
Source: 2014 AACS.

R 338.3613
Source: 2014 AACS.

R 338.3615
Source: 2014 AACS.

R 338.3617
Source: 2014 AACS.

R 338.3619
Source: 2014 AACS.

R 338.3621
Source: 2014 AACS.

R 338.3623
Source: 2014 AACS.

R 338.3625
Source: 2014 AACS.

R 338.3627
Source: 2014 AACS.

R 338.3629
Source: 2014 AACS.

R 338.3631
Source: 2014 AACS.

R 338.3633
Source: 2014 AACS.

R 338.3635
Source: 2014 AACS.

R 338.3637
Source: 2014 AACS.

R 338.3639
Source: 2014 AACS.

R 338.3641
Source: 2014 AACS.

R 338.3643
Source: 2014 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PHARMACY TECHNICIANS

R 338.3651 Pharmacy technician licensure; eligibility; examination.
Rule 1. (1) An applicant for licensure by examination as a pharmacy technician shall submit a completed application on a form provided by the department, together with the appropriate fee unless the applicant is exempt from filing under any of the following exemptions pursuant to section 17739a(4) of the code, MCL 333.17739a:
(a) A student enrolled in a pharmacy technician program approved by the board under R 338.3655.
(b) A licensee who holds a temporary pharmacy technician license under R 338.3652 and section 17739b of the code, MCL 333.17739b.
(c) A licensee who holds a limited pharmacy technician licensee under section 17739c of the code, MCL 333.17739c.

(2) In addition to meeting the requirements of section 16174 of the code, MCL 333.16174, an applicant shall comply with all of the following requirements:
(a) Have graduated from an accredited high school or comparable school or educational institution or passed the general educational development test or the graduate equivalency examination.
(b) Have passed and provided proof to the department of passing any of the following examinations:
(i) The certified pharmacy technician examination given by the Pharmacy Technician Certification Board (PTCB) or the National Healthcareer Association (NHA).
(ii) A nationally recognized and administered pharmacy technician certification examination that has been approved by the board under R 338.3654.
(iii) An employer-based training program examination that has been approved by the board–under R 338.3654.
(c) Beginning March 16, 2021, an applicant shall submit proof of having completed training in identifying victims of human trafficking as required in R 338.3659.
History: 2016 AACS; 2021 MR 19, Eff. Oct 19, 2021.

R 338.3652 Temporary license.
Rule 2. (1) Subject to the limitations in section 16181 of the code, MCL 333.16181, and under section 17739b, of the code, MCL 333.17739b, the department may issue a nonrenewable, temporary license to an applicant who is preparing for the proficiency examination and has completed all requirements for licensure as a pharmacy technician except passing the proficiency examination required under section 17739a(1)(d) of the code, MCL 333.17739a.
(2) An applicant applying for a pharmacy technician temporary license shall submit a completed application on a form provided by the department, together with the appropriate fee.
(3) The temporary license expires 1 year after the date the temporary license is issued.
History: 2021 MR 19, Eff. Oct 19, 2021.

R 338.3653 Licensure by endorsement.
Rule 3. (1) An applicant for licensure by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. An applicant who meets the requirements of this rule is presumed to meet the requirements of section 16186 of the code, MCL 333.16186.
(2) An applicant shall satisfy all of the following requirements:
(a) Have graduated from an accredited high school or comparable school or educational institution, or passed the general educational development test or the graduate equivalency examination.
(b) Satisfy the requirements in section 16174 of the code, MCL 333.16174.
(c) Hold a pharmacy technician license or registration by examination in another state that is active and in good standing.
(d) Submit proof that the applicant passed 1 of the approved examinations specified in R 338.3651(2)(b).
(e) Beginning March 16, 2021, submit proof of having completed training in identifying victims of human trafficking as required in R 338.3659.
(3) In addition to meeting the requirements of subrules (1) and (2) of this rule, an applicant's license must be verified, on a form provided by the department, by the licensing agency of any state in which the applicant holds a current license or ever held a license as a pharmacy technician. Verification must be sent directly to the department from the licensing agency and include the record of any disciplinary action taken or pending against the applicant.
History: 2016 AACS; 2021 MR 19, Eff. Oct 19, 2021.

R 338.3654 Examination requirements; board approval; approval process.
Rule 4. (1) Except for the PTCB and NHA examinations, a nationally recognized pharmacy technician proficiency certification examination and an employer-based training program proficiency examination must be approved by the board.
(2) An employer-based training program proficiency examination must be offered in association with a specific employer-based training program and cover the topics specified in section 17739a(1)(d)(iv) of the code, MCL 333.17739a.
(3) An entity that offers a nationally recognized pharmacy technician proficiency certification examination shall submit to the department a completed application on a form provided by the department with proof of current national accreditation in order to be approved by the board. If the examination is nationally

accredited, after the department processes the application, it shall be considered approved by the board. If national accreditation is lost, the examination will no longer be approved by the board.
(4) An entity that offers an employer-based training program proficiency examination shall submit to the department a completed application on a form provided by the department and a copy of the examination with the correct answers clearly identified for each question.
(5) An entity that offers an employer-based training program proficiency examination shall submit a modification to a proficiency examination during its approval term to the department on a form provided by the department pursuant to the requirements of this rule.
(6) Beginning July 1, 2022, a nationally recognized certification proficiency examination or employer-based training program proficiency examination approved by the board before July 1, 2022, shall submit an application consistent with this rule for approval.
(7) Beginning July 1, 2022, the board's approval of an examination expires 5 years after the date of approval.
History: 2021 MR 19, Eff. Oct 19, 2021.

R 338.3655 Approved pharmacy technician programs.
Rule 5. (1) The following pharmacy technician programs are considered board-approved after a completed application on a form provided by the department along with proof of accreditation is submitted to and reviewed by the department:
(a) A pharmacy technician program including an employer-based training program that is accredited by the American Society of Health-System Pharmacists/Accreditation Council for-Pharmacy Education Pharmacy Technician Accreditation Commission (ASHP/ACPE).
(b) A pharmacy technician program that is offered by an education program that is accredited by the ASHP/ACPE or by an agency accredited by the United States Department of Education.
(2) If either of the following pharmacy technician programs do not meet the requirements in subrule (1) of this rule, the program may apply for board approval by submitting an application to the department on a form provided by the department, along with an attestation form that verifies compliance with the information required in subrule (3) of this rule.
(a) A comprehensive curriculum-based pharmacy technician education and training program conducted by a school that is licensed pursuant to the proprietary schools act, 1943 PA 148, MCL 395.101 to 395.103.
(b) A pharmacy technician training program utilized by a pharmacy that includes training in the functions, specified in section 17739(1) of the code, MCL 333.17739, and R 338.3665, required to assist the pharmacist in the technical functions associated with the practice of pharmacy.
(3) The contents of the training programs offered under subrule (2) of this rule must include all of the following:
(a) The duties and responsibilities of the pharmacy technician and a pharmacist, including the standards of patient confidentiality, and ethics governing pharmacy practice.
(b) The tasks and technical skills, policies, and procedures related to the pharmacy technician's position pursuant to the duties specified in section 17739(1) of the code, MCL 333.17739, and R 338.3665.
(c) The pharmaceutical-medical terminology, abbreviations, and symbols commonly used in prescriptions and drug orders.
(d) The general storage, packaging, and labeling requirements of drugs, prescriptions, or drug orders.
(e) The arithmetic calculations required for the usual dosage determinations.
(f) The essential functions related to drug, purchasing, and inventory control.
(g) The recordkeeping functions associated with prescriptions or drug orders.
(4) The pharmacy technician program shall maintain a record of a student's pharmacy technician training and education, specified in this rule, for 3 years after a student completes or leaves the program, whichever is earlier, that must include all of the following:
(a) The full name and date of birth of the pharmacy technician student.
(b) The starting date of the pharmacy technician program and date the student successfully completed the program.
(c) The program syllabus and activities performed in the program.
(5) A student shall complete a board-approved pharmacy technician program within 2 years of beginning the program in order to maintain his or her exemption from licensure in subrule (6) of this rule, and R 338.3651.
(6) A student in a board-approved pharmacy technician program is exempt from, and not eligible for, licensure while in the program.

(7) Beginning July 1, 2022, a pharmacy technician program that was board approved before July 1, 2022, must reapply and meet the requirements of this rule. Beginning July 1, 2022, the board's approval of a program expires 5 years after the date of approval. After 5 years, upon review by the department, a pharmacy technician program may be reapproved if it has maintained its accreditation.
History: 2016 AACS; 2021 MR 19, Eff. Oct 19, 2021.

R 338.3657 Relicensure requirements for pharmacy technicians.
Rule 7. An applicant for relicensure whose pharmacy technician license has lapsed under the provisions of section 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements:

(a) For a pharmacy technician who has let his or her license lapse and who is not currently licensed in another state:	Lapsed 0-3 years	Lapsed more than 3 years
(i) Application and fee: Submit a completed application on a form provided by the department, together with the requisite fee.	√	√
(ii) Good moral character: Establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√
(iii) Submit fingerprints: Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√
(iv) Continuing education: Submit proof of having completed 20 hours of continuing education specified in R 338.3661(1)(c) that was completed within the 2-year period preceding the date of the application for relicensure. If the continuing education hours submitted with the application are deficient, an applicant shall have 2 years from the date of the application to complete the deficient hours. The application will be held, and the license will not be issued until the continuing education requirements have been met.	√	√
(v) Examination: Within 2 years of the period preceding the application for relicensure, pass 1 of the examinations specified in R 338.3651(2)(b)(i) to (iii).		√
(vi) Beginning March 16, 2021, an applicant shall submit proof of having completed training in identifying victims of human trafficking as required in R 338.3659.	√	√
(vii) Verification: Submit verification from the licensing agency of all other states of the United States in which the applicant has ever held a license to practice as a pharmacy technician. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√

History: 2016 AACS; 2021 MR 19, Eff. Oct 19, 2021.

R 338.3659. Training standards for identifying victims of human trafficking; requirements.
Rule 9. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual licensed or seeking licensure shall complete training in identifying victims of human trafficking that meets the following standards:
(a) Training content covers all of the following:
(i) Understanding the types and venues of human trafficking in the United States.
(ii) Identifying victims of human trafficking in health care settings.
(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
(iv) Resources for reporting the suspected victims of human trafficking.
(b) Acceptable providers or methods of training include any of the following:

(i) Training offered by a nationally-recognized or state-recognized health-related organization.
(ii) Training offered by, or in conjunction with, a state or federal agency.
(iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
(iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
(c) Acceptable modalities of training include any of the following:
(i) Teleconference or webinar.
(ii) Online presentation.
(iii) Live presentation.
(iv) Printed or electronic media.
(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the first renewal cycle after March 16, 2016, and for initial licenses issued after March 16, 2021.
History: 2016 AACS; 2021 MR 19, Eff. Oct 19, 2021.

R 338.3661 License renewals; continuing education requirements.
Rule 11. (1) A licensee seeking renewal of a pharmacy technician's license, who has been licensed for the 2-year period preceding the end of the license cycle, shall during the 2 years immediately preceding the application for renewal, comply with all of the following:
(a) Submit to the department a completed application for renewal on a form provided by the department together with the requisite fee.
(b) Complete the training in identifying victims of human trafficking as required in R 338.3659.
(c) Except as otherwise provided in subrule (6) of this rule, comply with 1 of the following:
(i) Complete a proficiency examination as specified in R 338.3651(2)(b)(i) to (iii).
(ii) Complete not less than 20 hours of continuing education courses or programs approved by the board, during the 2 years preceding the application for renewal, that meet all of the following requirements:
(A) No more than 12 hours of continuing education credit may be earned during a 24-hour period.
(B) An applicant shall not earn credit for taking the same continuing education course or program twice during 1 renewal period.
(C) Not less than 5 of the continuing education credits must be earned by attending live courses, programs or activities that provide for direct interaction with instructors, peers, and participants, including but not limited to lectures, meetings, symposia, real-time teleconferences or webinars, and workshops.
(D) Continuing education credit must be earned as follows:

Subjects		Number of continuing education hours required or permitted for each activity
(I)	Pain and symptom management relating to the practice of pharmacy.	Minimum: 1 hour
(II)	Patient safety.	Minimum: 1 hour
(III)	Pharmacy law.	Minimum: 1 hour

(IV)	Pharmacy-related subject matter, including the following topics: Medication or drug distribution. Inventory control systems. Mathematics and calculations. Biology. Pharmaceutical sciences. Therapeutic issues. Pharmacy operations. Pharmacology, drug therapy, or drug products. Preparation of sterile products. Prescription compounding. Drug repackaging. Patient interaction, ~~or~~ interpersonal skills, and communication.	Minimum: 17 hours in any combination of the pharmacy-related subject matters included in this subparagraph. Instruction in each subject is not required.

(2) A continuing education course or program that is offered or approved by any of the following providers is approved by the board:~~–~~
(a) A pharmacy technician educational program that has been approved by the board.
(b) A course or program approved by another state board of pharmacy.
(c) A program approved by the ASHP/ACPE.
(d) A course or program approved by the board under R 338.3663.
(3) Submission of an application for renewal shall constitute the applicant's certification of compliance with this rule. The licensee shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.
(4) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.
(5) If audited, a licensee shall submit to the department a copy of a letter or certificate of completion that includes all of the following:
(a) The licensee's name.
(b) The number of hours earned.
(c) The sponsor name or the name of the organization that approved the program or activity.
(d) The date on which the program was held or activity completed.
(6) Effective for applications for renewal that are filed for the renewal cycle that begins 1 year or more after the effective date of this subrule, an applicant shall meet the requirements of this subrule and the requirements in subrules (1)(a) and (b), (3), and (4) of this rule. An applicant for license renewal, who has been licensed for the entire 2-year period preceding the end of the license cycle, shall during the 2 years immediately preceding the application for renewal complete not less than 20 hours of continuing education approved by the board under R 338.3662 as follows:
(a) An applicant for license renewal shall complete 1 hour in pharmacy ethics and jurisprudence.
(b) An applicant for license renewal shall complete 1 hour in pain and symptom management in the practice of pharmacy that includes, but is not limited to, courses in the following subjects:
(i) Behavior management.
(ii) Psychology of pain.
(iii) Pharmacology.
(iv) Behavior modification.
(v) Stress management.
(vi) Clinical applications as they relate to professional practice.
(c) An applicant for license renewal shall complete 1 hour in patient safety.
(d) An applicant for license renewal shall earn no more than 12 hours of continuing education during a 24-hour period.
(e) An applicant for license renewal shall not earn credit for taking the same continuing education course or program twice during 1 renewal period.

(f) An applicant for license renewal shall earn not less than 5 hours of continuing education in live courses, programs, or activities that provide for direct interaction with instructors, peers, and participants including, but not limited to, lectures, meetings, symposia, real-time teleconferences or webinars, and workshops.
History: 2016 AACS; 2021 MR 19, Eff. Oct 19, 2021.

R 338.3662 Format of acceptable continuing education for licensees.
Rule 12. Effective for applications for renewal that are filed for the renewal cycle that begins 1 year or more after the effective date of this subrule, the board shall consider all of the following as acceptable continuing education:

FORMAT OF ACCEPTABLE CONTINUING EDUCATION ACTIVITIES		
(a)	Completion of an approved continuing education course or program related to the practice of pharmacy. A continuing education course or program is approved, regardless of the format in which it is offered, if it is approved or offered for continuing education credit by any of the following: • A pharmacy program accredited by the ASHP/ACPE or the Canadian Council for Accreditation of Pharmacy Programs (CCAPP). • A continuing education sponsoring organization, institution, or individual approved by the ASHP/ACPE. • Another state board of pharmacy. If audited, a licensee shall submit to the department a copy of a letter or certificate of completion showing the licensee's name, number of hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held, or activity completed.	The number of hours earned will be the number of hours approved by the sponsor or the approving organization. If the activity was not approved for a set number of hours, then 1 credit hour for every 50 minutes of participation may be earned. No limitation on the number of hours earned.
(b)	Completion of pharmacy practice or administration courses offered for credit in a pharmacy program accredited by the ASHP/ACPE or the CCAPP. If audited, a licensee shall submit to the department an official transcript that reflects completion of the postgraduate pharmacy practice or administration course and number of semester or quarter credit hours earned.	Twelve hours of continuing education will be credited for each academic quarter credit earned and 18 hours will be credited for each academic semester credit earned. No limitation on the number of hours earned.
(c)	Participation in a home study program offered through an ASHP/ACPE-approved provider or other instructional approaches that include an evaluation component including, but not limited to, on-line continuing education programs and journal articles. If audited, a licensee shall submit to the department an affidavit attesting to the number of hours the licensee spent participating in the home study program that includes a description of the activity.	One hour will be earned for each hour devoted to a home study program. A maximum of 20 hours per renewal period.
(d)	Renewal of a pharmacy technician license held in another state that requires continuing education for license renewal that is substantially equivalent in	Twenty hours will be earned. A maximum of 20 hours may be earned

	subject matter and total amount of required hours to that required in these rules if the licensee resides and practices in another state. If audited, a licensee shall submit to the department proof of current licensure in another state and a copy of a letter or certificate of completion showing all of the following: the licensee's name, number of hours earned, the sponsor's name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or the activity was completed.	in each renewal period.
(e)	Initial publication of an article or a chapter related to the practice of pharmacy in either of the following: • A pharmacy textbook. • A peer reviewed journal. If audited, a licensee shall submit to the department a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	Ten hours will be earned per publication. A maximum of 10 hours may be earned in each renewal period.
(f)	Presentation of a continuing education program approved by the board under R 338.3663 or subdivision (a) of this rule that is not a part of the licensee's regular job description. If audited, a licensee shall submit to the department a copy of the curriculum and a letter from the program sponsor verifying the length and date of the presentation.	Two hours will be earned for every 50 minutes devoted to presenting the program. A maximum of 10 hours may be earned in each renewal period.
(g)	Attendance at a pharmacy-related program, that is approved by the board pursuant to R 338.3663. If audited, a licensee shall submit to the department a copy of a letter or certificate of completion showing the licensee's name, number of hours earned, sponsor name or the name of the organization that approved the program or course for continuing education credit, and the date on which the program was held or the activity was completed.	The number of hours earned will be the number of hours approved by the sponsor or the approving organization. If the activity was not approved for a set number of hours, then 1 credit hour for every 50 minutes of participation may be earned. No limitation on the number of hours earned.

History: 2021 MR 19, Eff. Oct 19, 2021.

R 338.3663 Continuing education standards for approval.
Rule 13. (1) A continuing education course or program that is not pre-approved under R 338.3661(2) or 338.3662(a) may be approved by the board by the course or program sponsor submitting to the department a completed application on a form provided by the department, no later than 70 days before the course or program date, and no later than 70 days before the next regularly scheduled board meeting. A course or program conducted before board consideration and approval shall be denied approval. The application and supporting documentation must include all of the following information:
(a) A course or program schedule that includes all of the following:
(i) The date of the course or program.
(ii) The topics to be covered in the course or program.
(iii) The names of all of the speakers.
(iv) Break times.

(b) An explanation of how the course or program is designed to further educate pharmacy technicians, including a short narrative describing the program content and the criteria for the selection of this topic.
(c) Copies of instructional objectives that have been developed.
(d) Copies of all promotional and advertising materials for the course or program.
(e) The name, title, and address of the course or program director and a description of his or her qualifications to direct the course or program.
(f) A description of how the amount of continuing education credit to be awarded for this course or program was determined.
(g) A description of how participants will be notified that continuing education credit has been earned.
(h) A description of the physical facilities, lab, or pharmacy available to ensure a proper learning environment.
(i) A copy of the curriculum vitae for each instructional staff member.
(j) A description of the delivery method to be used and the techniques that will be employed to assure active participation.
(k) A copy of the post-test instrument that will be used for participant evaluation.
(l) A description of how post tests will be administered, corrected, and returned to participants.
(m) A description of how post-test performance will influence the awarding of continuing education credit.
(n) A description of how attendance will be monitored, including sample documents, and the name of the person monitoring attendance.
(2) A course or program must meet the standards and criteria for an acceptable category of continuing education in effect at the time of application and must be relevant to health care and advancement of the licensee's pharmacy technician education.
(3) The continuing education course or program approved under subrule (1) of this rule must meet all of the following:
(a) Be an organized course or program of learning that contributes to the advancement and enhancement of professional competency and scientific knowledge in the practice of pharmacy and be designed to reflect the educational needs of pharmacy technicians.
(b) Have a scientific and educational integrity and contain generally accepted pharmacy practices.
(c) Have an outline that demonstrates consistency with the course or program description and reflects the course or program content.
(d) Be taught in a manner appropriate to the educational content, objectives, and purpose of the course or program and allow suitable time to be effectively presented to the audience.
(e) Provide instructors who have the necessary qualifications, training, and experience to teach the course or program.
(f) Provide for active participation and involvement from the participants.
(g) Offer educational materials for each continuing education activity that enhances the participant's understanding of the content and foster applications to pharmacy practice.
(h) Include learning assessments in each activity that allow pharmacy technicians to assess their achievement of the learned content. Completion of a learning assessment is required for continuing education content.
(4) Board approval is valid for a 3-year term from the date of the board's approval.
(5) The board shall reevaluate a course or program before any changes are made during the approval term, including but not limited to, changes to either of the following:
(a) Instructors and speakers.
(b) Course or program content, title, and number of continuing education hours to be awarded to participants.
(6) All of the following apply regarding changes to a previously approved course or program:
(a) Subject to subdivision (b) of this rule, all changes to a previously approved course or program must be submitted on required department forms at least 70 days before the date the course or program is offered to participants and at least 70 days before the next regularly scheduled board meeting to be considered for approval by the board. Any changes to a submitted and previously approved course or program, other than those approved under subdivision (b) of this subrule, must not be made to the course or program without prior approval.
(b) Emergency changes to instructors and speakers that cannot be submitted to the board at least 70 days before the date of the course or program or at least 70 days before the next regularly scheduled board meeting may be reviewed by the department in consultation with the board chair or a continuing education board committee member if proof that is acceptable to the department and that supports the nature of the emergency is submitted with the change.

(c) The specific dates that the course or program will be offered do not require further board approval and may be changed without review by the board if the presentation dates are within the board's original 3-year term of approval.
(7) The provider or sponsor of a course or program shall issue certificates or letters of attendance that include all of the following:
(a) The name of the sponsor.
(b) The name of the course or program.
(c) The name of the attendee.
(d) The date of the course or program.
(e) The continuing education approval number assigned by the department and current approval term.
(f) The signature of the person responsible for attendance monitoring and his or her title.
(g) The number and type of hours awarded.
(8) The provider or sponsor of a course or program shall maintain records of the information contained in subrule (7) of this rule for 5 years after the course or program is offered to participants.
(9) The board may revoke the approval status of any approved course or program at any time the course or program fails to comply with these rules.
History: 2016 AACS; 2021 MR 19, Eff. Oct 19, 2021.

R 338.3665 Performance of activities and functions; delegation.
Rule 15. In addition to performing the functions described in section 17739(1) of the code, MCL 333.17739, a licensed pharmacy technician may also engage in the following tasks, under the delegation and supervision of a licensed pharmacist:
(a) Reconstituting non-sterile dosage forms consistent with approved labeling provided by the manufacturer of a commercially available product.
(b) Technology-assisted final product verification, which includes all the following:
(i) A second licensed pharmacy technician verifies the work of the first licensed pharmacy technician to perform final product verification.
(ii) The first-licensed pharmacy technician processes a medication order or prescription.
(iii) The first-licensed pharmacy technician processes the medication order or prescription using bar coding or another board-approved error prevention technology.
(iv) A pharmacist verifies the first-licensed pharmacy technician's processing of the medication order or prescription.
(v) The second licensed pharmacy technician technology-assisted final product verification is subject to all of the following requirements:
(A) The licensed pharmacy technician holds a current full pharmacy technician license in this state, not a temporary or limited license.
(B) The licensed pharmacy technician performing technology-assisted final product verification has completed a board approved pharmacy technician program under R 338.3655.
(C) The licensed pharmacy technician performing technology-assisted final product verification has not less than 1,000 hours of pharmacy technician work experience in the same kind of pharmacy practice site in which the technology-assisted final product verification is performed while he or she holds a current full pharmacy technician license in this state, not a temporary or limited license.
(D) The practice setting where a licensed pharmacy technician performs technology-assisted final product verification has in place policies and procedures including a quality assurance plan governing pharmacy technician technology-assisted final product verification.
(E) The licensed pharmacy technician uses a technology-enabled verification system to perform final product verification.
(F) The technology enabled verification system must document and electronically record each step of the prescription process including which individuals complete each step.
(G) A licensed pharmacy technician shall not perform technology-assisted final product verification for sterile or nonsterile compounding.
(H) Technology-assisted final product verification by a licensed pharmacy technician is not limited to a practice setting.
(I) Except for a remote pharmacy that is regulated under sections 17742a and 17742b of the code, MCL 333.17742a and MCL 333.17742b, a pharmacy technician shall not participate in technology-assisted final product verification remotely. Technology-assisted product verification must be done on-site.

(J) A pharmacist using his or her professional judgment may choose to delegate technology-assisted final product verification after ensuring licensed pharmacy technicians have completed and documented relevant training and education.
History: 2016 AACS; 2021 MR 19, Eff. Oct 19, 2021.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PODIATRY

CONTINUING EDUCATION

R 338.3701
Source: 2014 AACS.

R 338.3702
Source: 2014 AACS.

R 338.3703
Source: 2014 AACS.

R 338.3704
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R 338.3712
Source: 1979 AC.

BOARD OF VETERINARY MEDICINE

PUBLIC CONDUCT AT MEETINGS

R 338.3801
Source: 2015 AACS.

ADMINISTRATIVE HEARINGS—VETERINARY MEDICINE

R 338.3821
Source: 1997 AACS.

R 338.3822
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R 338.3823
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Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

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R 338.3901
Source: 2020 AACS.

R 338.3901a
Source: 2020 AACS.

R 338.3902
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R 338.3910
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PART 2. EDUCATION

R 338.3911
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PART 3. REGISTRATION

R 338.3921
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R 338.3975
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PRIVATE EMPLOYMENT BUREAU

GENERAL RULES

R 338.4001
Source: 1997 AACS.

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DENTISTRY

PART 1. GENERAL PROVISIONS

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Source: 1997 AACS.

R 338.4102
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R 338.4103
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R 338.4125
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PART 2. PROFESSIONAL CONDUCT AND LICENSURE

R 338.4201
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R 338.4202
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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

VETERINARY MEDICINE - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.4901 Definitions.
Rule 1. (1) As used in these rules:
(a) “Animal patient” means an animal as defined in section 18802(2) of the code, MCL 333.18802.
(b) "Board" means the Michigan board of veterinary medicine created in section 18821 of the code, MCL 333.18821.
(c) "Client" means an owner, as defined in section 18802(3) of the code, MCL 333.18802, or a responsible party of the animal patient.
(d) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
(e) "Department" means the department of licensing and regulatory affairs.
(2) A term defined in the code has the same meaning when used in these rules.
History: 1979 ACS 8, Eff. Nov. 25, 1981; 2011 AACS; 2016 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.4901a Telehealth services.
Rule 1a. (1) A veterinarian providing a telehealth service shall do all of the following:
(a) Ensure that the client knows the identity and contact information of the veterinarian providing the telehealth service. Upon request, the veterinarian shall provide his or her licensure information including the name of the state where he or she is licensed and his or her license number.
(b) Ensure that the technology method and equipment used to provide telehealth services complies with all current privacy-protection laws.
(c) Employ sound professional judgment to determine whether using telehealth is an appropriate method for delivering medical advice or treatment to the animal patient.
(d) Have sufficient knowledge of the animal patient to render telehealth services demonstrated by satisfying 1 of the following:
(i) Have recently examined the animal patient in person or have obtained current knowledge of the animal patient through the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically.
(ii) Have conducted medically appropriate and timely visits to the premises where the group of animal patients is kept.
(e) Act within the scope of his or her practice.
(f) Exercise the same standard of care applicable to a traditional, in-person veterinary care service.
(g) Make himself or herself readily available to the animal patient for follow up veterinary services or ensure there is another suitable provider available for follow up care.

(2) Consent for medical advice and treatment shall be obtained before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.
(3) Evidence of consent for medical advice and treatment must be maintained in the animal patient's medical record.
(4) A veterinarian providing a telehealth service may prescribe a drug if the veterinarian is a prescriber acting within the scope of his or her practice and in compliance with section 16285 of the code, MCL 333.16285.
History: 2021 MR 8, Eff. Ap. 15, 2021.

PART 2. EXAMINATION AND EDUCATION

R 338.4902 Rescinded.
History: 1981 AACS; 1990 AACS; 2011 AACS; 2016 AACS; 2019 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.4903 Examination; approval and adoption; passing score.
Rule 3. (1) The board approves and adopts the North American Veterinary Licensing Examination (NAVLE) developed by the International Council for Veterinary Assessment (ICVA) or its predecessor organization.
(2) The passing score for the NAVLE is the score determined by the ICVA or its predecessor organization.
History: 1981 AACS; 1990 AACS; 2011 AACS; 2019 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.4904 Approval of veterinary colleges; adoption of standards.
Rule 4. (1) The board approves and adopts by reference the standards for Accrediting Colleges of Veterinary Medicine adopted by the American Veterinary Medical Association (AVMA) Council on Education entitled "Accreditation Policies and Procedures of the AVMA Council on Education," September 2020.
(2) A copy of the "Accreditation Policies and Procedures of the AVMA Council on Education" is available at https://www.avma.org/sites/default/files/2020-10/COE-pp-September-2020.pdf. A copy is available for inspection and distribution at a cost of 10 cents per page from the Board of Veterinary Medicine, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.
History: 1981 AACS; 1990 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

PART 3. LICENSURE

R 338.4905 Licensure by examination; requirements.
Rule 5. An applicant for a veterinary license by examination shall submit a completed application on a form provided by the department, together with the required fee. In addition to meeting the requirements of the code, an applicant shall satisfy both of the following:
(a) Have satisfied 1 of the following educational requirements:
(i) Graduated from a veterinary college that satisfies the requirements of R 338.4904.
(ii) Obtained a certificate from the Educational Commission for Foreign Veterinary Graduates (ECFVG) of the AVMA.
(iii) Obtained a certificate from the Program for the Assessment of Veterinary Education Equivalence (PAVE) from the American Association of Veterinary State Boards (AAVSB).
(b) Have achieved a passing score on the examination adopted in R 338.4903.
History: 1981 AACS; 1990 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.4906 Licensure by endorsement; requirements.
Rule 6. (1) An applicant for a veterinary license by endorsement shall submit a completed application on a form provided by the department together with the required fee. In addition to meeting the requirements of the code, an applicant shall satisfy 1 of the following:
(a) An applicant who has been licensed as a veterinarian and actively practicing in another state of the United States for 5 or more years is presumed to have satisfied section 16186 of the code, MCL 333.16186.
(b) An applicant who has been licensed as a veterinarian for less than 5 years shall satisfy both of the following:
(i) Have achieved a passing score on the examination adopted under R 338.4903.
(ii) Have satisfied 1 of the following requirements:
(A) Graduated from a veterinary college that satisfies R 338.4904.

(B) Obtained a certificate from the ECFVG of the AVMA.
(C) Obtained a certificate from the PAVE from the AAVSB.
(2) The applicant's license in good standing must be verified by the licensing agency of any state of the United States in which the applicant holds or ever held a license as a veterinarian. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.
History: 1981 AACS; 1990 AACS; 2011 AACS; 2016 AACS; 2019 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.4907 Educational limited license; requirements; limitations.
Rule 7. (1) An applicant for an educational limited license shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code, an applicant shall meet both of the following:
(a) Achieve a passing score on the examination adopted in R 338.4903.
(b) Be admitted as a student to a postgraduate training program at a college of veterinary medicine that satisfies the requirements of R 338.4904.
(2) The holder of an educational limited license shall not do either of the following:
(a) Engage in the practice of veterinary medicine outside of his or her postgraduate training program in the college of veterinary medicine approved by the board for the training.
(b) Hold himself or herself out to the public as being independently engaged in the private practice of veterinary medicine.
History: 1981 AACS; 1990 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.4907a Clinical academic limited license requirements; limitations.
Rule 7a. (1) An applicant for a clinical academic limited license shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code, the applicant shall have been appointed to the academic faculty of a Michigan college of veterinary medicine that is approved by the board pursuant to R 338.4904.
(2) A clinical academic limited license authorizes the holder to engage in the practice of veterinary medicine only to the extent necessary to fulfill his or her employment obligations as a clinical instructor at a college of veterinary medicine approved by the board. The holder of a clinical academic limited license shall not do either of the following:
(a) Engage in the practice of veterinary medicine outside of the limitations specified by the college of veterinary medicine at the time of appointment to the academic faculty and in conjunction with the application for limited license.
(b) Hold himself or herself out to the public as being independently engaged in the private practice of veterinary medicine.
History: 2021 MR 8, Eff. Ap. 15, 2021.

R 338.4907b Senior student limited license requirements; limitations.
Rule 7b. (1) An applicant for a senior student limited license issued pursuant to section 18812(1) of the code, MCL 333.18812, shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code, the applicant must be a senior student in a Doctor of Veterinary Medicine program at a college of veterinary medicine approved by the board pursuant to R 338.4904 and satisfy all of the following:
(a) Provide a letter of enrollment as a senior student in good standing from the dean of a veterinary school approved by the board pursuant to R 338.4904.
(b) Achieve a passing score on the examination adopted in R 338.4903.
(c) Submit a form provided by the department that contains the name and signature of the Michigan-licensed supervising veterinarian acknowledging assumption of the supervisory responsibilities included in section 18802(4) of the code, MCL 333.18802.
(2) A senior student limited licensee shall not do either of the following:
(a) Engage in the practice of veterinary medicine except under the supervision of the Michigan-licensed veterinarian who signed the form submitted to the department pursuant to subrule (1)(c) of this rule.
(b) Hold himself or herself out to the public as being independently engaged in the private practice of veterinary medicine.
(3) The senior student limited license is granted for 1 year and may not be renewed.
History: 2021 MR 8, Eff. Ap. 15, 2021.

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

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

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

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

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

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

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

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

History: 2021 MR 8, Eff. Ap. 15, 2021.

R 338.4908 Rescinded.

History: 1981 AACS; 1990 AACS; 2011 AACS; 2016 AACS; 2019 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.4909 Relicensure.

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

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

(2) For an applicant who has let his or her Michigan license lapse and is currently licensed in another state or Canada.		Lapsed 0-3 years	Lapsed more than 3 years
(a)	Application and fee: submit a completed application on a form provided by the department, together with the required fee.	√	√
(b)	Good moral character: establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√
(c)	Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√
(d)	Continuing education: submit proof of having completed 45 hours of continuing education that satisfy the requirements of R 338.4933.	√	√
(e)	License verification: an applicant's license in good standing shall be verified by the licensing agency of each state or province of Canada in which the applicant holds or ever held a license as a veterinarian. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.	√	√

History: 1981 AACS; 1990 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

PART 4. SUPERVISION AND DELEGATION

R 338.4910 Supervision of veterinary student or limited licensee by veterinarian.
Rule 10. If a veterinarian is supervising a veterinary student or limited licensee, the veterinarian shall provide the supervision included in section 18802(4) of the code, MCL 333.18802, which requires that degree of close physical proximity necessary for the supervising veterinarian to directly observe and monitor the performance of the veterinary student or limited licensee to ensure that the student's or limited licensee's performance is within the scope of the order, assignment, or prescription of the veterinarian and being performed with the skill expected by the supervising veterinarian.
History: 1981 AACS; 1990 AACS; 2016 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.4911 Limitations on delegation; veterinarian supervision of delegatee's performance.
Rule 11. (1) Except as limited by section 16215(1) of the code, MCL 333.16215, a veterinarian may delegate the performance of an act, task, or function that falls within the practice of veterinary medicine to an individual who is otherwise qualified to perform the act, task, or function.
(2) Before delegating an act, task, or function that falls within the practice of veterinary medicine, the veterinarian shall first examine the animal patient on which the delegated act, task, or function is to be performed and determine the appropriate treatment for the animal patient.
(3) The delegating veterinarian shall observe, monitor, and supervise the delegatee's performance to the extent necessary to ensure that the delegatee's performance is within the scope of the delegation given and being performed with the skill expected by the delegating veterinarian.
History: 1981 AACS; 1990 AACS; 2011 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.4912
Source: 1997 AACS.

R 338.4913 Rescinded.
History: 1981 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.4914 Rescinded.
History: 1981 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.4914a Rescinded.
History: 1990 AACS; 2011 AACS; 2019 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.4915 Rescinded.
History: 1981 AACS; 1990 AACS; 2011 AACS; 2016 AACS; 2019 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.4916
Source: 1997 AACS.

R 338.4917
Source: 1997 AACS.

R 338.4918
Source: 2016 AACS.

R 338.4919
Source: 1981 AACS.

R 338.4920 Rescinded.
History: 1990 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

PART 5. MEDICAL RECORDS

R 338.4921 Medical records; requirements.
Rule 21. (1) A veterinarian who practices veterinary medicine in this state shall maintain a medical record for each animal patient, herd, flock, or other group of animals that accurately reflects the veterinarian's evaluation and treatment of the animal patient or group of animals rendered in person or through a telehealth service. Entries in the medical record must be made in a timely fashion.
(2) Records must be legible and retrievable. A record may be maintained in either a written, electronic, audio, or photographic format.
(3) A record for an individual animal patient, group, herd, flock, or other group of animals must document all of the following:
(a) Identification includes, but is not limited to, a tattoo, tag number, lot number, pen number, age, name, markings, sex, and species, as available.
(b) Date of the last veterinary service.
(c) Name, address, and telephone number of the client.
(d) Location of the animal patient or patients, if not at the location of the veterinary practice.
(e) Reason for the contact including, but not limited to, the case history, problem ~~and/~~or signs of a problem, and whether the contact was a routine health visit or an emergency call.
(f) Vaccination history, when appropriate and if known.
(g) Results of the physical examination and a list of abnormal findings.
(h) Laboratory reports and other reports, when appropriate.
(i) Diagnostic procedures utilized and the reports that pertain to these procedures.
(j) Procedures performed including, but not limited to, surgery and rectal palpations.
(k) Daily progress notes, if hospitalized.
(l) Documentation of informed consent, if appropriate.
(m) Documentation of diagnostic options and treatment plans.
(n) Records of any client communication deemed relevant.
(o) Documentation of prescribed medication.

(4) Records must be maintained for a minimum of 7 years from the date of the last veterinary service.
(5) Medical records are confidential and must not be released without the consent of the client or as required to protect public health or by law.
(6) Copies of medical records must be provided upon written request from the client.
History: 2011 AACS; 2016 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.4922
Source: 2016 AACS**.**

R 338.4923
Source: 2016 AACS**.**

R 338.4924
Source: 2016 AACS**.**

PART 6. LICENSE RENEWAL AND CONTINUING EDUCATION

R 338.4931 License renewal; continuing education.
Rule 31. (1) Beginning with licenses that expire on December 31, 2022, and for all renewals thereafter, an applicant for license renewal shall have completed at least 45 hours of continuing education that satisfy the requirements of R 338.4933 in the 3 years preceding the application for renewal.
(2) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The department may require a licensee to submit evidence to demonstrate compliance with this rule.
(3) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.
(4) The licensee shall retain documentation of satisfying the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.
History:2019 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 338.4933 Acceptable continuing education; requirements; limitations.
Rule 33. (1) The 45 hours of continuing education required pursuant to R 338.4931(2) must comply with all of the following:
(a) Not more than 12 continuing education hours may be earned during one 24-hour period.
(b) A licensee may not earn credit for a continuing education program or activity that is identical or substantially identical to a program or activity for which the licensee has already earned credit during the renewal period.
(c) A minimum of 30 hours of continuing education is scientific in nature. A continuing education program or activity is scientific in nature if it includes the science of diagnosis, treatment, and prevention of disease as it relates directly to an animal patient or topics such as public veterinary practice, epidemiology, food safety, public health, animal welfare, or antimicrobial stewardship.
(d) A minimum of 1 hour of continuing education must relate to medical records.
(e) A minimum of 1 hour of continuing education must relate to state veterinary law or federal or state controlled substance laws, or both.
(f) A maximum of 33 hours of continuing education may be completed in activities that use online, electronic, or printed format or by completing an activity that does not require or permit synchronous or live interaction during the activity.
(g) A minimum of 12 hours of continuing education must be completed by satisfying 1 of the following:
(i) Earning 12 hours of continuing education in an activity attended live and in person.
(ii) Earning not less than 6 hours of continuing education in an activity attended live and in person and earning the remainder of the 12 required hours of continuing education by completing an activity that requires or permits synchronous, live interaction with the presenter, other participants, or both during the activity.
(h) No more than 15 hours of continuing education may be earned collectively for activities in subrule (2)(d) to (h) of this rule.
(2) The following is acceptable continuing education:

Activity Code	Activity and Proof of Completion	Number of continuing education hours granted/permitted
(a)	Attendance at or participation in a continuing education program or activity related to the practice of veterinary medicine or any non-clinical subject relevant to the practice of veterinary medicine, education, administration, management, or science which includes, but is not limited to, live, in-person programs; interactive or monitored teleconferences; audio-conferences; web-based programs; online programs; or journal articles or other self-study programs approved or offered by any of the following: • AAVSB Registry of Continuing Education (RACE). • American Veterinary Medical Association (AVMA). • World Veterinary Association (WVA). • Michigan Veterinary Medical Association (MVMA). • A state veterinary board of another state. • Local, state, or regional professional organization. • Member institution of the Association of the American Veterinary Medical Colleges (AAVMC). • AVMA constituent allied organizations and recognized veterinary specialty organizations. • Centers for Disease Control & Prevention (CDC). • The United States Department of Agriculture, Animal and Plant Health Inspection Service, if the program is a training module included in the National Veterinary Accreditation Program. If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, the sponsor's name or the name organization that approved the activity, and the date on which the program was held or the activity completed.	The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or approving organization for the specific program or activity.
(b)	Attendance at or participation in a continuing education program or activity related to the practice of veterinary profession which includes but is not limited to: live, in-person programs; interactive or monitored teleconferences; audio-conferences; web-based programs; online programs; and journal articles or other self-study programs, approved or offered by any of the following: • American Medical Association (AMA). • Michigan State Medical Society (MSMS). • Accreditation Council for Continuing Medical Education (ACCME). • American Osteopathic Association (AOA). • Michigan Osteopathic Association (MOA). • Michigan Pharmacy Association (MPA).	The number of continuing education hours for a specific activity or program is the number of hours approved by the sponsor or approving organization for the specific program or activity. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.

	• Educational courses offered by regionally accredited colleges and universities relating to the husbandry of food producing animals. • Accreditation Council for Pharmacy Education. If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, the sponsor's name or the name of the organization that approved the activity, and the date on which the program was held or the activity completed.	
(c)	Initial presentation of a continuing education program related to the veterinary profession. To receive credit, the presentation must not be part of the licensee's regular job description and must be approved or offered for continuing education by any of the following: • AAVSB – RACE. • AVMA. • WVA. • MVMA. • A state veterinary board of another state. • AMA. • MSMS. • ACCME. • AOA. • MOA. • MPA. • Member institution of the AAVMC. • AVMA constituent allied organizations and recognized veterinary specialty organizations. • Educational courses offered by regionally accredited colleges and universities relating to the husbandry of food producing animals. • CDC. Initial presentation of a scientific exhibit, poster, paper, or clinical demonstration to a veterinary medicine or veterinary technician program. To receive credit, the presentation must not be part of the licensee's regular job description. If audited, the licensee shall submit a copy of the document presented with evidence of the presentation or a letter from the program sponsor verifying the length and date of the presentation.	Two hours of continuing education are granted for each 50 to 60 minutes of presentation. No additional credit is granted for the preparation of the presentation. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period.
(d)	Initial publication of an article related to the practice of veterinary profession in a peer-reviewed journal. If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	Five hours of continuing education are granted for serving as the primary author. Two hours of continuing education are granted for serving as the secondary author. A maximum of 5 hours of continuing education

		may be earned for this activity in each renewal period.
(e)	Initial publication of a chapter related to the practice of veterinary profession in a professional or peer-reviewed textbook. If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	Five hours of continuing education are granted for serving as the primary author. Two hours of continuing education are granted for serving as a secondary author. A maximum of 15 hours of continuing education may be earned for this activity in each renewal period.
(f)	Service as a clinical instructor for veterinary students engaged in an educational program that satisfies the requirements of R 338.4904. To receive credit, the clinical instructorship must not be the licensee's primary employment function. If audited, the licensee shall submit proof of scheduled instructional hours and a letter from the program director verifying the licensee's role.	Two hours of continuing education are granted for each 50 to 60 minutes of scheduled instruction. Additional credit for preparation of a lecture is not to be granted. A maximum of 15 hours may be earned for this activity in each renewal period.
(g)	Participation on a state or national committee, board, council, or association related to the veterinary profession. A committee, board, council, or association is considered acceptable by the board if it enhances the participant's knowledge and understanding of the practice of veterinary medicine. If audited, the licensee shall submit documentation verifying the licensee's participation in at least 75% of the regularly scheduled meetings of the committee, board, council, or association.	Two hours of continuing education are granted for each committee, board, council, or association. A maximum of 2 hours of continuing education may be earned for this activity in each renewal period.
(h)	Provide individual supervision to a disciplinarily limited veterinarian. If audited, the licensee shall provide documentation from the department confirming the number of hours and the dates that the licensee spent supervising the disciplinarily limited veterinarian.	One hour of continuing education credit is granted for each 50 to 60 minutes of supervision provided. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.

History: 2019 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

VETERINARY TECHNICIAN — GENERAL RULES

PART 1. GENERAL RULES

R 338.4971 Definitions.
Rule 1. (1) As used in these rules:
(a) "Animal patient" means an animal as defined in section 18802(2) of the code, MCL 333.18802.
(b) "Board" means the Michigan board of veterinary medicine created in section 18821 of the code, MCL 333.18821.

(c) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
(d) "Department" means the department of licensing and regulatory affairs.
(2) A term defined in the code has the same meaning when used in these rules.
History: 1981 AACS; 2011 AACS; 2016 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

PART 2. EDUCATION AND EXAMINATION

R 338.4971a Approval of veterinary technician training programs; standards adopted by reference.
Rule 1a. (1) The board approves and adopts by reference the standards for accrediting programs for training veterinary technicians adopted by the American Veterinary Medical Association's (AVMA) Committee on Veterinary Technician Education and Activities (CVTEA) entitled "Accreditation Policies and Procedures of the AVMA Committee on Veterinary Technician Education and Activities," July 2020.
(2) The standards for accrediting programs for training veterinary technicians adopted by the CVTEA are available at no cost from the AVMA website at http://www.avma.org. A copy of the standards is available for inspection or distribution at a cost of 10 cents per page from the Board of Veterinary Medicine, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.
History: 2021 MR 23, Eff. Dec. 16, 2021.

R 338.4971b Examination; approval and adoption; passing score.
Rule 1b. (1) The board approves and adopts the Veterinary Technician National Examination (VTNE) developed by the American Association of Veterinary State Boards (AAVSB) or its predecessor organization.
(2) The passing score for the VTNE is the score determined by the AAVSB or its predecessor organization.
History: 2021 MR 23, Eff. Dec. 16, 2021.

PART 3. LICENSURE

R 338.4972 Licensure by examination; requirements.
Rule 2. An applicant for a Michigan veterinary technician license by examination shall submit a completed application on a form provided by the department, together with the required fee. In addition to meeting the requirements of the code an applicant shall satisfy both of the following requirements:
(a) Have successfully completed a program for training veterinary technicians approved and adopted in R 338.4971a. The educational institution must provide the department with the applicant's final, official transcript.
(b) Have achieved a passing score on the examination approved and adopted in R 338.4971b.
History: 1981 AACS; 1990 AACS; 2011 AACS; 2016 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.4973
Source: 2019 AACS.

R 338.4974
Source: 1997 AACS.

R 338.4975
Source: 1997 AACS.

R 338.4976 Licensure by endorsement; requirements.
Rule 6. An applicant for a Michigan veterinary technician license by endorsement shall hold an active license in good standing in another state and submit a completed application on a form provided by the department, together with the required fee. In addition to satisfying the requirements of the code and the administrative rules promulgated under the code, an applicant shall comply with all of the following requirements:
(a) Establish that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to MCL 338.47.
(b) Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.

(c) Achieve a passing score on the examination approved under R 338.4971b.
(d) Comply with both of the following:
(i) Disclose each license, registration, or certification in a health profession or specialty issued by any other state, the United States military, the federal government, or another country on the application form.
(ii) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.
History: 1981 AACS; 1990 AACS; 2011 AACS; 2016 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.4977
Source: 1997 AACS.

R 338.4978 Rescinded.
History: 1981 AACS; 1990 AACS; 2011 AACS; 2016 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.4979
Source: 1997 AACS.

R 338.4980
Source: 1997 AACS.

R 338.4981
Source: 1997 AACS.

R 338.4982 Relicensure.
Rule 12. (1) An applicant whose license has lapsed may be relicensed upon submission of the appropriate documentation as noted in the table below by (√):

(a) For an applicant who has let his or her Michigan license lapse and is not currently licensed in another state or registered in Canada.		Lapsed 0-3 years	Lapsed more than 3 years
(i)	Submit a completed application on a form provided by the department, together with the required fee.	√	√
(ii)-	Establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√
(iii)-	Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√
(iv)-	Submit proof of having completed 15 hours of continuing education that satisfy the requirements of R 338.4993.	√	√
(v)	Achieve a passing score on the examination approved under R 338.4971b within 3 years before the application for relicensure.		√
(vi)	An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country, shall do both of the following: (A) Disclose each license, registration, or certification on the application form.	√	√

	(B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.		
(b) For an applicant who has let his or her Michigan license lapse and is currently licensed in another state or registered in Canada.		Lapsed 0-3 years	Lapsed more than 3 years
(i)	Submit a completed application on a form provided by the department, together with the required fee.	√	√
(ii)	Establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√
(iii)	Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√
(iv)	Submit proof of having completed 15 hours of continuing education that satisfy the requirements of R 338.4993.	√	√
(v)	An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country, shall do both of the following: (A) Disclose each license, registration, or certification on the application form. (B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.	√	√

(2) If relicensure is granted and it is determined that a sanction has been imposed by another state, the United States military, the federal government, or another country, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

History: 1981 AACS; 1990 AACS; 2011 AACS; 2016 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.4983
Source: 1997 AACS.

R 338.4984
Source: 1981 AACS.

PART 4. LICENSE RENEWAL; CONTINUING EDUCATION

R 338.4991 License renewals; continuing education.
Rule 91. (1) Beginning with licenses that expire on December 31, 2022, and for all renewals thereafter, an applicant for license renewal shall have completed at least 15 hours of continuing education that satisfies the requirements of R 338.4993 in the 3 years immediately preceding the application for renewal.
(2) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The department may require a licensee to submit evidence to demonstrate compliance with this rule.
(3) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.
(4) The licensee shall retain documentation of satisfying the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.
History: 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.4993 Acceptable continuing education; requirements; limitations.
Rule 93. (1) The 15 hours of continuing education required under R 338.4991(1) for the renewal of a veterinary technician license must satisfy all of the following:
(a) Not more than 12 hours may be earned during one 24-hour period.
(b) A licensee may not earn credit for a continuing education program or activity that is identical or substantially identical to a program or activity for which the licensee has already earned credit during the same renewal period.
(c) A minimum of 10 hours of continuing education must be scientific in nature. A continuing education program or activity is scientific in nature if it includes the science of diagnosis, treatment, and prevention of disease as it relates directly to an animal patient or topics of public veterinary practice, epidemiology, food safety, public animal health, animal welfare, or antimicrobial stewardship.
(d) A minimum of 5 hours of continuing education must be completed in-person or through live, synchronous contact.
(e) A maximum of 5 hours of continuing education may be earned collectively for activities in subrule (2)(c) to (g) of this rule.
(2) The board considers any of the following as acceptable continuing education:

Activity Code	Activity and Proof of Completion	Number of continuing education hours granted/permitted for activity
(a)	Attendance at or participation in a continuing education program or activity related to practice as a veterinary technician or any nonclinical subject relevant to practice as a veterinary technician in a veterinary practice, education, administration, management, or science which includes, but is not limited to, live, in-person programs; interactive or monitored teleconferences, audio-conferences, or web-based programs; online programs; and journal articles or other self-study programs approved or offered by any of the following: American Association of Veterinary State Board (AAVSB) Registry of Continuing Education (RACE). American Veterinary Medical Association (AVMA). World Veterinary Association (WVA). Michigan Veterinary Medical Association (MVMA). Michigan Association of Veterinary Technicians (MAVT). A state veterinary board of another state.	The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or the approving organization for the specific program or activity.

	Local, state, or regional professional organization. Member institution of the Association of American Veterinary Medical Colleges (AAVMC). All AVMA constituent allied organizations and recognized veterinary specialty organizations. AVMA accredited veterinary technician program. If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, the sponsor's name or the name of the organization that approved the activity for continuing education credit, the name of the program or activity, and the date on which the program was held or the activity completed.	
(b)	Attendance at or participation in a continuing education program or activity related to practice as a veterinary technician which includes, but is not limited to, live-in person programs; interactive or monitored teleconferences; web-based programs; online programs; and journal articles or other self-study programs approved by or offered by any of the following: American Medical Association (AMA). Michigan State Medical Society (MSMS). Accreditation Council for Continuing Medical Education (ACCME). American Osteopathic Association (AOA). Michigan Osteopathic Association (MOA). Educational courses offered by a regionally accredited college or university relating to the husbandry of food producing animals. If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, the sponsor's name or the name of the organization that approved the activity, and the date on which the program was held or the activity completed.	The number of continuing education hours for a specific activity or program is the number of hours approved by the sponsor or approving organization for the specific program or activity. A maximum of 2 hours of continuing education may be earned for this activity in each renewal period.
(c)	Initial presentation of a continuing education program related to practice as a veterinarian technician provided to a state, regional, national, or international veterinary medicine organization. To receive credit, the presentation must not be part of the licensee's regular job description and must be approved or offered for continuing education credit by any of the following: MVM-RACE. AVMA. WVA. MVMA. MAVT. A state veterinary board of another state. AMA.	Two hours of continuing education are earned for each 50 to 60 minutes of presentation. No additional credit is earned for preparation of the presentation. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.

	MSMS. ACCME. AOA. MOA. Member institution of the AAVMC. All AVMA constituent allied organizations and recognized veterinary specialty organizations. Educational courses offered by a regionally accredited college or university relating to the husbandry of food producing animals. If audited, the licensee shall submit a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as presenter, and the name of the organization that approved or offered the presentation for continuing education credit.	
(d)	Initial publication of an article related to practice as a veterinary technician in a peer-reviewed journal. If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or co-author or a publication acceptance letter.	Five hours of continuing education are earned for serving as the primary author. Two hours of continuing education are earned for serving as the secondary author. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.
(e)	Initial publication of a chapter related to practice as a veterinary technician in a professional or peer-reviewed textbook. If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or co-author or a publication acceptance letter.	Five hours of continuing education are earned for serving as the primary author. Two hours of continuing education are earned for serving as the secondary author. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.
(f)	Service as a clinical instructor for veterinary technician students engaged in an educational program that satisfies the requirements of R 338.4971a. To receive credit, the clinical instructorship shall not be the licensee's primary employment function. If audited, the licensee shall submit proof of scheduled instructional hours and a letter from the program director verifying the licensee's role.	Two hours of continuing education are earned for each 50 to 60 minutes of scheduled instruction. No additional credit is earned for preparation of the lecture. A maximum of 5 hours may be earned for this activity in each renewal period.
(g)	Participation on a state or national committee, board, council, or association related to practice as a veterinary technician. A committee, board, council, or association is considered acceptable by the board if it enhances the participant's knowledge and understanding of practice as a veterinary technician. If audited, the licensee shall submit documentation verifying the licensee's participation in at least 75% of the regularly scheduled meetings of the committee, board, council, or association.	Two hours of continuing education are earned for each committee, board, council, or association. A maximum of 2 hours of continuing education may be earned for this activity in each renewal period.

History: 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

ACCOUNTANCY – GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.5101 Definitions.
Rule 101. (1) As used in these rules:
(a) "Act" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.
(b) "Audit" or "examination" means an examination applying generally accepted auditing standards, including any procedure undertaken to verify or test the reasonableness of financial information with a view of expressing an opinion or commenting on the fairness of the presentation.
(c) "Board" means the Michigan board of accountancy created under section 721 of the act, MCL 339.721.
(d) "Continuing education period" means all or part of a year beginning July 1 and ending June 30.
(e) "Continuous instruction" means education time not including breakfast, lunch, or dinner periods, coffee breaks, or any other breaks in the program.
(f) "Disclose" means to provide a written communication from a Certified Public Accountant (CPA) or a CPA firm informing the client, prior to making a recommendation or referral, that the CPA or CPA firm will receive a commission, referral fee, or contingency fee from a third party for recommendations or referrals of products or services, or both.
(g) "Enterprise" means a person, persons, or entity for which an individual licensee, a firm licensee, an individual with practice privileges, or an out-of-state firm performs professional services.
(h) "Financial statements" means statements and related footnotes that show financial position, results of operations, and cash flows on the basis of generally accepted accounting principles or another comprehensive basis of accounting. The term does not include incidental financial data included in management advisory services reports to support recommendations to a client and does not include tax returns and supporting schedules of tax returns.
(i) "Generally accepted accounting principles" means accounting principles of professional conduct, promulgated by the applicable nationally or internationally recognized professional standard setting organization, related to individual accounting engagements.
(j) "Generally accepted auditing standards" means the standards of professional conduct, promulgated by the applicable nationally or internationally recognized professional standard setting organization, related to individual audit engagements.
(k) “Individual with practice privileges” means an individual who practices in this state under section 727a of the act, MCL 339.727a.
(l) “Nano-learning program” means a tutorial program designed to permit a participant to learn a given subject in a 10-minute time frame through the use of electronic media and without interaction with a real-time instructor.
(m) “Out-of-state firm” means a firm that is permitted to provide certain services and use the title “CPA firm” without obtaining a Michigan firm license under section 728 of the act, MCL 339.728, under the conditions in section 728(4) and (5) of the act, MCL 339.728.
(n) "Professional engagement" means an agreement between a client and an individual licensee, a firm licensee, an individual with practice privileges, or an out-of-state firm relative to the performance of professional services.
(o) "Professional services" means any services performed or offered to be performed by an individual licensee, a firm licensee, an individual with practice privileges, or an out-of-state firm for a client in the course of the practice of public accounting, under section 720 of the act, MCL 339.720.
(p) "Qualifying hours" means continuing education hours that satisfy part 3 of these rules.
(2) A term defined in the act has the same meaning when used in these rules.
History: 1979 AC; 1986 AACS; 1996 AACS; 1998-2000 AACS; 2007 AACS; 2013 AACS; 2017 AACS; 2019 AACS; 2021 MR 9, Eff. May 5, 2021.

R 338.5102 Standards of professional practice adopted by reference.
Rule 102. (1) The following standards are adopted by reference:
(a) The standards issued by the American Institute of CPAs (AICPA), 220 Leigh Farm Road, Durham, North Carolina, 27707, set forth in the publication "AICPA Professional Standards" updated June 1, 2020, and any statements issued as of the effective date of this rule, which are available at a cost of $249.00 from the institute's website at http://www.aicpa.org.
(b) The standards issued by the Public Company Accounting Oversight Board (PCAOB), 1666 K Street NW, Washington, District of Columbia, 20006, set forth in the publication entitled "PCAOB Standards and Related Rules" 2020 edition, and any updates issued as of the effective date of this rule, which are available at no cost from the AICPA at http://www.aicpa.org.
(c) The auditing standards issued by the Government Accountability Office, 441 G. St., NW, Washington, District of Columbia, 20548, in the publication entitled "Government Auditing Standards 2018 Revision" issued on July 17, 2018, which are available at no cost on the Office's website at https://www.gao.gov/assets/700/693136.pdf.
(d) The auditing standards issued by the International Auditing and Assurance Standards Board (IAASB), 529 5th Avenue, New York, New York, 10017, in the publication entitled "2018 Handbook of International Quality Control, Auditing, Review, Other Assurance, and Related Pronouncements" issued on December 17, 2018, and any related pronouncements issued as of the effective date of this rule, which are available at no cost from the IAASB's website at https://www.iaasb.org/publications/2018-handbook-international-quality-control-auditing-review-other-assurance-and-related-services-26.
(e) The accounting standards issued by the Financial Accounting Standards Board
(FASB), 401 Merritt 7, P.O. Box 5116, Norwalk, Connecticut, 06856, in the publication entitled "FASB Accounting Standards Codification" as of July 20, 2020, and any updates published as of the effective date of this rule, which are available at no cost from the board's website at https://asc.fasb.org.
(f) The accounting standards issued by the Governmental Accounting Standards Board
(GASB), 407 Merritt 7, P.O. Box 5116, Norwalk, Connecticut, 06856, in the publication entitled "GASB Codification" as of June 30, 2019, and any pronouncements published as of the effective date of this rule, which are available at a cost of $132.00 from the board's website at http://gasb.org.
(g) The accounting standards issued by the International Accounting Standards Board,
30 Cannon Street, London EC4M 6XH, United Kingdom, in the publication entitled "2018 International Financial Reporting Standards IFRS® (Red Book)" and any pronouncements issued as of the effective date of this rule, which are available at a cost of £78.00 from the board's website at http://www.ifrs.org.
(h) The United States Securities and Exchange Commission (SEC) rules contained in 17 CFR chapter 2 and the SEC's Interpretative Releases and Policy Statements issued as of the effective date of this rule. The SEC rules may be obtained free of charge at http://www.ecfr.gov. The SEC's Interpretative Releases and Policy Statements may be obtained free of charge at https://www.sec.gov.
(2) Copies of the standards adopted in this rule are available for inspection and distribution at the cost of 10 cents per page from the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 W. Ottawa Street, P.O. Box 30670, Lansing, Michigan, 48909.
(3) A licensee shall satisfy the applicable standards adopted in subrule (1) of this rule.
History: 2007 AACS; 2013 AACS; 2017 AACS; 2019 AACS; 2021 MR 9, Eff. May 5, 2021.

R 338.5103
Source: 2013 AACS.

R 338.5104
Source: 2013 AACS.

R 338.5105
Source: 2013 AACS.

R 338.5110 Rescinded.
History: 1979 AC; 1986 AACS; 1996 AACS; 1998-2000 AACS; 2013 AACS; 2021 MR 9, Eff. May 5, 2021.

PART 2. LICENSURE REQUIREMENTS

R 338.5110a Uniform CPA exam procedures.
Rule 110a. The following procedures apply to the uniform CPA exam:
(a) Applicants may take the required exam sections individually and in any order.
(b) Applicants shall pass all sections of the exam within a rolling 18-month period beginning on the date that the first section is passed. If all sections are not passed within the rolling 18-month period, then credit for any section passed outside the 18-month period expires and must be retaken.
(c) The department may extend the rolling 18-month period under subdivision (b) of this rule due to the sickness of the candidate or a member of the candidate's immediate family if substantiated by a doctor's certificate or if the candidate provides the department with proof of a death in the candidate's immediate family, temporary military service, or another good reason acceptable to the department. A candidate shall make a request for an extension within 90 days of the date of the exam. If extended, an applicant's exam does not count as a failure to write the exam.
(d) The department or the entity contracted with the department to administer the exam may permit a candidate to sit for the exam in another state if the candidate complies with all the requirements for sitting for the exam under these rules.
(e) The department grants a candidate credit for exam grades of 75 or higher earned in another state if the candidate satisfies the educational requirements to sit for the exam and if the board determines the exam was equivalent to the exam provided by the department.
(f) An applicant may retake an exam section once the applicant's grade for any previous attempt of the same exam section has been released.
History: 2003 AACS; 2013 AACS; 2021 MR 9, Eff. May 5, 2021.

R 338.5111
Source: 2013 AACS.

R 338.5112 Rescinded.
History: 1986 AACS; 1998-2000 AACS; 2013 AACS; 2021 MR 9, Eff. May 5, 2021.
R 338.5114
Source: 2013 AACS.

R 338.5115 Educational requirements for uniform CPA exam; approved educational institutions; adoption of accreditation standards by reference.
Rule 115. (1) To satisfy section 725(1)(b) and (2) of the act, MCL 339.725, an individual shall supply proof of both of the following:
(a) Completion of a curriculum required for a baccalaureate degree consisting of not less than 120 semester hours at a higher education institution approved under subrule (3) of this rule or considered substantially equivalent under subrule (4) of this rule.
(b) Completion of a concentration in accounting at a higher education institution approved under subrule (3) of this rule or considered substantially equivalent under subrule (4) of this rule, that includes all the accounting and general business subjects under subrule (2) of this rule.
(2) A concentration in accounting must include all the following accounting and general business subjects:
(a) Auditing: 3 semester hours.
(b) Twenty-four semester hours of general business subjects, other than accounting, that may include study in any of the following subjects:
(i) Business communications.
(ii) Business ethics.
(iii) Business law.
(iv) Economics.
(v) Finance.
(vi) Management.
(vii) Marketing.
(viii) Information systems or technology.
(ix) Quantitative methods.
(x) Statistics.

(xi) Other subjects approved by the department.
(c) Twenty-one semester hours of accounting principles that must include study in each of the following areas:
(i) Financial accounting and accounting theory.
(ii) Managerial accounting, including cost accounting.
(iii) Accounting systems and controls.
(iv) Taxation.
(v) Governmental/fund accounting.
(3) The board adopts by reference the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR part 602, and the policies and procedures for recognition of accrediting organizations of the Council of Higher Education Accreditation (CHEA), effective June 28, 2019. The federal recognition criteria may be obtained from the United States Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Washington, District of Columbia, 20202 and are available at no cost at http://www.ecfr.gov. The policies and procedures may be obtained from CHEA, One Dupont Circle NW, Suite 510, Washington, DC 20036 and are available at no cost at http://www.chea.org.
(4) An individual who attended an unaccredited higher education institution shall establish that he or she has completed educational requirements at a higher education institution that satisfies accreditation requirements substantially equivalent to those recognized in subrule (3) of this rule by providing a credential evaluation completed by either the National Association of State Boards of Accountancy (NASBA) or a credential evaluation organization that is a current member organization of the National Association of Credential Evaluation Services (NACES).
(5) Copies of the standards and criteria adopted by reference in this rule are available for inspection and distribution at the cost of 10 cents per page from the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 W. Ottawa Street, P.O. Box 30670, Lansing, Michigan, 48909.
History: 1979 AC; 1982 AACS; 1986 AACS; 1996 AACS; 1998-2000 AACS; 2013 AACS; 2017 AACS; 2019 AACS; 2021 MR 9, Eff. May 5, 2021.

R 338.5116 Educational requirements for certificate of certified public accountant.
Rule 116. (1) To satisfy section 725(1)(e) of the act, MCL 339.725, an individual shall supply proof of all the following to the department:
(a) Completion of at least 150 semester hours at a higher education institution approved under R 338.5115(3) or considered substantially equivalent under R 338.5115(4).
(b) Completion of a baccalaureate degree or higher degree from a higher education institution approved under R 338.5115(3) or considered substantially equivalent under R 338.5115(4).
(c) Completion of a concentration in accounting under R 338.5115(1)(b) and R 338.5115(2) at a higher education institution approved under R 338.5113(3) or considered substantially equivalent under R 338.5115(4).
(2) A person may earn credit only once for an accounting or general business topic. If the department determines that 2 courses are duplicative, then only the semester hours of the first course are counted toward the semester hour requirement.
History: 2013 AACS; 2019 AACS; 2021 MR 9, Eff. May 5, 2021.

R 338.5117
Source: 2013 AACS.

R 338.5120
Source: 2013 AACS.

R 338.5125
Source: 1997 AACS.

R 338.5130
Source: 1998-2000 AACS.

R 338.5135

Source: 1997 AACS.

R 338.5139
Source: 2013 AACS.

R 338.5140
Source: 2013 AACS.

R 338.5145
Source: 2013 AACS.

R 338.5147
Source: 1998-2000 AACS.

R 338.5150
Source: 1998-2000 AACS.

R 338.5155
Source: 1998-2000 AACS.

R 338.5160
Source: 1997 AACS.

R 338.5165
Source: 1997 AACS.

R 338.5170
Source: 1997 AACS.

R 338.5201
Source: 1997 AACS.

R 338.5205
Source: 1997 AACS.

PART 3. CONTINUING EDUCATION

R 338.5210 License renewals; continuing education requirements; applicability; continuing education waiver; reciprocity.
Rule 210. (1) This part applies to applications for renewal of an accountancy license under sections 411 and 729 of the act, MCL 339.411 and 339.729. An applicant for renewal shall submit the required fee and a completed application on a form provided by the department. Both of the following apply:
(a) Under section 729(1) of the act, MCL 339.729, an applicant for renewal who is a nonresident licensee as defined under section 720(1)(g) of the act, MCL 339.720, is considered to have met the requirements under this part if he or she satisfies all of the following requirements:
(i) Submits the required fee and a completed application on a form provided by the department.
(ii) The state in which his or her principal place of business is located requires continuing education for renewal of that state's accountancy license.
(iii) Has met the continuing education requirements of the state in which his or her principal place of business is located.
(b) If audited, the applicant shall provide a copy of the license that was renewed by the state in which his or her principal place of business is located.
(2) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. Both of the following apply:
(a) An applicant shall retain documentation required by R 338.5215 as proof of satisfying the requirements under this rule for 4 years from the date of applying for license renewal.
(b) A licensee is subject to audit under this part and may be required to submit the documentation as

described by R 338.5215 upon request of the department.
(3) A request for a continuing education waiver under section 204(2) of the act, MCL 339.204, must be received by the department before the expiration date of the license.
History: 1979 AC; 1986 AACS; 1996 AACS; 1998-2000 AACS; 2007 AACS; 2013 AACS; 2019 AACS; 2021 MR 9, Eff. May 5, 2021.

R 338.5211
Source: 1998-2000 AACS.

R 338.5215 Acceptable continuing education; requirements; limitations.
Rule 215. (1) The continuing education hours required for renewal must satisfy the following requirements:

Acceptable Continuing Education		
	Activity and proof of completion	Number of continuing education hours earned for the Activity
(a)	Attendance in a group program that satisfies all the following requirements: The subject matter of the program complies with R 338.5255. The program is conducted by an instructor or discussion leader whose background, training, education, or experience makes it appropriate for him or her to lead a discussion on the subject matter. The sponsor of the program takes individual attendance. The sponsor of the program issues to each attendee a program outline and a written certification of the attendee's hours of attendance. The sponsor of the program maintains written records of individual attendance and the program outline for 4 years. If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, total continuing education hours earned, sponsor name and contact information, course title, course field of study, date offered or completed, and type of instruction or delivery method used.	Fifty minutes of continuous instruction equals 1 continuing education hour. Additional credit is granted after the first 50 minutes for continuous instruction in the following amounts: One-half credit (0.5 credit) for every additional 25 minutes. One-fifth credit (0.2 credit) for every additional 10 minutes.
(b)	Completion of an individual nano-learning program that satisfies all the following requirements: The subject matter of the program complies with R 338.5255. The program is an educational course designed for nano-learning delivery. The program uses instructional methods that define a minimum of 1 learning objective. The program guides the participant through a program of learning and provides proof of a participant's satisfactory completion of the program. The sponsor requires the participant to successfully complete a qualified assessment with a passing grade of 100% before issuing credit for the course. The sponsor of the program issues the participants a written certification of the participants' completion of the program and a program outline. The sponsor of the program maintains written records of the participant's completion of the program and the program outline for 4 years.	Credit is awarded as 1/5 credit (0.2 credit) for each nano-learning program completed. A nano-learning course cannot be combined with another nano-learning course. A combined maximum of 20 continuing education hours may be earned under this activity and activity (f) during each continuing education period.

	If audited, the licensee shall submit a copy of a letter or certificate of completion provided by the program sponsor verifying the licensee's name, number of continuing education hours earned, sponsor name and contact information, course title, course field of study, date completed, and type of instruction or delivery method used.	
(c)	Passing a noncredit academic course that satisfies both of the following requirements: The subject matter of the course complies with R 338.5255. The course is offered by an educational institution that complies with R 338.5115. If audited, the licensee shall submit a letter from the institution confirming the name and course number of the course completed, number of classroom hours attended, and the date of satisfactory course completion.	Each 50 minutes of continuous instruction equals 1 continuing education hour.
(d)	Passing a for-credit academic course that satisfies both of the following requirements: The subject matter of the course complies with R 338.5255. The course is offered by an educational institution that complies with R 338.5115. If audited, the licensee shall submit a copy of an official transcript or a letter from the institution confirming the name and course number of the course completed, credit hours earned, and date of satisfactory course completion.	Fifteen continuing education hours are granted for each academic credit hour.
(e)	Classroom work as a teacher, instructor, speaker, or lecturer that is part of an academic course of which the subject matter complies with R 338.5255 and is offered at an educational institution that complies with R 338.5115 or conducting a group program that satisfies the requirements under activity (a) as a teacher, instructor, lecturer, speaker, or seminar discussion leader. If audited, the licensee shall submit a copy of the confirmation letter provided by the program sponsor or the institution verifying the licensee's name, number of hours of classroom work or hours spent conducting the group program, course title, course field of study, and dates of the presentation or instruction.	Three continuing education hours are granted for every 50 minutes of continuous instruction. A maximum of 20 continuing education hours may be earned during each continuing education period.
(f)	Completion of an individual self-study program that satisfies all the following requirements: The subject matter of the program complies with R 338.5255. The program is an educational course designed for self-study. The sponsor of the program issues the participants a written certification of the participant's completion of the program and a program outline. The sponsor of the program maintains written records of the participant's completion of the program and the program outline for 4 years. If audited, the licensee shall submit a copy of a letter or certificate of completion provided by the program sponsor verifying the licensee's name, number of continuing education hours earned,	Twenty-five minutes of continuous instruction equals ½ (0.5 credit) of 1 continuing education hour. One-fifth (0.2 credit) of 1 continuing education hour is granted for every additional 10 minutes of continuous instruction after the first 25 minutes of continuous instruction. A combined maximum of 20 continuing education hours may

	sponsor name and contact information, course title, course field of study, date completed, and type of instruction or delivery method used.	be earned under this activity and activity (b) during each continuing education period.
(g)	A course in professional ethics that complies with the requirements of activity (a), (b), (c), (d), (e), or (f) is approved if the subject matter of the course complies with R 338.5255(2). If audited, the licensee shall submit a copy of a letter or certificate of completion provided by the program sponsor verifying the licensee's name, number of continuing education hours earned, sponsor name and contact information, course title, course field of study, date completed, and type of instruction or delivery method used.	Continuing education hours are granted in an amount allowed under the type of activity for which the course qualifies.
(h)	Completion of a course in Michigan statutes and administrative rules applicable to public accountancy that satisfies all the following requirements: The content of the course is created by the Michigan Association of Certified Public Accountants. The course provider issues the participants a written certification of the participant's completion of the course and a course outline. The sponsor of the program maintains written records of the participant's completion of the course and the course outline for 4 years. If audited, the licensee shall submit a copy of a letter or certificate of completion provided by the program sponsor verifying the licensee's name, number of continuing education hours earned, sponsor name and contact information, course title, course field of study, date completed, and type of instruction or delivery method used.	Fifty minutes of continuous instruction equals 1 continuing education hour.

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

History: 1979 AC; 1986 AACS; 1996 AACS; 1998-2000 AACS; 2003 AACS; 2019 AACS; 2021 MR 9, Eff. May 5, 2021.

R 338.5216
Source: 2019 AACS.

R 338.5217
Source: 2019 AACS.

R 338.5218
Source: 2019 AACS.

R 338.5220
Source: 1997 AACS.

R 338.5221
Source: 1998-2000 AACS.

R 338.5225
Source: 1997 AACS.

R 338.5230 Relicensure; continuing education.
Rule 230. (1) An applicant for relicensure whose license has lapsed for less than 3 years after the expiration date of the last license may be relicensed under section 411(3) of the act, MCL 339.411(3), if the applicant satisfies both of the following requirements:
(a) Submits the required fee and a completed application on a form provided by the department.
(b) Submits proof to the department of the completion of 40 hours of continuing education within the 12 months immediately preceding the date of filing the relicensure application. However, if the continuing education hours submitted with the application are deficient, the application will be held by the department and the applicant shall provide proof of completing the deficient hours within 1 year of the date of filing the relicensure application. The 40 hours must satisfy all the following requirements:
(i) Satisfy the requirements of R 338.5215.
(ii) Eight of the 40 hours are in auditing and accounting.
(iii) Two of the 40 hours are in professional ethics.
(iv) One of the 2 hours is in professional ethics that satisfies the requirements under R 338.5215(1)(h).
(2) An applicant whose license has been lapsed for 3 or more years after the expiration date of the last license may be relicensed under section 411(4) of the act, MCL 339.411(4), if the applicant satisfies all of the following requirements:
(a) Submits the required fee and a completed application on a form provided by the department.
(b) Establishes that he or she holds a valid and unrevoked certificate as a certified public accountant that was issued under section 725 or 726 of the act, MCL 339.725 and 339.726.
(c) Submits proof to the department of the completion of 40 hours of continuing education within the 12 months immediately preceding the date of filing the relicensure application. However, if the continuing education hours submitted with the application are deficient, the applicant has 1 year from the date of filing the application to provide proof of completing the deficient hours. The 40 hours must satisfy all the following requirements:
(i) Satisfy the requirements of R 338.5215.
(ii) Eight of the 40 hours are in auditing and accounting.
(iii) Two of the 40 hours are in professional ethics.
(iv) One of the 2 hours is in professional ethics that satisfies the requirements under R 338.5215(1)(h).
(3) The continuing education hours required for the continuing education period of the year in which the license is granted under this rule are prorated starting with the month following the date of relicensure.
(4) The department shall not calculate the period of a lapsed license based on a current or lapsed registration. A registrant whose license has lapsed for less than 3 years shall satisfy the requirements under subrule (1) of this rule. A registrant whose license has lapsed for 3 years or more shall satisfy the requirements under subrule (2) of this rule.
History: 1979 AC; 1986 AACS; 1996 AACS; 1998-2000 AACS; 2003 AACS; 2013 AACS; 2019 AACS; 2021 MR 9, Eff. May 5, 2021.

R 338.5235
Source: 1997 AACS.

R 338.5240
Source: 2019 AACS.

R 338.5245
Source: 1997 AACS.

R 338.5250
Source: 1997 AACS.

R 338.5255
Source: 2019 AACS.
R 338.5260
Source: 2013 AACS.

R 338.5265
Source: 1997 AACS.

R 338.5270
Source: 2013 AACS.

R 338.5275
Source: 1998-2000 AACS.

R 338.5280
Source: 1997 AACS.

R 338.5285
Source: 1997 AACS.

R 338.5301
Source: 1997 AACS.

R 338.5303
Source: 1997 AACS.

R 338.5304
Source: 1997 AACS.

R 338.5305
Source: 1998-2000 AACS.

R 338.5309
Source: 1997 AACS.

R 338.5311
Source: 1997 AACS.

R 338.5313
Source: 1997 AACS.

R 338.5315
Source: 1997 AACS.

R 338.5317
Source: 1997 AACS.

R 338.5319
Source: 1997 AACS.

R 338.5321
Source: 1997 AACS.

R 338.5323
Source: 1997 AACS.

R 338.5325
Source: 1997 AACS.

R 338.5327
Source: 1997 AACS.

R 338.5329
Source: 1997 AACS.

R 338.5331
Source: 1997 AACS.

R 338.5333
Source: 1997 AACS.

R 338.5335
Source: 1997 AACS.

R 338.5337
Source: 1997 AACS.

R 338.5339
Source: 1997 AACS.

R 338.5341
Source: 1997 AACS.

R 338.5343
Source: 1997 AACS.

R 338.5345
Source: 1998 - 2000 AACS.

R 338.5347
Source: 1997 AACS.

R 338.5349
Source: 1997 AACS.

R 338.5351
Source: 1997 AACS.

PART 4. PROFESSIONAL CONDUCT

R 338.5401
Source: 2013 AACS.

R 338.5405
Source: 2017 AACS.

R 338.5410
Source: 1997 AACS.

R 338.5415
Source: 1997 AACS.

R 338.5420
Source: 1997 AACS.

R 338.5425
Source: 1997 AACS.

R 338.5430
Source: 1998-2000 AACS.

R 338.5435
Source: 2013 AACS.

R 338.5440
Source: 1998-2000 AACS.

R 338.5445
Source: 1998-2000 AACS.

R 338.5446
Source: 2013 AACS.

R 338.5450
Source: 1998-2000 AACS.

R 338.5460
Source: 2013 AACS.

R 338.5465
Source: 2013 AACS.

R 338.5470
Source: 1997 AACS.

R 338.5475
Source: 2013 AACS.

R 338.5480
Source: 2013 AACS.

R 338.5501
Source: 2013 AACS.

R 338.5503
Source: 2013 AACS.

R 338.6001
Source: 2003 AACS.

R 338.6003
Source: 2003 AACS.

PART 3.SANITATION

R 338.6039
Source: 2003 AACS.

PART 4. BARBER COLLEGES

R 338.6045
Source: 2003 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PHYSICIAN'S ASSISTANTS – GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.6101 Definitions.
Rule 101. (1) As used in these rules:
(a) "Code" the means public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
(b) "Department" means the department of licensing and regulatory affairs.
(c) "Task force" means the Michigan task force on physician's assistants created under section 17025 of the code, MCL 333.17025.
(2) A term defined in the code has the same meaning when used in these rules.
History: 1980 AACS; 1990 AACS; 2014 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.6102
Source: 1997 AACS.

R 338.6103 Training standards for identifying victims of human trafficking; requirements.
Rule 103. (1) Under section 17060 of the code, MCL 333.17060, an individual seeking licensure or licensed shall complete training in identifying victims of human trafficking that satisfies the following standards:
(a) Training content must cover all the following:
(i) Understanding the types and venues of human trafficking in Michigan or the United States.
(ii) Identifying victims of human trafficking in health care settings.
(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
(iv) Resources for reporting the suspected victims of human trafficking.
(b) Acceptable providers or methods of training include any of the following:
(i) Training offered by a nationally recognized or state-recognized, health-related organization.
(ii) Training offered by, or in conjunction with, a state or federal agency.
(iii) Training obtained in an educational program approved for initial licensure, or by a college or university.
(iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subdivision (1)(a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
(c) Acceptable modalities of training may include any of the following:
(i) Teleconference or webinar.
(ii) Online presentation.
(iii) Live presentation.
(iv) Printed or electronic media.
(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
(i) For training completed under subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
(ii) For training completed under subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
(3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2016 renewal cycle and for initial licenses issued after April 22, 2021.
History: 2016 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 7, 2021.

PART 2. PHYSICIANS' ASSISTANT PROGRAM APPROVAL

R 338.6201 Educational program standards; adoption by reference.
Rule 201. (1) The standards for accrediting educational programs for physician's assistants approved by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) in the document entitled "Accreditation Standards for Physician Assistant Education, Fifth Edition," effective September 1,

2020, are adopted by reference in these rules. The standards are available at no cost on the commission's website at http://www.arc-pa.org. Copies of the standards are also available for inspection and distribution at a cost of 10 cents per page from the Michigan Task Force on Physician's Assistants, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan 48909.
(2) Only educational programs for physician's assistants accredited by the ARC-PA are approved physician's assistant educational programs.
History: 1980 AACS; 1990 AACS; 2014 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.6202
Source: 1997 AACS.

R 338.6203
Source: 1997 AACS.

R 338.6204
Source: 1997 AACS.

R 338.6205
Source: 1997 AACS.

R 338.6206
Source: 1997 AACS.

R 338.6207
Source: 1997 AACS.

R 338.6208
Source: 1997 AACS.

R 338.6209
Source: 1997 AACS.

R 338.6210
Source: 1997 AACS.

R 338.6211
Source: 1997 AACS.

PART 3. PHYSICIAN'S ASSISTANT LICENSE

R 338.6301 Application for physician's assistant license; requirements.
Rule 301. An applicant for a physician's assistant license shall provide the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code and these rules, an applicant shall satisfy both of the following requirements:
(a) Have graduated from an accredited educational program for physician's assistants that satisfies the standards in R 338.6201.
(b) Have passed the certifying examination conducted and scored by the National Commission on Certification of Physician Assistants (NCCPA).
History: 1980 AACS; 1990 AACS; 2014 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.6302
Source: 1997 AACS.

R 338.6303
Source: 1997 AACS.

R 338.6304
Source: 1997 AACS.

R 338.6305 Licensure by endorsement; requirements.
Rule 305. (1) An applicant for a physician's assistant license by endorsement who satisfies the requirements of the code and this rule satisfies the requirements of section 16186 of the code, MCL 333.16186. The department shall issue a physician's assistant license to an applicant who satisfies all the following requirements:
(a) Provides the required fee and a completed application on a form provided by the department.
(b) Holds a current physician's assistant license in another state or in a province of Canada.
(c) Completed the educational requirements for a physician's assistant license in a province of Canada or another state to obtain licensure as a physician's assistant in a province of Canada or another state.
(d) Received a passing score on either of the following examinations for a physician's assistant license in a province of Canada or another state to obtain licensure as a physician's assistant in a province of Canada or another state:
(i) The certifying examination conducted and scored by the NCCPA.
(ii) The Physician Assistant Entry to Practice Certification Exam.
(2) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country shall disclose that fact on the application form. The applicant shall satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application. If licensure is granted and it is determined that sanctions have been imposed, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.
History: 1980 AACS; 1990 AACS; 2014 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.6306
Source: 1997 AACS.

R 338.6307
Source: 1997 AACS.

R 338.6308 Requirements for relicensure.
Rule 308. (1) An applicant may be relicensed within 3 years after the expiration date of the license under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies all the following requirements:
(a) Provides the required fee and a completed application on a form provided by the department.
(b) Establishes good moral character.
(2) An applicant may be relicensed more than 3 years after the expiration date of the license under section 16201(4) of the code, MCL 333.16201, if the applicant satisfies all the following requirements:
(a) Provides the required fee and a completed application on a form provided by the department.
(b) Establishes good moral character.
(c) Provides fingerprints as required under section 16174(3) of the code, MCL 333.16174.
(d) Does either of the following:
(i) Presents proof to the department of licensure as a physician's assistant in a province of Canada or another state during the 3-year period immediately preceding the date of the application for relicensure.
(ii) Establishes a passing score on either the certifying or recertifying examination conducted and scored by the NCCPA during the 10-year period immediately preceding the date of the application for relicensure.
(3) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country shall disclose that fact on the application form. The applicant shall satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application. If licensure is granted and it is determined that sanctions have been imposed, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.
History: 1990 AACS; 2014 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 7, 2021.

R 338.6309
Source: 2019 AACS.

R 338.6311 License renewal; requirements.
Rule 311. An applicant for license renewal who has been licensed for the 2-year period immediately preceding the application for renewal shall provide the required fee and a completed application on a form provided by the department.
History: 2014 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 7, 2021.

PART 4. ADMINISTRATIVE HEARINGS

R 338.6401
Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF PROFESSIONAL LICENSING

PUBLIC HEALTH CODE – GENERAL RULES

R 338.7001 Definitions.
Rule 1. As used in these rules:
(a) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
(b) "Department" means the department of licensing and regulatory affairs.
(c) "Implicit bias" means an attitude or internalized stereotype that affects an individual's perception, action, or decision making in an unconscious manner and often contributes to unequal treatment of people based on race, ethnicity, nationality, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, or other characteristic.
(d) "Issue date" means the date that the initial license was granted to the licensee by the department.
(e) "Limitation" means that term as defined in section 16106(4) of the code, MCL 333.16106.
(f) "Stark Law" means section 1877 of part E of title XVIII of the social security act, 42 USC 1395nn.
History: 1979 AC; 2009 AACS; 2014 AACS; 2017 AACS; 2020 AACS; 2021 MR 10, Eff. June 1, 2021.

R 338.7001a Biennial license and registration renewal; expiration.
Rule 1a. (1) The following licenses and registrations expire biennially and must be renewed every 2 years on or before the date indicated:

Acupuncture	Issue date
Audiology	Issue date
Chiropractic	Issue date
Dental Therapy	Issue date
Marriage and family therapy	Issue date
Midwifery	Issue date
Nursing	Issue date
Nursing home administrators	Issue date
Occupational therapy	6/1
Optometry	Issue date
Pharmacy	Issue date
Physical therapy	8/1
Physician's assistants	Issue date
Psychology	Issue date
Respiratory care	1/1
Sanitarians	Issue date
Speech-language pathology	Issue date

(2) A license or registration having a limitation may be renewed for a term less than 2 years.
History: 1979 AC; 2009 AACS; 2014 AACS; 2017 AACS; 2020 AACS; 2021 MR 10, Eff. June 1, 2021.

R 338.7002 Triennial license or registration renewal; expiration.
Rule 2. (1) The following licenses and registrations expire triennially and must be renewed every 3 years on

or before the date indicated:

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

(2) A license having a limitation may be renewed for a term less than 3 years.
History: 1979 AC; 2009 AACS; 2014 AACS; 2017 AACS; 2020 AACS; 2021 MR 10, Eff. June 1, 2021.

R 338.7002a
Source: 2020 AACS.

R 338.7002b Minimum English language standard.
Rule 2b. (1) Pursuant to section 16174(1)(d) of the code, MCL 333.16174, an applicant seeking licensure or registration must demonstrate a working knowledge of the English language under the minimum standards established by the department.
(2) To demonstrate a working knowledge of the English language, the applicant must establish that he or she meets 1 of the following:
(a) The applicant's health professional educational program was taught in English.
(b) The applicant supplies transcripts establishing that he or she earned not less than 60 college level credits from an English-speaking undergraduate or graduate school.
(c) The applicant's credentials and English proficiency have been evaluated and determined to be equivalent to the credentials required in this state by a board-approved credentialing agency.
(d) The applicant obtained a passing score of 650 or higher on the Examination for the Certificate of Competency in English (ECCE) test developed by Michigan Language Assessment, as demonstrated by a certificate of competency or certificate of competency with honors.
(e) The applicant obtained a passing score of 650 or higher on the Examination for the Certificate of Proficiency in English (ECPE) test developed by Michigan Language Assessment, as demonstrated by a certificate of proficiency or certificate of proficiency with honors.
(f) The applicant obtained a total score of not less than 6.5 on the International English Language Testing System (IELTS) Academic test.
(g) The applicant obtained an overall score of not less than 55 on the 4-skill Michigan English Test (MET) developed by Michigan Language Assessment.
(h) The applicant obtained an overall score of not less than 300 on the Occupational English Test (OET).
(i) The applicant obtained a total score of not less than 80 on the Test of English as a Foreign Language Internet-Based Test (TOEFL-IBT) administered by the Educational Testing Service.
History: 2020 AACS; 2021 MR 10, Eff. June 1, 2021.

R 338.7004 Implicit bias training standards.
Rule 4. (1) Beginning 1 year after promulgation of this rule, an applicant for licensure or registration under article 15 of the code, MCL 333.16101 to 333.18838, except those seeking to be licensed under part 188 of the code, MCL 333.18801 to 333.18838, shall have completed a minimum of 2 hours of implicit bias training within the 5 years immediately preceding issuance of the license or registration.
(2) Beginning 1 year after promulgation of this rule and for every renewal cycle thereafter, in addition to completing any continuing education required for renewal, an applicant for license or registration renewal under article 15 of the code, MCL 333.16101 to 333.18838, except those licensed under part 188 of the code, MCL 333.18801 to 333.18838, shall have completed a minimum of 1 hour of implicit bias training for each year of the applicant's license or registration cycle.
(3) The implicit bias training must be related to reducing barriers and disparities in access to and delivery of health care services and meet all of the following requirements:

(a) Training content must include, but is not limited to, 1 or more of the following topics:
(i) Information on implicit bias, equitable access to health care, serving a diverse population, diversity and inclusion initiatives, and cultural sensitivity.
(ii) Strategies to remedy the negative impact of implicit bias by recognizing and understanding how it impacts perception, judgment, and actions that may result in inequitable decision making, failure to effectively communicate, and result in barriers and disparities in the access to and delivery of health care services.
(iii) The historical basis and present consequences of implicit biases based on an individual's characteristics.
(iv) Discussion of current research on implicit bias in the access to and delivery of health care services.
(b) Training must include strategies to reduce disparities in access to and delivery of health care services and the administration of pre- and post-test implicit bias assessments.
(c) Acceptable sponsors of this 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 any board created under article 15 of the code, MCL 333.16101 to 333.18838, except under part 188 of the code, MCL 333.18801 to 333.18838, for initial licensure or registration or for the accumulation of continuing education credits.
(iv) Training offered by an accredited college or university.
(v) An organization specializing in diversity, equity, and inclusion issues.
(d) Acceptable modalities of training include any of the following:
(i) A teleconference or webinar that permits live synchronous interaction.
(ii) A live presentation.
(iii) Interactive online instruction.
(4) Submission of an application for licensure, registration, or renewal constitutes an applicant's certificate of compliance with the requirements of this rule. A licensee or registrant shall retain documentation of meeting the requirements of this rule for a period of 6 years from the date of applying for licensure, registration, or renewal. The department may select and audit a sample of a licensees or registrants and request documentation of proof of compliance with this rule. If audited by the department, a licensee or registrant shall provide the proof of completion of training, including either of the following:
(a) A completion certificate issued by the training program that includes the date of the training, the program sponsor's name, the title of the program, and licensee's or registrant's name.
(b) A self-attestation by the licensee or registrant that includes the date of the training, the program sponsor's name, the title of the program, and licensee's or registrant's name.
History: 2020 AACS; 2021 MR 10, Eff. June 1, 2021.

R 338.7005
Source: 2019 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BOARD OF PHYSICAL THERAPY – GENERAL RULES

R 338.7101
Source: 2010 AACS.

R 338.7102
Source: 2010 AACS.

R 338.7103
Source: 2010 AACS.

R 338.7104
Source: 2010 AACS.

R 338.7105

Source: 2010 AACS.

R 338.7107
Source: 2010 AACS.

R 338.7107a
Source: 2010 AACS.

R 338.7107b
Source: 2010 AACS.

R 338.7110
Source: 2010 AACS.

R 338.7111
Source: 2010 AACS.

R 338.7112
Source: 2010 AACS.

R 338.7113
Source: 2010 AACS.

R 338.7114
Source: 2010 AACS.

PART 1. DEFINITIONS

R 338.7121
Source: 2019 AACS.

PART 2. GENERAL PROVISIONS

R 338.7122
Source: 2019 AACS.

R 338.7123
Source: 2015 AACS.

R 338.7124
Source: 2019 AACS.

R 338.7125
Source: 2015 AACS.

R 338.7126
Source: 2019 AACS.

PART 3. PHYSICAL THERAPISTS

R 338.7131
Source: 2019 AACS.

R 338.7132
Source: 2019 AACS.

R 338.7133
Source: 2019 AACS.

R 338.7134
Source: 2019 AACS.

R 338.7135
Source: 2019 AACS.

R 338.7136
Source: 2019 AACS.

R 338.7137
Source: 2019 AACS.

R 338.7138
Source: 2019 AACS.

R 338.7139
Source: 2019 AACS.

PART 4. PHYSICAL THERAPIST ASSISTANTS

R 338.7141
Source: 2019 AACS.

R 338.7142
Source: 2019 AACS.

R 338.7143
Source: 2015 AACS.

R 338.7144
Source: 2015 AACS.

R 338.7145
Source: 2019 AACS.

R 338.7146
Source: 2019 AACS.

R 338.7147
Source: 2019 AACS.

R 338.7148
Source: 2019 AACS.

R 338.7149
Source: 2019 AACS.

R 338.7150
Source: 2015 AACS.

PART 5. PROFESSIONAL DEVELOPMENT REQUIREMENTS

R 338.7161
Source: 2019 AACS.

R 338.7163
Source: 2019 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

MARRIAGE AND FAMILY THERAPY – GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.7201
Source: 2019 AACS.

R 338.7202 Training standards for identifying victims of human trafficking; requirements.
Rule 2. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure or registration or who is licensed or registered shall complete training in identifying victims of human trafficking that satisfies the following standards:
(a) Training content must cover all the following:
(i) Understanding the types and venues of human trafficking in Michigan or the United States.
(ii) Identifying victims of human trafficking in health care settings.
(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
(iv) Resources for reporting the suspected victims of human trafficking.
(b) Acceptable providers or methods of training include any of the following:
(i) Training offered by a nationally recognized or state-recognized, health-related organization.
(ii) Training offered by, or in conjunction with, a state or federal agency.
(iii) Training obtained in an educational program approved for initial licensure, or by a college or university.
(iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
(c) Acceptable modalities of training include any of the following:
(i) Teleconference or webinar.
(ii) Online presentation.
(iii) Live presentation.
(iv) Printed or electronic media.
(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
(i) For training completed under subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
(ii) For training completed under subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
(3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2017 renewal cycle and for initial licenses issued after March 17, 2021.
History: 2016 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.7203 Limited license.
Rule 3. (1) An individual applying for a limited license under section 16903(3) of the code, MCL 333.16903, shall provide a completed application on a form provided by the department, together with the requisite fee.
(2) In addition to satisfying the requirements of the code, an individual applying for a limited license shall satisfy both of the following requirements:
(a) Satisfy either of the following educational requirements, as specified under section 16909(1)(a)(i) or (ii)

of the code, MCL 333.16909:
(i) Possess a master's degree or higher graduate degree from an approved training program in marriage and family therapy that satisfies the accreditation standards in R 338.7211(1).
(ii) Possess a master's degree or higher graduate degree from an approved college or university that satisfies the accreditation standards in R 338.7211(2) and complete the graduate-level courses in section 16909(1)(a)(ii) of the code, MCL 333.16909.
(b) Complete a supervised clinical marriage and family therapy experience, as specified under section 16909(1)(b) of the code, MCL 333.16909, in conjunction with the applicant's educational program. The supervised experience must be obtained either in a clinical practicum during graduate education or in a postgraduate marriage and family institute training program accredited under R 338.7211(2).
(3) A limited license is renewed annually and may not be renewed more than 5 times.
History: 1998-2000 AACS; 2012 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.7204 Telehealth.
Rule 4. (1) A licensee shall obtain consent for treatment before providing a telehealth service under section 16284 of the code, MCL 333.16284.
(2) A licensee shall keep proof of consent for telehealth treatment in the patient's up-to-date medical record and follow section 16213 of the code, MCL 333.16213.
(3) A licensee providing any telehealth service shall do both of the following:
(a) Act within the scope of the licensee's practice.
(b) Exercise the same standard of care applicable to a traditional, in-person health care service.
History: 2021 MR 23, Eff. Dec. 16, 2021.

R 338.7205 Licensure requirements.
Rule 5. An applicant for licensure as a marriage and family therapist shall provide a completed application on a form provided by the department, together with the requisite fee. In addition to satisfying the requirements of the code, an applicant for licensure shall satisfy all the following requirements:
(a) Satisfy either of the following educational requirements, as specified under section 16909(1)(a) of the code, MCL 333.16909:
(i) Possess a master's degree or higher graduate degree earned from an approved training program in marriage and family therapy that satisfies the accreditation standards in R 338.7211(1).
(ii) Possess a master's degree or higher graduate degree from an approved college or university that satisfies the accreditation standards in R 338.7211(2) and complete the graduate-level courses in section 16909(1)(a)(ii) of the code, MCL 333.16909.
(b) Complete a supervised clinical marriage and family therapy experience that satisfies the requirements of section 16909(1)(b) of the code, MCL 333.16909, in conjunction with the applicant's educational program. The supervised experience must be obtained either in a clinical practicum during graduate education or in a postgraduate marriage and family institute training program accredited under R 338.7211(2).
(c) Obtain not less than 1,000 direct client contact hours in a supervised marriage and family therapy experience, as required under section 16909(1)(c) of the code, MCL 333.16909.
(d) Pass the examination under R 338.7209.
History: 1998-2000 AACS; 2012 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.7207 Examinations; eligibility.
Rule 7. (1) To establish eligibility for the examination under R 338.7209, an applicant shall provide a completed application on a form provided by the department, together with the requisite fee.
(2) To be eligible to sit for the examination in marital and family therapy, an applicant shall satisfy either R 338.7203(2)(a) and (b) or R 338.7205(a) and (b).
History: 1998-2000 AACS; 2012 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.7209 Examination adoption.
Rule 9. The Marital and Family Therapy National Examination conducted and scored by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) is approved and adopted. The passing score for the Marital and Family Therapy National Examination is the passing score established by the AMFTRB.
History: 1998-2000 AACS; 2012 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.7211 Adoption of standards by reference.
Rule 11. (1) The accreditation standards of the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) are adopted by reference. The standards are set forth in the publication entitled "Accreditation Standards Graduate & Post-Graduate Marriage and Family Therapy Training Programs Version 12.5," published December 2020, which is available at no cost from the commission's website at http://www.coamfte.org/. Copies of the standards also are available for inspection and distribution at a cost of 10 cents per page from the Board of Marriage and Family Therapy, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.
(2) A higher education institution is considered approved if it is accredited by the accrediting body of the region in which the institution is located, and the accrediting body satisfies either the recognition standards and criteria of the Council for Higher Education Accreditation (CHEA) or the recognition procedures and criteria of the United States Department of Education. The procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR part 602, and the "Recognition of Accrediting Organizations, Policies and Procedures of the Council for Higher Education Accreditation, CHEA," effective September 28, 2018, are adopted by reference. Copies of the policies and procedures of CHEA as well as the procedures and criteria of the United States Department of Education are available for inspection and distribution at a cost of 10 cents per page from the Board of Marriage and Family Therapy, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909. The CHEA recognition standards may also be obtained at no cost from the council's website at http://www.chea.org/. The federal recognition criteria may also be obtained at no cost from the website for the U.S. Department of Education Office of Postsecondary Education, at https://www2.ed.gov/about/offices/list/ope/index.html.
History: 1998-2000 AACS; 2012 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.7213 Licensure by endorsement.
Rule 13. (1) An applicant for a marriage and family therapy license by endorsement who satisfies the requirements of the code and this rule satisfies the requirements of section 16186 of the code, MCL 333.16186. The department shall issue a marriage and family therapist license to an applicant who satisfies all the following requirements:
(a) Provides the required fee and a completed application on a form provided by the department.
(b) Holds a current and full marriage and family therapist license in another state or in a province of Canada.
(c) Completed the educational requirements for a marriage and family therapist license in a province of Canada or another state to obtain licensure as a marriage and family therapist in a province of Canada or another state.
(d) Received a passing score on either of the following examinations for a marriage and family therapist license in a province of Canada or another state to obtain licensure as a marriage and family therapist in a province of Canada or another state:
(i) The examination adopted under R 338.7209.
(ii) The Licensed Marriage and Family Therapist California Clinical Examination.
(2) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country shall disclose that fact on the application form. The applicant shall satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application. If licensure is granted and it is determined that sanctions have been imposed, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.
History: 1998-2000 AACS; 2012 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.7215 Relicensure.
Rule 15. (1) An applicant may be relicensed within 3 years after the expiration date of the license under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies all of the following requirements:
(a) Provides the required fee and a completed application on a form provided by the department.
(b) Establishes good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.
(2) An applicant may be relicensed more than 3 years after the expiration date of the license under section 16201(4) of the code, MCL 333.16201, if the applicant satisfies all of the following requirements:

(a) Provides the required fee and a completed application on a form provided by the department.
(b) Establishes good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.
(c) Provides fingerprints as required under section 16174(3) of the code, MCL 333.16174.
(d) Satisfies either of the following requirements:
(i) Possesses a current unrestricted license in a province of Canada or another state.
(ii) Documents that the applicant has achieved a passing score on the examination approved under R 338.7209.
(3) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country shall disclose that fact on the application form. The applicant shall satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application. If licensure is granted and it is determined that sanctions have been imposed, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.
History: 1998-2000 AACS; 2012 AACS; 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

R 338.7217
Source: 1998-2000 AACS.

R 338.7219 License renewal; requirements.
Rule 19. (1) An applicant for license renewal who has been licensed for the 2-year period immediately preceding the application for renewal shall provide the required fee and a completed application on a form provided by the department.
(2) A license renewed within 60 days after the expiration date is subject to the requirements set forth under section 16201(2) of the code, MCL 333.16201.
History: 2019 AACS; 2021 MR 23, Eff. Dec. 16, 2021.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PODIATRIC MEDICINE AND SURGERY – GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.8101
Source: 2019 AACS.

PART 2. LICENSURE

R 338.8102
Source: 2019 AACS.

R 338.8102a Rescinded.
History: 2019 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.8103 Licensure by examination; requirements.
Rule 103. An applicant for licensure by examination shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant to the code, an applicant shall satisfy all of the following requirements:
(a) Have graduated from a school of podiatric medicine approved by the board in R 338.8113.

(b) Have achieved a passing score on the required parts of the American Podiatric Medical Licensing Examination (APMLE) sponsored by the National Board of Podiatric Medical Examiners (NBPME) as required by R 338.8104(4).
(c) Have achieved a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department or an entity approved by the department.
(i) The jurisprudence examination shall assess an applicant's knowledge of the laws and administrative rules governing the practice of podiatric medicine and surgery in this state.
(ii) An applicant who fails to achieve a passing score on the jurisprudence examination may repeat the examination without limitation.
(d) Have satisfactorily completed not less than 3 years of a postgraduate residency program approved by the board pursuant to R 338.8113. Certification of completion of postgraduate training must be submitted to the department not more than 15 days before completion of the training.
History: 1990 AACS; 2014 AACS; 2017 AACS; 2019 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.8104
Source: 2019 AACS.

R 338.8107 Licensure by endorsement; requirements.
Rule 107. (1) An applicant for licensure by endorsement shall hold a current license in good standing from another state.
(2) An applicant shall submit a completed application, on a form provided by the department, together with the requisite fee.
(3) An applicant for licensure by endorsement shall achieve a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department or an entity approved by the department.
(4) If an applicant was first licensed in another state and has been actively engaged in the practice of podiatric medicine for a minimum of 2 years before the date of filing an application for Michigan podiatric medical licensure, it is presumed that the applicant meets the requirements of section 16186(1)(a) and (b) of the code, MCL 333.16186.
(5) If an applicant was first licensed in another state and has been actively engaged in the practice of podiatric medicine for less than 2 years before the date of filing an application for Michigan podiatric medical licensure, the applicant shall satisfy all of the following requirements:
(a) Have graduated from a school of podiatric medicine approved by the board pursuant to R 338.8113.
(b) Have satisfactorily completed not less than 3 years of a postgraduate residency approved by the board pursuant to R 338.8113.
(c) Have achieved a passing score on each part of the APMLE as required by R 338.8104.
(6) An applicant's license in good standing shall be verified by the licensing agency of any state of the United States in which the applicant holds or ever held a license as a podiatrist. The verification must include the record of any disciplinary action taken or pending against the applicant.
History: 1990 AACS; 2014 AACS; 2019 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.8108
Source: 2017 AACS.

R 338.8109 Educational limited licenses; limited license renewal.
Rule 109. (1) An educational limited license authorizes the holder of the license to engage in the practice of podiatric medicine and surgery as part of a postgraduate education program.
(2) An applicant for an educational limited license shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant to the code, an applicant shall satisfy all of the following requirements:
(a) Have graduated from a school of podiatric medicine approved by the board pursuant to R 338.8113.
(b) If the applicant graduated in 2014 or earlier, or graduated in 2016, have achieved a passing score on all of the following components of the APMLE:
(i) Part I.
(ii) Part II.

(c) If the applicant graduated in 2015 or later, excluding 2016, have achieved a passing score on all of the following components of the APMLE:
(i) Part I.
(ii) Part II.
(d) Have documentation provided directly to the department verifying that the applicant has been accepted into a postgraduate training program that satisfies R 338.8113(2).
(3) A limited license is renewable for not more than 5 years pursuant to section 333.18012(2) of the code, MCL 333.18012.
History: 2014 AACS; 2017 AACS; 2019 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.8110 Requirements for relicensure after lapse.
Rule 110. An applicant whose license has been lapsed may be relicensed under section 16201(3) or (4) of the code, as applicable, MCL 333.16201, if the applicant satisfies the following requirements as indicated by a (√) below:

(1) For a podiatrist who has let his or her Michigan license lapse and is not currently licensed in another state or Canada.		Lapsed 3 years or less.	Lapsed more than 3 years.
(a)	Application and fee: Submit a completed application on a form provided by the department, together with the required fee.	√	√
(b)	Good moral character: Establish that he or she is of good moral character as defined in 1974 PA 381, MCL 338.41 to 338.47.	√	√
(c)	Fingerprints: Submit fingerprints as required by section 16174(3) of the code, MCL 333.16174~~(3)~~.		√
(d)	Continuing education: Complete 150 hours of continuing education pursuant to R 338.8127 including the following: (i) Not less than 3 hours in pain and symptom management pursuant to R 338.8127(1)(c). (ii) At least 1 hour in medical ethics pursuant to R 338.8127(1)(d). (iii) Not less than 2 hours related to controlled substances prescribing pursuant to R 338.8127(1)(e). The applicant shall submit proof of having completed the required continuing education within the 3-year period immediately preceding the date of the application for relicensure. If the continuing education hours submitted with the application are deficient, the applicant shall have 2 years from the date the department received the application to complete the deficient hours.	√	√
(e)	Examination: Achieve a score 75 or more on the examination of Michigan laws and rules related to the practice of podiatric medicine that is developed and administered by the department, or an entity approved by the department.	√	√
(f)	Examination: Achieve a passing score on part III of the APMLE sponsored by the NBPME or its successor.		√
(g)	Proof of license verification: An applicant's license in good standing shall be verified by the licensing agency of each jurisdiction in which the applicant has ever held a license as a podiatrist.	√	√

	Verification must include the record of any disciplinary action taken or pending against the applicant.		

(2) For a podiatrist who has let his or her Michigan license lapse and is currently licensed in another state or Canada.		Lapsed 3 years or less.	Lapsed more than 3 years.
(a)	Application and fee: Submit a completed application on a form provided by the department, together with the required fee.	√	√
(b)	Good moral character: Establish that he or she is of good moral character as defined by 1974 PA 381, MCL 338.41 to 338.47.	√	√
(c)	Fingerprints: Submit fingerprints as required by section 16174(3) of the code, MCL 333.16174~~(3)~~.		√
(d)	Continuing education: Complete 150 hours of continuing education pursuant to R 338.8127 including the following: (i) Not less than 3 hours in pain and symptom management pursuant to R 338.8127(1)(c). (ii) At least 1 hour in medical ethics pursuant to R 338.8127(1)(d). (iii) Not less than 2 hours related to controlled substances prescribing pursuant to R 338.8127(1)(e). The applicant shall submit proof of having completed the required continuing education within the 3-year period immediately preceding the date of the application for relicensure. If the continuing education hours submitted with the application are deficient, the applicant shall have 2 years from the date the department received the application to complete the deficient hours.	√	√
(e)	Examination: Achieve a score of 75 or more on the examination of Michigan laws and rules related to the practice of podiatric medicine that is developed and administered by the department, or an entity approved by the department.	√	√
(f)	Proof of license verification: An applicant's license in good standing shall be verified by the licensing agency of each jurisdiction in which the applicant holds or has ever held a license as a podiatrist. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√

History: 2014 AACS; 2017 AACS; 2019 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.8111
Source: 2019 AACS.

PART 3. EDUCATIONAL AND RESIDENCY PROGRAMS

R 338.8113 Accreditation standards for approval of schools of podiatric medicine and residency programs; institutions of higher education; adoption of standards by reference.
Rule 113. (1) The board approves and adopts by reference the standards for accrediting colleges of podiatric medicine developed and adopted by the Council on Podiatric Medical Education (CPME) of the American Podiatric Medical Association (APMA) and entitled "Standards and Requirements for Accrediting Colleges of Podiatric Medicine," CPME 120, adopted October 2019, implementation date July 1, 2020. A copy of the

standards and requirements is available at no cost from the council's website at www.cpme.org. A copy of the standards and requirements also is available for inspection and distribution at a cost of 10 cents per page from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, Michigan 48909. The board considers any school of podiatric medicine accredited by the CPME of the APMA as a school of podiatric medicine approved by the board.
(2) The board approves and adopts by reference the standards for approval of residency programs developed and adopted by the CPME of the APMA entitled "Standards and Requirements for Approval of Podiatric Medicine and Surgery Residencies," CPME 320, July 2015. A copy of the standards and requirements is available at no cost from the council's website at www.cpme.org. A copy of the standards and requirements also is available for inspection and distribution at a cost of 10 cents per page from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, Michigan 48909. The board considers any residency program approved by the CPME of the APMA as a school of podiatric medicine approved by the board.
(3) A higher education institution is considered approved by the board if it is accredited by the accrediting body of the region in which the institution is located and the accrediting body meets either the recognition standards and criteria of the Council for Higher Education Accreditation (CHEA) or the recognition procedures and criteria of the United States Department of Education. The board adopts by reference the procedures and criteria for recognizing accrediting organizations of the CHEA, effective June 28, 2010, and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR Part 602. Copies of the standards and criteria of the CHEA and the United States Department of Education are available for inspection and distribution at a cost of 10 cents per page from the Board of Podiatric Medicine and Surgery, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909. The CHEA recognition standards also may be obtained at no cost from the council's website at http://www.chea.org. The federal recognition criteria also may be obtained at no cost from the department's website at http://www.ed.gov/about/offices/list/OPE/index.html.
History: 1990 AACS; 2014 AACS; 2017 AACS; 2019 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.8114
Source: 2017 AACS.

R 338.8115
Source: 2014 AACS.

R 338.8125
Source: 1996 AACS.

PART 4. CONTINUING EDUCATION

R 338.8126
Source: 2019 AACS.

R 338.8127 Acceptable continuing education; requirements; limitations.
Rule 127. (1) The 150 hours of continuing education required pursuant to R 338.8126(1) for the renewal of a license shall comply with the following, as applicable:
(a) Not more than 12 credit hours must be earned during one 24-hour period.
(b) A licensee may not earn credit for a continuing education program or activity that is identical or substantially identical to a program or activity the licensee has already earned credit for during that renewal period.
(c) An applicant for license renewal shall have earned not less than 3 continuing podiatric medical education hours in pain and symptom management in each renewal period pursuant to sections 16204(2) and 18033(2) of the code, MCL 333.16204 and 333.18033. Courses in pain and symptom management may include, but are not limited to, any of the following as they relate to professional practice:
(i) Courses in behavior management.
(ii) Pharmacology.
(iii) Behavior modification.
(iv) Stress management.

(v) Clinical applications.
(vi) Drug interventions.
(d) Beginning September 4, 2020, an applicant for license renewal shall have earned at least 1 continuing podiatric medical education hour in medical ethics.
(e) Beginning September 4, 2020, an applicant for license renewal shall have earned not less than 2 continuing podiatric medical education hours in controlled substances prescribing. This is in addition to the continuing education required by subdivision (c) of this subrule.
(2) The board shall consider the following as acceptable continuing education:

Activity Code	Acceptable Continuing Education Activities and Proof of Completion	Number of Continuing Education Hours Granted/Permitted for Each Activity
A	Attendance at or participation in a continuing education program or activity related to the practice of podiatry, or any non-clinical subject relevant to practice, education, administration, management, or science, including, but not limited to, live and in-person programs; interactive or monitored teleconference or audio-conference programs; online programs; and, journal articles or other self-study programs offered by a sponsor accredited or approved by the CPME. If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.	The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or the approving organization. A minimum of 75 hours must be earned in each renewal period, unless all 150 hours are earned in Category N.
B	Attendance at or participation in a continuing education program or activity related to the practice of podiatry, or any non-clinical subject relevant to practice, education, administration, management, or science, including, but not limited to, live and in-person programs; interactive or monitored teleconference or audio-conference programs; online programs; and, journal articles or other self-study programs approved by either of the following: • The Michigan board of podiatric medicine and surgery, pursuant to R 338.8128. • Another state or provincial board of podiatric medicine and surgery. 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	The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or the approving organization. If the activity was not approved for a set number of hours, then 1 credit hour for each 50 to 60 minutes of participation may be earned. A maximum of 75 hours may be earned for this category in each renewal period.

	program or activity for continuing education credit, and the date on which the program was held or activity completed.	
C	Attendance at or participation in a continuing education program or activity related to the practice of podiatry, or any non-clinical subject relevant to practice, education, administration, management, or science, including, but not limited to, live and in-person programs; interactive or monitored teleconference or audio-conference programs; online programs; and, journal articles or other self-study programs accredited, approved, or offered by any of the following: • The Accreditation Council for Continuing Medical Education. • The American Medical Association. • The American Osteopathic Association. If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.	The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or the approving organization. A maximum of 40 hours may be earned in this category in each renewal period.
D	Obtaining specialty board certification from 1 of the following: • American Board of Podiatric Medicine (ABPM). • American Board of Foot and Ankle Surgery (ABFAS). • American Board of Multiple Specialties in Podiatry (ABMSP). • American Board of Lower Extremity Surgery (ABLES). • American Board of Wound Management (ABWM). If audited, a licensee shall submit proof of certification.	Fifty hours of continuing education may be earned in the year the applicant is advised of passing the certification examination.
E	Obtaining specialty board recertification from 1 of the following: • ABPM. • ABFAS. • ABMSP.	Thirty hours of continuing education may be earned in the year the applicant is advised of passing the recertification examination.

	• ABLES. • ABWM. If audited, a licensee shall submit proof of recertification.	
F	Serving as an instructor of podiatric medical students, house staff, other physicians, or allied health professionals in a hospital or institution that offers a postgraduate training program that is approved by the board pursuant to R 338.8113, if the hospital or institution has approved the instruction. If audited, a licensee shall submit a letter from the program director verifying the licensee's role.	Two hours of continuing education is granted for each 50 to 60 minutes spent as an instructor. A maximum of 50 hours of continuing education may be earned in this category each renewal period.
G	Serving as an instructor of podiatric students at an accredited podiatric medical institution under a rotating externship program recognized and approved by the medical institution in accordance with R 338.8113. If audited, a licensee shall submit a letter from the sponsoring podiatric institution verifying the licensee's role.	Two hours of continuing education is granted for each 50 to 60 minutes spent as an instructor. A maximum of 50 hours may be earned in this category in each renewal period.
H	Initial publication of an article related to the practice of podiatric medicine and surgery in a peer-reviewed journal. If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	Twenty-five hours of continuing education is granted per publication. A maximum of 75 hours may be earned in this category in each renewal period.
I	Initial publication of a chapter related to the practice of podiatric medicine and surgery in either of the following: • A professional or health care textbook. • A peer-reviewed textbook. If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	Fifty hours of continuing education is granted per publication. A maximum of 50 hours may be earned in this category in each renewal period.
J	Initial presentation of a scientific exhibit, a formal original scientific paper, or both, at a professional meeting. If audited, a licensee shall submit a copy of the document presented with evidence of presentation and a log indicating time spent in preparation or a letter from the	Two hours of continuing education is granted for each 50 to 60 minutes of presentation and preparation. A maximum of 30 hours may be earned in this category each renewal period.

	program sponsor verifying the length and date of the presentation and a log indicating time spent in preparation.	
K	Independent study, which is the independent reading of peer-reviewed professional journals or medical textbooks. If audited, a licensee shall submit an affidavit attesting to the number of hours the licensee spent participating in these activities and a bibliography listing the journal, article, author or authors, publication date, and date read.	One hour of continuing education is granted for each 50 to 60 minutes of participation. A maximum of 30 hours may be earned in this category in each renewal period.
L	Completion of a multi-media program that requires a licensee to complete a self-assessment component, including, but not limited to, videotapes, internet web-based seminars, video conferences, on-line continuing education programs, and journal articles. This does not include multi-media programs that satisfy the requirements of activity codes A, B, or C. A self-assessment component includes, but is not limited to, a post-test or other evaluation instrument that assesses the knowledge an individual gained after completing an activity. If audited, a licensee shall submit a certificate of self-assessment provided by the program sponsor.	One hour of continuing education is granted for each 50 to 60 minutes of participation. A maximum of 30 hours may be earned in this category each renewal period.
M	Participation on a hospital staff committee dealing with quality patient care or utilization review, or both. If audited, a licensee shall submit a letter from an organization official verifying the licensee's participation and the number of hours the licensee spent participating on the committee.	One hour of continuing education is granted for each 50 to 60 minutes of participation. A maximum of 30 hours may be earned in this category each renewal period.
N	Full-time enrollment in a postgraduate clinical training program related to the practice of podiatric medicine and surgery in a hospital or institution that is approved by the board pursuant to R 338.8113. If audited, a licensee shall submit a letter from the program director verifying the licensee participated in the program.	A minimum of 5 months participation per year is required. Fifty hours of continuing education is granted for each year of full-time enrollment. A maximum of 150 hours may be earned in this category each renewal period.

History: 2014 AACS; 2017 AACS; 2019 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.8128 Continuing education programs; adoption of standards by reference; board approval.
Rule 128. (1) The board approves and adopts by reference the standards for approving sponsors of continuing education developed and adopted by the CPME of the APMA entitled, "Standards and Requirements for Approval of Providers of Continuing Education in Podiatric Medicine," CPME 720, adopted October 2019,

implementation date: July 1, 2020. A copy of the standards and requirements is available at no cost from the council's website at www.cpme.org. A copy of the standards and requirements is also available for inspection and distribution at a cost of 10 cents per page from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, Michigan 48909.
(2) A continuing education program approved by the CPME is considered approved by the board.
(3) The board shall consider requests for approval of individual continuing education programs. A sponsor shall submit an application and information regarding the program or activity to the department not less than 60 days before the program or activity is held. For purposes of this rule, 1 credit of continuing education is defined as 50 to 60 minutes of program attendance or participation in an activity.
(4) The board shall evaluate applications for approval based upon all of the following:
(a) The content of a program or activity must enhance the skills, knowledge, and practice of podiatric medicine and surgery.
(b) The sponsor shall provide an outline of the program or activity that includes a statement of educational goals or measurable behavioral objectives, or both.
(c) The program or activity shall be presented, if applicable, by instructors who are qualified and competent in the subject matter as demonstrated by their education, training, and experience.
(d) Licensee attendance at the program or activity shall be monitored by the sponsor, if applicable.
(e) The sponsor shall maintain, for a period of 3 years from the date of each program, records of program attendance or completion of an activity that show all of the following, as applicable:
(i) The date a program was held or an activity completed.
(ii) The location of a program.
(iii) The credentials of the individuals who presented a program.
(iv) Rosters of individuals who were in attendance at a program or completed an activity.
(v) The continuing education credits awarded to each attendee or participant.
(f) The sponsor shall award a certificate or written evidence of attendance at a program or completion of an activity that includes the following, as applicable:
(i) The participant's name.
(ii) The date and location of the program.
(iii) The sponsor or program approval number.
(iv) The number of continuing education credits earned.
(5) The board may deny approval of programs or activities offered by institutions and organizations if the board or authorized committee determines that the programs or activities offered by those institutions or organizations fail to demonstrate compliance with the legislative intent to further educate licensees on subjects related to the practice of podiatric medicine and surgery.
History: 2014 AACS; 2017 AACS; 2019 AACS; 2021 MR 20, Eff. Oct 28, 2021.

R 338.8129
Source: 2017 AACS.

R 338. 8130
Source: 2017 AACS.

R 338.8131
Source: 2017 AACS.

R 338.8132
Source: 2017 AACS.

R 338.8133
Source: 2017 AACS.

R 338.8134
Source: 2017 AACS.

R 338.8135
Source: 2017 AACS.

R 338.8136
Source: 2017 AACS.

PART 5. TELEHEALTH

R 338.8145
Source: 2019 AACS.

FORENSIC POLYGRAPH EXAMINERS

R 338.9001
Source: 2014 AACS.

R 338.9002
Source: 2014 AACS.

R 338.9003
Source: 2014 AACS.

R 338.9004
Source: 2014 AACS.

R 338.9005
Source: 1983 AACS.

R 338.9006
Source: 2014 AACS.

R 338.9007
Source: 2014 AACS.

R 338.9008
Source: 2014 AACS.

R 338.9009
Source: 2014 AACS.

R 338.9010
Source: 2014 AACS.

R 338.9011
Source: 2014 AACS.

R 338.9012
Source: 2014 AACS.

R 338.9013
Source: 2014 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BOARD OF NURSING - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.10101
Source: 2017 AACS.

R 338.10102
Source: 2017 AACS.

R 338.10103
Source: 2017 AACS.

R 338.10104
Source: 2003 AACS.

R 338.10105
Source: 2020 AACS.

R 338.10199
Source: 1989 AACS.

R 338.10201
Source: 2017 AACS.

R 338.10202
Source: 2020 AACS.

R 338.10203
Source: 2017 AACS.

R 338.10204
Source: 2020 AACS.

R 338.10206
Source: 2020 AACS.

R 338.10207
Source: 2020 AACS.

R 338.10208
Source: 2018 AACS.

R 338.10209
Source: 2018 AACS.

R 338.10210
Source: 2020 AACS.

R 338.10211
Source: 2020 AACS.

R 338.10212
Source: 2018 AACS.

R 338.10213
Source: 2018 AACS.

R 338.10299
Source: 1990 AACS.

PART 3. NURSING EDUCATION PROGRAMS

R 338.10301
Source: 2020 AACS.

R 338.10302
Source: 2017 AACS.

R 338.10303
Source: 2020 AACS.

R 338.10303a
Source: 2020 AACS.

R 338.10303b
Source: 2020 AACS.

R 338.10303c
Source: 2020 AACS.

R 338.10303d
Source: 2020 AACS.

R 338.10304
Source: 2020 AACS.

R 338.10305
Source: 2020 AACS.

R 338.10305a
Source: 2020 AACS.

R 338.10305b
Source: 2020 AACS.

R 338.10305c
Source: 2020 AACS.

R 338.10306
Source: 2018 AACS.

R 338.10307
Source: 2020 AACS.

R 338.10308
Source: 2018 AACS.

R 338.10309
Source: 2020 AACS.

R 338.10310
Source: 2020 AACS.

R 338.10310a
Source: 2020 AACS.

R 338.10311

Source: 2017 AACS.

R 338.10312
Source: 2020 AACS.

PART 4. NURSE SPECIALTY CERTIFICATION

R 338.10401
Source: 2018 AACS.

R 338.10401a
Source: 2017 AACS.

R 338.10402
Source: 1986 AACS.

R 338.10403
Source: 2018 AACS.

R 338.10404
Source: 2017 AACS.

R 338.10404a
Source: 2017 AACS.

R 338.10404b
Source: 2017 AACS.

R 338.10404c
Source: 2020 AACS.

R 338.10405
Source: 2017 AACS.

R 338.10405a
Source: 2017 AACS.

R 338.10405b
Source: 2017 AACS.

R 338.10405c
Source: 2018 AACS.

R 338.10406
Source: 1986 AACS.

PART 6. CONTINUING EDUCATION

R 338.10601
Source: 2020 AACS.

R 338.10602
Source: 2020 AACS.

R 338.10603
Source: 2017 AACS.

PART 7. NURSING PROFESSIONAL FUND SCHOLARSHIP PROGRAM

R 338.10701
Source: 2017 AACS.

R 338.10702
Source: 2020 AACS.

R 338.10703
Source: 2020 AACS.

R 338.10704
Source: 2020 AACS.

R 338.10705
Source: 2020 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

DENTISTRY - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.11101 Definitions.
Rule 1101. (1) As used in these rules:
(a) "Allied dental personnel" means the supporting team who receives appropriate delegation from a dentist or dental therapist to participate in dental treatment.
(b) "Analgesia" means the diminution or elimination of pain in the conscious patient as a result of the administration of an agent including, but not limited to, local anesthetic, nitrous oxide, and pharmacological and non-pharmacological methods.
(c) "Approved course" means a course offered by either a dental, dental therapy, dental hygiene, or dental assistant program accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association (ADA) that meets the requirements in section 16611 of the code, MCL 333.16611.
(d) "Assistant" means a nonlicensed person who may perform basic supportive procedures under the supervision of a dentist as provided in these rules.
(e) "Board" means the Michigan board of dentistry.
(f) "Conscious sedation" means a minimally depressed level of consciousness that retains a patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command and that is produced by a pharmacological or a non-pharmacological method or a combination of both.
(g) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
(h) "Dental therapist" means a person licensed under part 166 of the code, MCL 333.16601 to 333.16659, to provide the care and services and perform any of the duties described in section 16656 of the code, MCL 333.16656.
(i) "Dentist" means, except as otherwise provided in R 338.11801, a person licensed by the board under the code and these rules to engage in the practice of dentistry.
(j) "Department" means the department of licensing and regulatory affairs.
(k) "Enteral" means any technique of administration in which the agent is absorbed through the gastrointestinal or oral mucosa.
(l) "General anesthesia" means the elimination of all sensations accompanied by a state of unconsciousness and loss of reflexes necessary to maintain a patent airway.
(m) "Licensed" means the possession of a full license to practice, unless otherwise stated by the code or these rules.

(n) "Local anesthesia" means the elimination of sensation, especially pain, in 1 part of the body by the topical application or regional injection of a drug.
(o) "Office" means the building or suite in which dental treatment is performed.
(p) "Parenteral" means a technique of administration in which the drug bypasses the gastrointestinal (gi) tract, including intramuscular (im), intravenous (iv), intranasal (in), submucosal (sm), subcutaneous (sc), and intraocular (io).
(q) "Registered dental assistant" (RDA) means a person licensed as a registered dental assistant by the board under the code and these rules. A dental hygienist may perform the functions of a registered dental assistant if he or she is licensed by the board as a registered dental assistant.
(r) "Registered dental hygienist" (RDH) means a person licensed as ~~such~~ a registered dental hygienist by the board under the code and these rules.
(s) "Second pair of hands" means acts, tasks, functions, and procedures performed by a dental assistant, registered dental assistant, or registered dental hygienist at the direction of a dentist, dental therapist, or registered dental hygienist who is in the process of rendering dental services and treatment to a patient. The acts, tasks, functions, and procedures performed by a dental assistant, registered dental assistant, or registered dental hygienist are ancillary to the procedures performed by the dentist, dental therapist, or registered dental hygienist and intended to provide help and assistance at the time the procedures are performed. This definition does not expand the duties of the dental assistant, registered dental assistant, or registered dental hygienist as provided by the code and rules promulgated by the board.
(t) "Sedation" means the calming of a nervous, apprehensive individual, without inducing loss of consciousness, through the use of systemic drugs. Agents may be given orally, parenterally, or by inhalation.
(2) Unless otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.
treatment is performed upon a patient.
History: 1984 AACS; 1989 AACS; 2006 AACS; 2011 AACS; 2014 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11103 Identification, written consent.
Rule 1103. At the inception of care for a patient, both of the following must occur:
(a) Each dentist, dental therapist, dental assistant, registered dental assistant, and registered dental hygienist shall identify himself or herself to the patient as a dentist, dental therapist, dental assistant, registered dental assistant, or registered dental hygienist.
(b) The patient shall be provided with a written consent for treatment.
History: 1984 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11105
Source: 1997 AACS.

R 338.11107
Source: 1984 AACS.

R 338.11109
Source: 2015 AACS.

R 338.11115
Source: 2015 AACS.

R 338.11117
Source: 1984 AACS.

R 338.11120 Dental treatment records; requirements.
Rule 1120. (1) A dentist or dental therapist shall make and maintain a dental treatment record on each patient.
(2) A dental treatment record must include all of the following information:
(a) Medical and dental history.
(b) The patient's existing oral health care status and the results of any diagnostic aids used.
(c) Diagnosis and treatment plan.
(d) Dental procedures performed upon the patient, including both of the following:

(i) The date the procedure was performed.
(ii) Identity of the dentist, dental therapist, or allied dental personnel performing each procedure.
(e) Progress notes that include a chronology of the patient's progress throughout the course of all treatment.
(f) The date, dosage, and amount of any drug prescribed, dispensed, or administered to the patient.
(g) Radiographic images taken in the course of treatment. If radiographic images are transferred to another dentist, the name and address of that dentist must be entered in the treatment record.
(3) All dental treatment records must be maintained for not less than 10 years from the date of the last treatment.
History: 1989 AACS; 2014 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11121 Scheduled controlled substances; inventory record requirements.
Rule 1121. (1) When a controlled substance, as described in article 7 of the code, MCL 333.7101 to 333.7545, is stocked in a dental office for dispensing or administering to a patient, the dentist shall maintain an accurate inventory record of the drug that includes all of the following information:
(a) The date and quantity of the drug purchased.
(b) The amount of the drug, dosage of the drug, and the date the drug was dispensed or administered.
(c) The name of the patient to whom ~~it~~ the drug was dispensed or administered.
(2) The inventory record must be available for inspection for not less than 10 years.
(3) The dentist shall keep an inventory record in addition to the dental treatment records required by R 338.11120.
History: 1989 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11123 Rescinded.
History: 2017 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

PART 2. LICENSURE

R 338.11201 Licensure by examination to practice dentistry; graduates of programs in compliance with board standards.
Rule 1201. In addition to meeting the requirements of section 16174 of the code, MCL 333.16174, an applicant for dentist licensure by examination shall submit a completed application, on a form provided by the department, together with the requisite fee and shall meet all of the following requirements:
(a) Graduate from a dental educational program that complies with the standards in R 338.11301, in which he or she has obtained a doctor of dental surgery (DDS) degree or doctor of dental medicine (DMD) degree.
(b) Pass all parts of the national board examination that is conducted and scored by the Joint Commission on National Dental Examinations (JCNDE), to qualify for the licensing examination in subdivision (c) or (d) of this rule.
(c) Subject to subdivision (d) of this rule, pass a dental simulated clinical written examination that is conducted the Commission on Dental Competency Assessments (CDCA), previously known as North East Regional Board (NERB), or a successor organization, and 1 of the following:
(i) Pass all parts of a clinical examination that is conducted and scored by the CDCA or a successor organization, or pass all parts of a clinical examination that is conducted by a regional testing agency if the examination is substantially equivalent, as provided in R 338.11255(5) and (6), to the dental simulated clinical written examination conducted by the CDCA, or a successor organization.
(ii) Pass all parts of a clinical examination developed and scored by a state or other entity that is substantially equivalent, as provided in R 338.11255(5) and (6), to the clinical examination of the CDCA or a successor organization.
(d) Pass all parts, written and clinical, of the American Board of Dental Examiners, Inc (ADEX) clinical examination that is conducted by the CDCA, a successor organization, or by another regional testing agency. Beginning 1 year after the effective date of this subdivision, an applicant shall meet the requirements of this subdivision instead of the requirements under subdivision (c) of this rule.
(e) Beginning January 6, 2022, complete a 1-time training identifying victims of human trafficking as required in R 338.11271 and section 16148 of the code, MCL 333.16148.
(f) Complete a 1-time training in opioids and other controlled substances awareness as required in R 338.3135.
History: 1984 AACS; 1989 AACS; 1997 AACS; 2006 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11202 Licensure to practice dentistry; graduates of programs not meeting board standards; requirements.
Rule 1202. An applicant for dentist licensure by examination who graduated from a dental educational program that does not comply with the standards provided in R 338.11301 shall submit a completed application, on a form provided by the department, together with the requisite fee and meet all of the following requirements:
(a) Comply with section 16174 of the code, MCL 333.16174.
(b) Submit to the department a final, official transcript establishing graduation from a program in which he or she has obtained a dental degree. If the transcript is issued in a language other than English, an original, official translation must also be submitted.
(c) Meet 1 of the following requirements:
(i) Graduate from a program in dentistry that complies with the standards in R 338.11301, in which he or she has obtained a DDS degree or DMD degree. The completion of the program must be confirmed by official transcripts from the school.
(ii) Graduate from a minimum 2-year master's degree or certificate program in dentistry that complies with the standards in R 338.11301, in which he or she has obtained a degree or certificate in a specialty branch of dentistry recognized in R 338.11501, with proof as required in part 5 of these rules.
(d) Pass all parts of the national board examination that is conducted and scored by the JCNDE.
(e) Subject to subdivision (f) of this subrule, pass the dental clinical written examination and a clinical examination, as described in R 338.11201(c).
(f) Pass all parts, written and clinical, of the ADEX clinical examination that is conducted by the CDCA, a successor organization, or by another regional testing agency. Beginning 1 year after the effective date of this subdivision, an applicant shall meet the requirements of this subdivision instead of the requirements under subdivision (e).
(g) Beginning January 6, 2022, complete a 1-time training identifying victims of human trafficking as required in R 338.11271 and section 16148 of the code, MCL 333.16148.
(h) Complete a 1-time training in opioids and other controlled substances awareness as required in R 338.3135.
History: 1989 AACS; 1997 AACS; 2006 AACS; 2017 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11203 Dental examinations; required passing scores.
Rule 1203. (1) The board approves and adopts the examinations developed and scored by the JCNDE. An applicant shall provide evidence to the department of passing each component of the examination with a converted score of not less than 75.
(2) The board approves and adopts all parts of the ADEX clinical examination. A passing score on the clinical examination is the score recommended by the CDCA or its successor organization. An applicant shall provide evidence to the department of a converted score of 75 or higher on each component of the examination.
History: 1984 AACS; 1997 AACS; 2006 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11205
Source: 1997 AACS.

R 338.11207
Source: 1997 AACS.

R 338.11209 Licensure by examination to practice dental therapy.
Rule 1209. In addition to meeting the requirements of section 16174 of the code, MCL 333.16174, an applicant for dental therapist licensure by examination shall submit a completed application, on a form provided by the department, together with the requisite fee and shall meet all of the following requirements:
(a) Graduate from a dental therapy educational program that meets the standards in R 338.11302.
(b) Pass the comprehensive, competency-based clinical examination developed and scored by the CDCA with a passing converted score of not less than 75 on each component of the examination.
(c) Complete at least 500 hours of clinical practice as required under R 338.11218.
(d) Beginning January 6, 2022, complete a 1-time training identifying victims of human trafficking as

required in R 338.11271 and section 16148 of the code, MCL 333.16148.
(e) Complete a 1-time training in opioids and other controlled substances awareness as required in R 338.3135.
History: 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11211
Source: 1997 AACS.

R 338.11213 Dental therapy examinations; required passing scores.
Rule 1213. The board approves and adopts the comprehensive, competency-based dental therapy clinical examination developed and scored by the CDCA. An applicant shall provide evidence to the department of passing each component of the examination with a converted score of not less than 75.
History: 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11215
Source: 1997 AACS.

R 338.11217
Source: 1997 AACS.

R 338.11218 Dental therapy clinical practice in board approved program; requirements.
Rule 1218. (1) The dental therapy clinical practice required for licensure must comply with all of the following:
(a) The clinical practice must be included in a dental therapy education program that meets the standards in R 338.11302.
(b) A dental therapy student shall complete at least 500 clinical practice hours within the educational program, including practice hours in extractions and restorations as determined by the educational program.
(c) A dental therapy student shall be under the direct supervision of a dentist who is currently licensed in this state and is in good standing.
(d) A dentist under disciplinary review or action shall not provide direct supervision of a dental therapy student in a clinical practice. If a dentist is notified by the department that he or she is under disciplinary review or action by any state, within 7 days of notification, he or she shall notify the dental therapist program and discontinue directly supervising the dental therapy student in his or her clinical practice.
(2) As used in this rule, "direct supervision" means that the supervising dentist complies with all of the following:
(a) Designates a patient of record upon whom the procedures are to be performed by the dental therapy student.
(b) Describes the procedures to be performed to the dental therapy student.
(c) Examines the patient before prescribing the procedures to be performed by the dental therapy student.
(d) Examines the patient upon completion of the procedures that were performed by the dental therapy student.
(e) Is physically present in the office at the time the procedures are being performed by the dental therapy student.
History: 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11219
Source: 1997 AACS.

R 338.11221 Licensure by examination to practice dental hygiene.
Rule 1221. In addition to meeting the requirements of section 16174 of the code, MCL 333.16174, an applicant for dental hygienist licensure by examination shall submit a completed application, on a form provided by the department, together with the requisite fee shall meet all of the following requirements:
(a) Graduate from a dental hygiene educational program in compliance with the standards in R 338.11303.
(b) Pass all parts of the dental hygiene national board examination that is conducted and scored by the JCNDE to qualify for the licensing examination provided for in subdivision (c) or (d) of this rule. The requirement does not apply to an applicant who graduated from a dental hygiene program before 1962.
(c) Subject to subdivision (d) of this rule, pass a dental hygiene simulated clinical written examination

conducted by the CDCA or a successor organization, and 1 of the following:
(i) Pass all parts of a clinical examination that is conducted and scored by the CDCA–or a successor organization or pass all parts of a clinical examination that is conducted by a regional testing agency if the examination is substantially equivalent, as provided in R 338.11255(5) and (6), to the dental hygiene simulated clinical written examination conducted by CDCA or a successor organization.
(ii) Pass all parts of a clinical examination developed and scored by a state or other entity that is substantially equivalent as provided in R 338.11255(5) and (6), to the clinical examination of the CDCA or a successor organization.
(d) Pass all parts written and clinical, of the ADEX clinical examination that is conducted and scored by the CDCA, a successor organization, or by another regional testing agency. Beginning 1 year after the effective date of this subdivision, an applicant shall meet the requirements of this subdivision instead of the requirements under subdivision (c) of this rule.
(e) Beginning January 6, 2022, complete a 1-time training identifying victims of human trafficking as required in R 338.11271 and section 16148 of the code, MCL 333.16148.
History: 1984 AACS; 1997 AACS; 2006 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11222 Rescinded.
History: 1989 AACS; 1997 AACS; 2006 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11223
Source: 2006 AACS.

R 338.11225
Source: 1997 AACS.

R 338.11227
Source: 1997 AACS.

R 338.11233 Registered dental hygienist; use of letters "R.D.H."; registered dental assistant; use of letters "R.D.A."
Rule 1233. (1) Pursuant to section 16264 of the code, MCL 333.16264, the registered dental hygienist who has received a bona fide degree or certificate of dental hygiene from a duly recognized and accredited program of dental hygiene and who has completed all requirements for licensure may use the letters "R.D.H." after his or her name in connection with the practice of dental hygiene.
(2) Pursuant to section 16264 of the code, MCL 333.16264, a registered dental assistant who has received a bona fide degree or certificate of dental assisting from a duly recognized and accredited program of dental assisting and who has completed all requirements for licensure may use the letters "R.D.A." after his or her name in connection with the practice of dental assisting.
History: 1984 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11235 Licensure to practice as a registered dental assistant; requirements.
Rule 1235. In addition to meeting the requirements of section 16174 of the code, MCL 333.16174, an applicant for registered dental assistant licensure by examination shall submit a completed application, on a form provided by the department, together with the requisite fee and shall meet both of the following requirements:
(a) Graduate or receive a certificate from an educational program that meets the standards in R 338.11307.
(b) Provide evidence to the department of passing both a board-approved written examination and board-approved clinical examination that meets the requirements in R 338.11239, with a score of not less than 75, on all sections of both examinations.
(c) Beginning January 6, 2022, complete a 1-time training identifying victims of human trafficking as required in R 338.11271 and section 16148 of the code, MCL 333.16148.
History: 1984 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11239 Registered dental assistant examination; content; time; place; passing score.
Rule 1239. (1) Upon a written request, the board shall review a written and clinical examination for compliance with the criteria in subrule (2) of this rule.

(2) An examination for licensure as a registered dental assistant must be both written and clinical and include all of the following:
(a) Oral anatomy.
(b) Law and rules governing allied dental personnel.
(c) Instrumentation and use of dental materials.
(d) Mouth mirror inspection.
(e) Dental dam application.
(f) Application of anticariogenics, which includes sealants, fluoride varnish, and fluoride applications.
(g) Placement and removal of temporary crowns and bands.
(h) Radiography.
(i) Application and removal of post extraction and periodontal dressings.
(j) Removal of sutures.
(k) Fabrication of temporary crowns.
(l) Placing, condensing, and carving amalgam restorations.
(m) Taking final impressions for indirect restorations.
(n) Assisting and monitoring the administration of nitrous oxide analgesia.
(o) Placing, condensing, and carving intracoronal temporaries.
(p) Infection control, safety, and occupational safety and health administration.
(q) Orthodontic procedures.
(r) Placing resin bonded restorations, occlusal adjustment, and finishing and polishing with a non-tissue cutting slow-speed handpiece.
(s) Selective coronal polishing before orthodontic or restorative procedures only.
(t) Charting the oral cavity.
(u) Classifying occlusion.
(v) Nutritional counseling.
(w) Medical emergency procedures.
(x) Pulp vitality testing.
(y) Placement and removal of gingival retraction materials or agents.
(z) Drying endodontic canals.
(aa) Taking impressions for study and opposing models.
(bb) Instructing in the use and care of dental appliances.
(cc) Applying topical anesthetic solution.
(dd) Etching, placing, contouring, and polishing of sealants with a slow-speed rotary handpiece for occlusal adjustment.
(ee) Placing and removing matrices and wedges.
(ff) Applying cavity liners and bases.
(gg) Applying and dispensing in-office bleaching products.
(hh) Adjusting and polishing contacts and occlusion of indirect restorations.
(3) The passing score for an examination is a converted score of 75 on each section.
History: 1984 AACS; 1989 AACS; 2011 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11241 Rescinded.
History: 1984 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11245 Rescinded.
History: 1984 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11247 Limited licenses; issuance; requirements.
Rule 1247. (1) The board may issue ~~a~~ an educational limited license for postgraduate education, under section 16182(2)(a) of the code, MCL 333.16182, to an applicant who is a graduate of a dental, dental therapy, dental hygiene, or dental assistant program, and who is engaged in CODA accredited postgraduate dental education. An educational limited license is renewable only 7 times. A 1-time extension may be granted by the board. All of the following apply to an educational limited license:
(a) An applicant for an educational limited license shall comply with all of the following:
(i) Submit the required fee and a completed application on a form provided by the department.
(ii) Meet the requirements of section 16174 of the code, MCL 333.16174.

(iii) Submit proof of graduation from a dental, dental therapy, dental hygiene, or dental assistant program in the form of a certified copy of a diploma and transcript. If the transcript is issued in a language other than English, an applicant shall submit an original, official translation.
(iv) Submit documentation verifying that he or she has been accepted into a CODA accredited postgraduate dental education program.
(b) An educational limited license holder shall not hold himself or herself out to the public as being engaged in the practice of dentistry, dental therapy, dental hygiene, or as a dental assistant, or provide dental services outside his or her postgraduate dental education program.
(c) An educational limited licensed dentist, dental therapist, or dental hygienist may perform dental procedures upon patients as directed by his or her postgraduate dental education program if the procedures are performed under the general supervision, as defined in R 338.11401(d), of a fully licensed dentist.
(d) An educational limited licensed dental assistant may perform dental procedures upon patients as directed by his or her postgraduate dental education program if he or she complies with all of the following:
(i) The procedures are performed under the direct supervision, as defined in R 338.11401(c), of a fully licensed dentist.
(ii) The limited licensed dental assistant has satisfied the 35 hours of additional education in an approved course as required under sections 16611(7) and (11) to (13) of the code, MCL 333.16611.
(iii) The limited licensed dental assistant has successfully completed a course in dental radiography that is substantially equivalent to a course taught in a program approved by the board under R 338.11302, R 338.11303, or R 338.11307.
(2) The board may issue a limited license, under section 16182(2)(b) of the code, MCL 333.16182, for nonclinical services, to an applicant of a dental, dental therapy, dental hygiene, or dental assistant program who functions only in a nonclinical academic research or administrative setting. All of the following apply to a nonclinical limited license:
(a) An applicant for a nonclinical limited license shall comply with all of the following:
(i) Submit the required fee and a completed application on a form provided by the department.
(ii) Meet the requirements of section 16174 of the code, MCL 333.16174.
(iii) Submit proof of graduation from a dental, dental therapy, dental hygiene, or dental assistant program in the form of a certified copy of a diploma and transcript. If the transcript is issued in a language other than English, the applicant shall submit an original, official translation.
(iv) Submit documentation verifying that the applicant has been placed in a nonclinical academic, research, or administrative setting.
(b) A nonclinical license holder shall not hold himself or herself out to the public as being engaged in the practice of dentistry, dental therapy, dental hygiene, or as a dental assistant other than in their nonclinical academic, research, or administrative setting, or provide dental services outside of his or her nonclinical academic, research, or administrative setting.
(3) The board may issue a limited license, under section 16182(2)(c) of the code, MCL 333.16182, for clinical academic services, to an applicant who is a graduate of a dental, dental therapy, dental hygiene, or dental assistant program, who practices the health profession only in connection with his or her employment or other contractual relationship with that academic institution. All of the following apply to a clinical limited license:
(a) An applicant for a clinical limited license shall comply with all of the following:
(i) Submit the required fee and a completed application on a form provided by the department.
(ii) Meet the requirements of section 16174 of the code, MCL 333.16174.
(iii) Submit proof of graduation from a dental, dental therapy, dental hygiene, or dental assistant program in the form of a certified copy of a diploma and transcript. If the transcript is issued in a language other than English, the applicant shall submit an original, official translation.
(iv) Submit documentation verifying that the applicant has been offered and accepted employment in an academic institution.
(b) A clinical limited license holder shall not hold himself or herself out to the public as being engaged in the practice of dentistry, dental therapy, dental hygiene, or as a dental assistant other than in connection with his or her employment or other contractual relationship with an academic institution, or provide dental services outside his or her employment or other contractual relationship with an academic institution.
(c) A clinical academic limited licensed dentist, dental therapist, or dental hygienist may perform dental procedures upon patients in connection with his or her employment or contractual relationship with an academic institution if the procedures are performed under the general supervision, as defined in R

338.11401(d), of a fully licensed dentist.
(d) A clinical academic limited licensed dental assistant may perform dental procedures upon patients in connection with his or her employment or contractual relationship with an academic institution if he or she complies with all of the following:
(i) The procedures are performed under the direct supervision, as defined in R 338.11401(c), of a fully licensed dentist.
(ii) The limited licensed dental assistant has satisfied the 35 hours of additional education in an approved course as required under section 16611(7), and (11) to (13) of the code, MCL 333.16611.
(iii) The limited licensed dental assistant has successfully completed a course in dental radiography that is substantially equivalent to a course taught in a program approved by the board pursuant to R 338.11303 or R 338.11307.
(4) Limited licenses must be renewed annually and are issued at the discretion of the department.
History: 1984 AACS; 2006 AACS; 2011 AACS; 2014 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11249
Source: 1998-2000 AACS.

R 338.11253 Certification of renewal; display.
Rule 1253. A licensee shall display a current certificate of licensure in his or her principal place of practice. A licensee whose practice involves more than 1 office shall have a copy of his or her current certificate of licensure on display at all additional locations.
History: 1984 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11255 Licensure by endorsement of dentist; requirements.
Rule 1255. (1) An applicant who has never held a dental license in this state and who is not applying for licensure by examination may apply for licensure by endorsement by submitting a completed application on a form provided by the department, together with the requisite fee.
(2) An applicant who is licensed in another state as a dentist is presumed to have met the requirements of section 16186 of the code, MCL 333.16186, if he or she meets all of the following requirements in subdivisions (a) to (e), subject to subdivisions (f) and (g):
(a) Has graduated from a dental educational program that meets the standards in R 338.11301 and provides the department with the original, official transcripts of professional education and documentation of graduation.
(b) Has passed all phases of the national board examination for dentists, in sequence.
(c) Verifies his or her license, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or ever held a license as a dentist, including the record of any disciplinary action taken or pending against the applicant.
(d) Has held a license as a dentist in good standing in another state for 30 days before filing an application in this state.
(e) Submits proof of successful completion of 1 of the regional examinations described in subrule (4) of this rule. This requirement is waived for individuals who were licensed initially in another state before 2002 and who were not required to complete a regional examination as part of the initial licensing process as confirmed by the state in which the initial license was awarded.
(f) If an applicant was licensed as a dentist in another state that required the successful completion of a regional examination and the applicant has been practicing for a minimum of 5 years in the United States immediately preceding the application for licensure in this state, it is presumed that the applicant meets the requirements of subdivisions (a), (b), and (d) of this subrule.
(g) If an applicant is licensed as a dentist in another state that does not require the successful completion of a regional examination and the applicant has been practicing for a minimum of 5 years in the United States immediately preceding the application for licensure in this state, it is presumed that the applicant meets the requirements of subdivisions (a) and (b) of this subrule.
(3) The board may deny an application for licensure by endorsement upon finding the existence of a board action in any other state for a violation related to applicable provisions of section 16221 of the code, MCL 333.16221, or upon determining that the applicant does not fulfill the requirements of section 16186 of the code, MCL 333.16186.
(4) For purposes of this rule, subject to subrules (5) and (6) of this rule, the board approves and adopts the

clinical examinations of other regional testing agencies or state boards if the examinations are substantially equivalent to all parts, written and clinical, of the ADEX clinical examination that is conducted and scored by the CDCA, a successor organization, or another regional testing agency. A passing score on the clinical examination is the score recommended by the sponsoring organization. An applicant shall present evidence to the department of a converted score of 75 or higher on each component of the examination.
(5) To determine substantial equivalency as specified in subrule (4) of this rule, the board shall consider at least the following factors:
(a) Subject areas included.
(b) Detail of material.
(c) Comprehensiveness.
(d) Length of an examination.
(e) Degree of difficulty.
(6) To demonstrate substantial equivalency as specified in subrule (4) of this rule, an applicant may be required to submit materials, including the following:
(a) A copy of the examination booklet or description of the examination content and examination scores issued by the testing agency.
(b) An affidavit from the appropriate state licensing agency that describes the examination and sets forth the legal standards that were in effect at the time of the examination.
(c) An affidavit from a state licensing board or examination agency that describes the examination.
History: 1989 AACS; 2006 AACS; 2011 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11257 Licensure by endorsement of dentist therapist; requirements.
Rule 1257. (1) An applicant who has never held a dental therapy license in this state and who is not applying by examination may apply for licensure by endorsement by submitting a completed application on a form provided by the department, together with the requisite fee.
(2) An applicant who is licensed as a dental therapist in another state is presumed to have met the requirements of section 16186 of the code, MCL 333.16186, if he or she meets all of the following requirements:
(a) Has graduated from a dental therapy educational program that meets the standards in R 338.11302 and provides the department with the original, official transcripts of professional education and documentation of graduation for board evaluation.
(b) Has passed the comprehensive, competency-based clinical examination developed and scored by the CDCA with a converted passing score of not less than 75 on each component of the examination.
(c) Verifies completion of at least 500 hours of clinical practice in dental therapy, that substantially meets the requirements of R 338.11218, in a dental therapy educational program that meets the standards in R 338.11302.
(d) Verifies his or her license, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or ever held a license as a dental therapist, including the record of any disciplinary action taken or pending against the applicant.
(e) Has held a license as a dental therapist in good standing in another state 30 days before filing an application in this state.
(3) The board may deny an application for licensure by endorsement upon finding the existence of a board action in any other state for a violation related to applicable provisions of section 16221 of the code, MCL 333.16221, or upon determining that the applicant does not fulfill the requirements of section 16186 of the code, MCL 333.16186.
(4) For purposes of this rule, subject to subrules (5) and (6) of this rule, the board may approve a dental therapist clinical examination of another state board if the examination is substantially equivalent to all parts of the comprehensive, competency-based clinical examination developed and scored by the CDCA or a successor organization. A passing score on a substantially equivalent examination is the score recommended by the sponsoring organization. An applicant shall present evidence to the department of a converted score of 75 or higher on each component of the examination.
(5) To determine substantial equivalency as specified in subrule (4) of this rule, the board shall consider at least the following factors:
(a) Subject areas included.
(b) Detail of material.
(c) Comprehensiveness.

(d) Length of an examination.
(e) Degree of difficulty.
(6) To demonstrate substantial equivalency as specified in subrules (4) and (5) of this rule, an applicant may be required to submit materials, including the following:
(a) A copy of the examination booklet or description of the examination content and examination scores issued by the testing agency.
(b) An affidavit from the appropriate state licensing agency that describes the examination and sets forth the legal standards that were in effect at the time of the examination.
(c) An affidavit from a state licensing board or examination agency that describes the examination.
History: 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11259 Licensure by endorsement of dental hygienists; requirements.
Rule 1259. (1) An applicant who has never held a registered dental hygienist license in this state and who is not applying by examination may apply for licensure by endorsement by submitting a completed application, on a form provided by the department, together with the requisite fee.
(2) An applicant who is licensed in another state as a dental hygienist is presumed to have met the requirements of section 16186 of the code, MCL 333.16186, if he or she meets all of the following requirements in subdivisions (a) to (e), subject to subdivisions (f) and (g):
(a) Has graduated from a dental hygiene educational program that meets the standards provided in R 338.11303 and provides the department with the original, official transcripts of professional education and documentation of graduation for board evaluation.
(b) Has passed all phases of the national board examination for dental hygienists. This requirement is waived for persons who graduated from an accredited school before 1962.
(c) Verifies his or her license, on a form supplied by the department, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a dental hygienist license including the record of any disciplinary action taken or pending against the applicant.
(d) Submits proof of successful completion of a written and clinical examination that is substantially equivalent to the examinations required in R 338.11223. This requirement is waived for individuals who were licensed initially in another state of the United States before 2002 and who were not required to complete a regional examination as part of the initial licensing process as confirmed by the state of the United States in which the initial license was awarded.
(e) Has held a license as a dental hygienist in good standing in another state 30 days before filing an application in this state.
(f) If an applicant was licensed as a dental hygienist in another state that requires the successful completion of a regional examination and the applicant has been practicing in the United States for a minimum of 3 years immediately preceding the application for licensure in this state, it is presumed that the applicant meets the requirements of subdivisions (a), (b), and (d) of this subrule.
(g) If an applicant is licensed as a dental hygienist in another state that does not require the successful completion of a regional examination and the applicant has been practicing in the United States for a minimum of 3 years immediately preceding the application for licensure in this state, it is presumed that the applicant meets the requirement of subdivisions (a) and (b) of this subrule.
(3) The board may deny an application for licensure by endorsement upon finding the existence of a board action in any other state of the United States for a violation related to applicable provisions of section 16221 of the code, MCL 333.16221, or upon determining that the applicant does not fulfill the requirements of section 16186 of the code, MCL 333.16186.
(4) For purposes of this rule, subject to subrules (5) and (6) of this rule, the board approves and adopts the clinical examinations of other regional testing agencies or state boards if the examinations are considered to be substantially equivalent to all parts, written and clinical, of the ADEX clinical examination that is conducted and scored by the CDCA, a successor organization, or another regional testing agency. A passing score on the clinical examination is the score recommended by the sponsoring organization. An applicant shall present evidence to the department of a converted score of 75 or higher on each component of the examination.
(5) To determine substantial equivalency as specified in subrule (4) of this rule, the board shall consider at least the following factors:
(a) Subject areas included.
(b) Detail of material.

(c) Comprehensiveness.
(d) Length of an examination.
(e) Degree of difficulty.
(6) To demonstrate substantial equivalency as specified in subrule (4) of this rule, an applicant may be required to submit materials, including the following:
(a) A copy of the examination booklet or description of the examination content and examination scores issued by the testing agency.
(b) An affidavit from the appropriate state licensing agency that describes the examination and sets forth the legal standards that were in effect at the time of the examination.
(c) An affidavit from a state licensing board or examination agency that describes the examination.
History: 1989 AACS; 2006 AACS; 2011 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11261 Licensure by endorsement of registered dental assistants; requirements.
Rule 1261. (1) An applicant who has never held a registered dental assistant license in this state and who is not applying for licensure by examination may apply for licensure by endorsement by submitting a completed application, on a form provided by the department, together with the requisite fee. –
(2) An applicant who is licensed or registered in another state is presumed to have met the requirements of section 16186 of the code, MCL 333.16186, if he or she meets all of the following requirements:
(a) Has graduated from a dental assistant educational program that meets the standards in R 338.11307 and provides the department with the original, official transcripts of professional education and documentation of graduation for board evaluation.
(b) Submits proof of successful completion of both a written and clinical examination, approved by the board under R 338.11239, with a score of not less than 75, on each section of both the written and clinical examinations.
(c) Verifies his or her license, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or ever held a license including the record of any disciplinary action taken or pending against the applicant.
(d) Has held a license as a dental assistant in good standing in another state 30 days before filing an application in this state.
(3) A dental assistant who does not fulfill the requirements of subrule (2) of this rule is not eligible for licensure by endorsement in this state and shall comply with the provisions of R 338.11235.
(4) The board may deny an application for licensure by endorsement upon finding the existence of a board action in any other state of the United States for a violation related to applicable provisions of section 16221 of the code, MCL 333.16221, or upon determining that the applicant does not fulfill the requirements of section 16186 of the code, MCL 333.16186.
History: 1989 AACS; 2006 AACS; 2011 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11263 Relicensure requirements; dentists.
Rule 1263. An applicant whose dentist license in this state has lapsed, under the provisions of section 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements:

For a dentist who has let his or her license in this state lapse:	Lapsed 0-3 years	Lapsed more than 3 years, but less than 5 years	Lapsed 5 or more years
(a) Submits a completed application, on a form provided by the department, together with the requisite fee.	√	√	√
(b) Establishes that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(c) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(d) Submits proof of current certification in basic or advanced cardiac life support for health care providers with a hands-on			

component from an agency or organization that grants certification pursuant to standards equivalent to those established by the American Heart Association (AHA), earned within the 2-year period before receiving the license. -	√	√	√
(e) Submits proof of having completed 60 hours of continuing education in courses and programs approved by the board as required under R 338.11701, all of which were earned within the 3-year period immediately preceding the application for licensure. If the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date of the application to complete the deficient hours. The department shall hold the application and shall not issue the license until the applicant has completed the continuing education requirements. The 60 hours of continuing education must include all of the following: (i) At least 3 hours in pain and symptom management. (ii) One hour in dental ethics and jurisprudence with inclusion of delegation of duties to allied dental personnel. (iii) One hour in infection control, which must include sterilization of hand pieces, personal protective equipment, and the Centers for Disease Control and Prevention's infection control guidelines.		√	√
(f) Completed a 1-time training in identifying victims of human trafficking that meets the standards in R 338.11271.	√	√	√
(g) Completed a 1-time training in opioids and other controlled substances awareness as required in R 338.3135.	√	√	√
(h) A dentist who is subject to part 8 of these rules, R 338.11801 to R 338.11821, shall verify with his or her application for relicensure, that he or she complies with part 8 of these rules, R 338.11801 to R 338.11821, and specify the make of the amalgam separator in his or her office and the year that each separator was installed.	√	√	√
(i) An applicant's license must be verified by the licensing agency of all other states of the United States in which he or she ever held a license as a dentist. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√	√
(j) If an applicant's license is lapsed for more than 3 years but less than 5 years, he or she shall meet either of the following: (i) Within the 2-year period immediately preceding the application for relicensure, retakes and passes the ADEX simulated clinical written examination for dentists developed and scored by the CDCA or another testing agency with a passing score of not less than 75. (ii) Provides the department documentation that he or she holds or held a valid and unrestricted dentist's license in another state in the United States within 3 years immediately preceding the application for relicensure.		√	
(k) If an applicant's license is lapsed 5 or more years, he or she shall provide the department with documentation that proves he or she holds or held a valid and unrestricted dentist license in another state in the United States within 3 years immediately preceding the application for relicensure and meets all of the			√

requirements in subrules (a) to (i) of this rule or complies with all of the following: (i) Meets the requirements of section 16174 of the code, MCL 333.16174, and the administrative rules. (ii) Provides proof of graduation from a dental educational program that meets the standards in R 338.11301 in which he or she obtained a DDS or DMD degree. (iii) Provides proof of having passed all parts of the national board examination conducted and scored by the JCNDE to qualify for the dental simulated clinical written examination. (iv) Provides proof of having passed the ADEX dental simulated clinical written examination conducted and scored by the CDCA or another regional agency within the 2-year period immediately preceding the application for relicensure. (v) Provides proof of having passed the ADEX dental clinical examination conducted and scored by the CDCA or another regional testing agency.			

History: 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11265 Relicensure requirements; dental therapists.
Rule 1265. An applicant whose dental therapist license in this state has lapsed, under the provisions of section 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements:

For a dental therapist who has let his or her license in this state lapse:	Lapsed 0-3 years	Lapsed more than 3 years, but less than 5 years	Lapsed 5 or more years
(a) Submits a completed application, on a form provided by the department, together with the requisite fee.	√	√	√
(b) Establishes that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(c) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(d) Submits proof of current certification in basic or advanced cardiac life support for health care providers with a hands-on component from an agency or organization that grants certification pursuant to standards equivalent to those established by the AHA, earned within the 2-year period before receiving the license.	√	√	√
(e) Submits proof of having completed 35 hours of continuing education in courses and programs approved by the board as required under R 338.11701, all of which were earned within the 2-year period immediately preceding the application for licensure. If the continuing education hours submitted with the application are deficient, an applicant has 2 years from the date of the application to complete the deficient hours. The department shall hold the application and shall not issue the license until the applicant has completed the continuing education requirements.		√	√

The 35 hours of continuing education must include all of the following: (i) At least 2 hours in pain and symptom management. (ii) One hour in dental ethics and jurisprudence. (iii) One hour in infection control, which must include sterilization of hand pieces, personal protective equipment, and the Centers for Disease Control and Prevention's infection control guidelines.			
(f) Submits proof of having completed a 1-time training in identifying victims of human trafficking that meets the standards in R 338.11271.	√	√	√
(g) Submits proof of having completed a 1-time training in opioids and other controlled substances awareness as required in R 338.3135.	√	√	√
(h) An applicant's license must be verified by the licensing agency of all other states of the United States in which he or she ever held a license as a dental therapist. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√	√
(i) If an applicant's license is lapsed for more than 3 years but less than 5 years, he or she shall meet either of the following: (i) Within the 2-year period immediately preceding the application for relicensure, retakes and passes a comprehensive, competency-based clinical examination approved by the department with a converted passing score of not less than 75. (ii) Provides the department documentation that he or she holds or held a valid and unrestricted dental therapist's license in another state in the United States within 3 years immediately preceding the application for relicensure.		√	
(j) If an applicant's license is lapsed for 5 years or more, he or she shall provide the department with documentation that proves he or she holds or held a valid and unrestricted dental therapist license in another state in the United States within 3 years immediately preceding the application for relicensure and meets all of the requirements in subrules (a) to (h) of this rule or complies with all of the following: (i) Meets the requirements of section 16174 of the code, MCL 333.16174, and the administrative rules. (ii) Provides proof of graduation from a dental therapy program that meets the standards in R 338.11302. (iii) Provides proof of having passed a comprehensive, competency-based dental therapy clinical examination as required in R 338.11213, within the 2-year period immediately preceding the application for relicensure.			√

History: 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11267 Relicensure requirements; registered dental hygienists.
Rule 1267. An applicant whose registered dental hygienist license in this state has lapsed, under the provisions of section 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements:

For a registered dental hygienist who has let his or her license in this state lapse:	Lapsed 0-3 years	Lapsed more than 3 years, but less than 5 years	Lapsed 5 or more years
(a) Submits a completed application, on a form provided by the department, together with the requisite fee.	√	√	√
(b) Establishes that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(c) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(d) Submits proof of current certification in basic or advanced cardiac life support for health care providers with a hands-on component from an agency or organization that grants certification pursuant to standards equivalent to those established by the AHA, earned within the 2-year period before receiving the license.	√	√	√
(e) Submits proof of having completed 36 hours of continuing education in courses and programs approved by the board as required under R 338.11704, all of which were earned within the 3-year period preceding the date of application for relicensure. If the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date of the application to complete the deficient hours. The department shall hold the application and shall not issue the license until the applicant has completed the continuing education requirements. The 36 hours of continuing education must include all of the following: (i) At least 2 hours in pain and symptom management. (ii) One hour in dental ethics and jurisprudence with inclusion of delegation of duties to allied dental personnel. (iii) One hour in infection control, which must include sterilization of hand pieces, personal protective equipment, and the Centers for Disease Control and Prevention's infection control guidelines.		√	√
(f) Submits proof of having completed a 1-time training in identifying victims of human trafficking that meets the standards in R 338.11271.	√	√	√
(g) An applicant's license must be verified by the licensing agency of all other states of the United States in which he or she ever held a license as a dental hygienist. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√	√
(h) If an applicant's license is lapsed for more than 3 years but less than 5 years, he or she shall meet 1 of the following:		√	

(i) Provide proof of having passed the ADEX hygiene simulated clinical written examination conducted and scored by the CDCA or another regional agency, within the 2-year period immediately preceding the application for relicensure. (ii) Provide the department documentation that the applicant holds or has held a valid and unrestricted license in another state within 3 years immediately preceding the application for licensure.			
(i) If an applicant's license is lapsed for 5 years or more, he or she shall provide the department with documentation that proves he or she holds or held a valid and unrestricted license in another state within 3 years immediately preceding the application for relicensure and meets all of the requirements in subrules (a) through (g) of this rule or complies with all of the following: (i) Meets the requirements of section 16174 of the code, MCL 333.16174, and the administrative rules. (ii) Provides proof of graduation from a dental hygiene educational program that meets the standards in R 338.11303. (iii) Provides proof of having passed all parts of the dental hygiene national board examination conducted and scored by the JCNDE to qualify for the dental hygiene simulated clinical written examination. This paragraph does not apply to an applicant who graduated from a dental hygiene program before 1962. (iv) Provides proof of having passed the ADEX hygiene simulated clinical written examination conducted and scored by the CDCA or another regional testing agency, within the 2-year period immediately preceding the application for relicensure. (v) Provides proof of having passed the ADEX hygiene clinical examination conducted and scored by the CDCA or another regional testing agency.			√

History: 1989 AACS; 2011 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11269 Relicensure requirements; registered dental assistants.
Rule 1269. An applicant whose registered dental assistant license in this state has lapsed, under the provisions of section 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements:

For a registered dental assistant who has let his or her license in this state lapse:	Lapsed 0-3 years	Lapsed more than 3 years, but less than 5 years	Lapsed 5 or more years
(a) Submits a completed application, on a form provided by the department, together with the requisite fee.	√	√	√
(b) Establishes that he or she is of good moral character as defined under sections 1 to section 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(c) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(d) Submits proof of current certification in basic or advanced cardiac life support for health care providers with a hands-on component from an agency or organization that grants	√	√	√

certification pursuant to standards equivalent to those established by the AHA, earned within the 2-year period before receiving the license.			
(e) Submits proof of having completed 36 hours of continuing education in courses and programs approved by the board as required under R 338.11704, all of which were earned within the 3-year period immediately preceding the date of the application for relicensure. If the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date of the application to complete the deficient hours. The department shall hold the application and shall not issue the license until the applicant has completed the continuing education requirements. The 36 hours of continuing education must include all of the following: (i) At least 2 hours in pain and symptom management. (ii) One hour in dental ethics and jurisprudence with inclusion of delegation of duties to allied dental personnel. (iii) One hour in infection control, which must include sterilization of hand pieces, personal protective equipment, and the Centers for Disease Control and Prevention's infection control guidelines.		√	√
(f) Completed a 1-time training in identifying victims of human trafficking that meets the standards in R 338.11271.	√	√	√
(g) An applicant's license must be verified by the licensing agency of all other states of the United States in which he or she ever held a license as a dental assistant. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√	√
(h) If an applicant's license is lapsed more than 3 years but less than 5 years, he or she shall meet either of the following: (i) Pass a board-approved written and clinical examination that meets the requirements of R 338.11239, within the 2-year period immediately preceding the application for relicensure. (ii) Provide the department documentation that he or she holds or held a valid and unrestricted license in another state within 3 years immediately preceding the application for relicensure.		√	
(i) If an applicant's license is lapsed 5 years or more, he or she shall provide the department with documentation that proves he or she holds or held a valid and unrestricted license in another state within 3 years immediately preceding the application for relicensure and meets all of the requirements in subrules (a) through (g) of this rule or complies with all of the following: (i) Meets the requirements of section 16174 of the code, MCL 333.16174, and the administrative rules. (ii) Provides proof of graduation or certification from an educational program that meets the standards in R 338.11307. (iii) Provides proof of having passed a board- approved clinical examination that meets the requirements of R 338.11239. (iv) Provides proof of having passed a board- approved written examination that meets the requirements of R 338.11239, within the 2-year period immediately preceding the application for relicensure.			√

History: 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11271 Training standards for identifying victims of human trafficking; requirements.
Rule 1271. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure, registration, or who is licensed or registered shall complete training in identifying victims of human trafficking that meets the following standards:
(a) Training content covers all of the following:
(i) Understanding the types and venues of human trafficking in this state or the United States.
(ii) Identifying victims of human trafficking in health care settings.
(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
(iv) Specifying resources for reporting the suspected victims of human trafficking.
(b) Acceptable providers or methods of training include any of the following:
(i) Training offered by a nationally recognized or state-recognized health-related organization.
(ii) Training offered by, or in conjunction with, a state or federal agency.
(iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
(iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
(c) Acceptable modalities of training include any of the following:
(i) Teleconference or webinar.
(ii) Online presentation.
(iii) Live presentation.
(iv) Printed or electronic media.
(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license or registration renewals beginning with the first renewal cycle after January 6, 2017, and for initial licenses or registrations issued after January 6, 2022.
History: 2021 MR 8, Eff. Apr. 26, 2021.

PART 3. EDUCATION

R 338.11301 Approval of dental educational programs; accreditation standards; adoption by reference.
Rule 1301. (1) The board adopts by reference in these rules the standards of CODA of the ADA, as set forth in the following publications:
(a) "Accreditation Standards for Dental Education Programs," copyright 2019.
(b) "Accreditation Standards for Advanced Dental Education Programs in Oral and Maxillofacial Surgery", copyright 2018.
(c) "Accreditation Standards for Advanced Dental Education Programs in Endodontics", copyright 2019.
(d) "Accreditation Standards for Advanced Dental Education Programs in Orthodontics and Dentofacial Orthopedics", copyright 2018.
(e) "Accreditation Standards for Advanced Dental Education Programs in Prosthodontics", copyright 2018.
(f) "Accreditation Standards for Advanced Dental Education Programs in Periodontics", copyright 2018.
(g) "Accreditation Standards for Advanced Dental Education Programs in Pediatric Dentistry", copyright 2018.
(h) "Accreditation Standards for Advanced Dental Education Programs in Oral and Maxillofacial

Pathology", copyright 2018.
(2) A dental educational program accredited by CODA, or a successor organization, is considered board approved. CODA is the only accreditation accepted by the board.
(3) These standards may be obtained at no cost from CODA of the ADA, 211 East Chicago Avenue, Chicago, Illinois, 60611-2678 or at no cost from the association's website at http://www.ada.org. Copies of these standards are available at 10 cents per page for inspection and distribution, from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P. O. Box 30670, Lansing, Michigan, 48909.
History: 1984 AACS; 1997 AACS; 2006 AACS; 2017 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11302 Approval of dental therapy educational programs; accreditation standards; adoption by reference.
Rule 1302. (1) The board adopts by reference in these rules the standards of CODA of the ADA, as set forth in the publication titled "Accreditation Standards for Dental Therapy Education Programs," effective February 6, 2015, copyright 2019.
(2) A dental therapy educational program that is accredited by CODA or a successor organization is considered board approved.
(3) For an applicant applying for a dental therapy license, upon application for licensure on a department form, the board shall review and may approve an applicant's dental therapy education program if the program substantially conforms to the dental therapy education program CODA standards at the time of graduation of the dental therapy applicant.
(4) A dental therapy educational program must be taught at a postsecondary education institution that meets the standards in R 338.11302a.
(5) CODA standards may be obtained at no cost from CODA of the ADA, 211 East Chicago Avenue, Chicago, Illinois, 60611-2678 or at no cost from the association's website at http://www.ada.org. Copies of these standards are available for inspection and distribution at 10 cents per page from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P. O. Box 30670, Lansing, Michigan, 48909.
History: 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11302a Higher education institutions; accreditation standards; adoption by reference.
Rule 1302a. (1) A higher education institution meets the requirements of R 338.11302(4) if it is accredited by the accrediting body of the region in which the institution is located and the accrediting body meets either the recognition policy and procedures of the Council for Higher Education Accreditation (CHEA) or the recognition procedures and criteria of the United States Department of Education.
(2) The board adopts by reference the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, 34 CFR part 602 (2009), and the CHEA Recognition of Accrediting Organizations Policy and Procedures, September 24, 2018. Copies of the procedures and criteria of the United States Department of Education and the policy and procedures of CHEA are available for inspection and distribution at no cost from the website for the United States Department of Education at the Office of Postsecondary Education, http://www.ed.gov/about/offices/list/OPE/index.html and the CHEA website at www.chea.org/revised-chea-recognition-policy-and-procedures-0 . Copies are also available for inspection and distribution at 10 cents per page from the Michigan Board of Dentistry, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.
History: 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11303 Approval of dental hygiene educational programs; accreditation standards; adoption by reference.
Rule 1303. (1) The board adopts by reference the standards of CODA of the ADA, as set forth in the publication titled "Accreditation Standards for Dental Hygiene Education Programs," effective January 1, 2013, copyright 2018. A dental hygiene educational program accredited by CODA is considered board approved. CODA is the only accreditation accepted by the board.
(2) These standards may be obtained at no cost from CODA of the ADA, 211 East Chicago Avenue, Chicago, Illinois, 60611-2678 or at no cost from the association's website at http://www.ada.org. Copies of these standards are available for inspection and distribution, at 10 cents per page from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West

Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.
History: 1984 AACS; 1997 AACS; 2006 AACS; 2017 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11307 Approval of dental assisting schools educational programs; standards; adoption by reference.
Rule 1307. (1) The board adopts by reference the standards of CODA of the ADA, as set forth in the publication titled "Accreditation Standards for Dental Assisting Education Programs," copyright 2019. A dental education program accredited by CODA is approved by the board. CODA is the only accreditation accepted by the board.
(2) These standards may be obtained at no cost from CODA of the ADA, 211 East Chicago Avenue, Chicago, Illinois, 60611-2678 or at no cost from the association's website at http://www.ada.org. Copies of these standards are available for inspection and distribution, at 10 cents per page from the Board of Dentistry, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.
History: 1984 AACS; 1997 AACS; 2006 AACS; 2017 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

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

R 338.11401 Definitions.
Rule 1401. As used in this part:
(a) "Assignment" means a dentist designates a patient of record upon whom services are to be performed and describes the procedures to be performed. Unless assignment is designated in these rules under general or direct supervision, the dentist need not be physically present in the office at the time the procedures are being performed.
(b) "Delegation" means an authorization granted by a licensee to a licensed or unlicensed individual to perform selected acts, tasks, or functions that fall within the scope of practice of the delegator and that are not within the scope of practice of the delegatee and that, in the absence of the authorization, would constitute illegal practice of a licensed profession.
(c) "Direct supervision" means that a dentist complies with all of the following:
(i) Designates a patient of record upon whom the procedures are to be performed and describes the procedures to be performed.
(ii) Examines the patient before prescribing the procedures to be performed and upon completion of the procedures.
(iii) Is physically present in the office at the time the procedures are being performed.
(d) "General supervision" means that a dentist complies with both of the following:
(i) Designates a patient of record upon whom services are to be performed.
(ii) Is physically present in the office at the time the procedures are being performed.
(e) "Patient of record" means a patient who has been examined and diagnosed by a dentist and whose treatment has been planned by a dentist or a patient who has been examined, evaluated, assessed, and treatment planned by a dental therapist to the extent authorized by the supervising dentist. A patient of record includes a patient getting radiographic images by allied dental personnel with training pursuant to R 338.11411(a) after receiving approval from the assigning dentist or dental therapist.
History: 1984 AACS; 1998-2000 AACS; 2014 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11402 Rescinded.
History: 2014 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11403 Rescinded.
History: 1984 AACS; 1989 AACS; 2006 AACS; 2014 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11404 Rescinded.
History: 2006 AACS; 2011 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11404a Rescinded.
History: 2011 AACS; 2014 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11405 Rescinded.
History: 1984 AACS; 1998-2000 AACS; 2006 AACS; 2011 AACS; 2014 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11405a Rescinded.
History: 2006 AACS; 2011 AACS; 2014 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11405b Rescinded.-
History: 2014 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11405c Rescinded.
History: 2014 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11406 Rescinded.
History: 1984 AACS; 2006 AACS; 2014 AACS; 2014 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11408 Rescinded.
History: 1984 AACS; 1998-2000 AACS; 2006 AACS; 2011 AACS; 2014 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11409 Rescinded.
History: 2006 AACS; 2011 AACS; 2014 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11410 Rescinded.
History: 2014 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11411 Delegated and assigned dental procedures for allied dental personnel.
Rule. 1411. A dentist may assign or delegate procedures to an unlicensed dental assistant, registered dental assistant, or registered dental hygienist under the provisions of section 16611 of the code, MCL 333.16611, as provided in Table 1:

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

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

(cc)		G*		Drying endodontic canals with absorbent points.
(dd)		G*		Placing and removing nonepinephrine retraction cords or materials.
(ee)		A	A	Placing and removing post extraction and periodontal dressings.
(ff)		D	A	Removing sutures.
(gg)		D	A	Applying and dispensing in-office bleaching products.
(hh)		G	G	Prior to cementation by the dentist, adjusting and polishing contacts and occlusion of indirect restorations. After cementation, removing excess cement from around restorations.
(ii)		D**		Placing, condensing, and carving amalgam restorations.
(jj)		D**		Placing Class I resin bonded restorations, occlusal adjustment, finishing and polishing with non-tissue cutting slow-speed rotary hand pieces.
(kk)		D**		Taking final impressions for direct and indirect restorations and prosthesis including bite registration.
(ll)		D	D	Assisting and monitoring the administration of nitrous oxide analgesia by a dentist or the RDH. A dentist shall assign these procedures only if the RDA or RDH has successfully completed an approved course that meets the requirements of section 16611(7) of the code, MCL 333.16611, with a minimum of 5 hours of didactic instruction. The levels must be preset by the dentist or RDH and must not be adjusted by the RDA except in case of an emergency, in which case the RDA may turn off the nitrous oxide and administer 100% oxygen. As used in this subdivision, “assisting” means setting up equipment and placing the face mask. Assisting does not include titrating and turning the equipment on or off, except in the case of an emergency in which circumstances the RDA may turn off the nitrous oxide and administer 100% oxygen.
(mm)			A	Removing accretions and stains from the surfaces of the teeth and applying topical agents essential to complete prophylaxis.
(nn)			A	Root planing, debridement, deep scaling, and removal of calcareous deposits.
(oo)			A	Polishing and contouring restorations.
(pp)			A	Charting of the oral cavity, including all the following: periodontal charting, intra oral and extra oral examining of the soft tissue, charting of radiolucencies or radiopacities, existing restorations, and missing teeth.
(qq)			A	Applying topical anesthetic agents by prescription of the dentist.
(rr)		A	A	Placing and removing surgical temporary sedative dressings.
(ss)			A	Removing excess cement from tooth surfaces.
(tt)			A	Placing subgingival medicaments.
(uu)			A	Micro abrasion of tooth surfaces to remove defects, pitting, or deep staining.
(vv)			D	Performing soft tissue curettage with or without a dental laser.
(ww)	D	G	G	Taking digital scans for final restorations or intra-oral appliances.
(xx)			D***	Administering intra oral block and infiltration anesthesia, or no more than 50% nitrous oxide analgesia, or both, to a patient who is 18 years of age or older if the RDH has met all of the following requirements:

				(i) Successfully completed an approved course that meets the requirements in section 16611(4) of the code, MCL 333.16611, in the administration of local anesthesia, with a minimum of 15 hours didactic instruction and 14 hours clinical experience. (ii) Successfully completed a state or regional board administered written examination in local anesthesia within 18 months of completion of the approved course in paragraph (i) of this subdivision. (iii) Successfully completed an approved course that meets the requirements in section 16611(4) of the code, MCL 333.16611, in the administration of nitrous oxide analgesia, with a minimum of 4 hours didactic instruction and 4 hours clinical experience. (iv) Successfully completed a state or regional board administered written examination in nitrous oxide analgesia, within 18 months of completion of the approved course in paragraph (iii) of this subdivision. (v) Maintains and provides evidence of current certification in basic or advanced cardiac life support that meets the standards contained in R 338.11705.

A = Assignment as defined in R 338.11401.
G = General supervision as defined in R 338.11401.
D = Direct supervision as defined in R 338.11401.
DA = Dental assistant.
RDA = Registered dental assistant as defined in R 338.11101.
* A dentist shall assign these procedures to an RDA and RDH only if the RDA has successfully completed an approved course that meets the requirements in section 16611(12) and (13) of the code, MCL 333.16611, and contains a minimum of 10 hours of didactic and clinical instruction.
** A dentist shall assign these procedures to an RDA only if the RDA has successfully completed an approved course that meets the requirements in section 16611(11) of the code, MCL 333.16611, and contains a minimum of 20 hours of didactic instruction followed by a comprehensive clinical experience of sufficient duration that validates clinical competence through a criterion based assessment instrument.
RDH = Registered dental hygienist as defined in R 338.11101.
*** The department fee for certification of completion of the requirements is $10.
History: 2021 MR 8, Eff. Apr. 26, 2021.

PART 4B. SUPERVISION OF DENTAL THERAPISTS

R 338.11415 Definitions
R 1415. As used in this part, “supervise” or "supervision” means overseeing or participating in the work of another individual by a health professional licensed under article 15 of the code, MCL 333.16101 to 333.18838, in circumstances where at least all of the following conditions exist:
(a) Continuous availability of direct communication in person or by radio, telephone, or telecommunication between the supervised individual and a health professional licensed in this state.
(b) Availability of a health professional licensed in this state on a regularly scheduled basis to review the practice of the supervised individual, to provide consultation to the supervised individual, to review records, and to further educate the supervised individual in the performance of his or her functions.
(c) The provision by the supervising health professional licensed in this state of predetermined procedures and drug protocol.
History: 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11417 Practice agreement; care or services.
Rule 1417. (1) A dental therapist may practice only under the supervision of a dentist licensed and practicing in this state through a written practice agreement that is signed by the dental therapist and dentist licensed and practicing in this state and that meets all the requirements in section 16655 of the code, MCL 333.16655.
(2) A dentist may supervise no more than 4 dental therapists pursuant to section 16655(5) of the code, MCL 333.16655.
(3) A dental therapist may supervise no more than 3 dental assistants or registered dental assistants and 2 registered dental hygienists in any 1 health setting as allowed in a written practice agreement. The practice agreement must define the type of supervision required by the dental therapist.
(4) A dentist may not authorize a dental therapist to do either of the following:
(a) Prescribe controlled substances.
(b) Administer phentolamine mesylate.
(5) A dentist may authorize a dental therapist to provide care or services described in sections 16656(1)(a) to (w) of the code, MCL 333.16656.
(6) A dental therapist may perform other services and functions agreed to by the supervising dentist for which the dental therapist is trained that are ancillary to those care and services described in sections 16656(1)(a) to (w) of the code, MCL 333.16656.
(7) Subject to section 16657 of the code, MCL 333.16657, and the dental therapist’s written practice agreement, if the patient requires treatment that exceeds the dental therapist’s capabilities or the scope of practice as a dental therapist, the dentist or dental therapist shall refer the patient to an appropriate provider within a reasonable distance.
(8) Subject to section 16655 and 16656(2) of the code, MCL 333.16655 and 333.16656, and the dental therapist’s written practice agreement, a dental therapist’s authority to delegate to allied dental personnel may not exceed a dentist’s authority to delegate to allied dental personnel under R 338.11411.
History: 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11419 Health settings.
Rule 1419. (1) A dental therapist may provide care and services in any health setting included in section 16654 of the code, MCL 333.16654.
(2) The health setting in section 16654(f) of the code, MCL 333.16654, includes a geographic area that is designated as a dental shortage area by the United States Department of Health and Human Services in geographic health professional shortage areas based on geographic area and population groups.
(3) The computation to determine 50% of the annual total patient base of the dental therapist in section 16654(i) of the code, MCL 333.16654, includes any patient who has been seen at least once by the dental therapist.
History: 2021 MR 8, Eff. Apr. 26, 2021.

PART 5. SPECIALTIES

R 338.11501 Specialties; recognition by the board.
Rule 1501. (1) The department on behalf of the board may issue a health profession specialty license in all of the following branches of dentistry as specialties:
(a) Oral and maxillofacial surgery.
(b) Orthodontics and dentofacial orthopedics.

(c) Prosthodontics.
(d) Periodontics.
(e) Pediatric dentistry.
(f) Endodontics.
(g) Oral pathology or oral and maxillofacial pathology.
(2) Each branch of a dental specialty that is licensed by the board is defined in these rules, and by the standards set forth by CODA under R 338.11301.
History: 1984 AACS; 1994 AACS; 2011 AACS; 2017 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11503 Rescinded.
History: 1984 AACS; 1994 AACS; 2011 AACS; 2014 AACS; 2017 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11505 Rescinded.
History: 1984 AACS; 1989 AACS; 1994 AACS; 2011 AACS; 2014 AACS; 2017 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11507
Source: 2017 AACS.

R 338.11509
Source: 2017 AACS.

R 338.11511
Source: 2017 AACS.

R 338.11512 Oral and maxillofacial pathology explained; licensure requirements.
Rule 1512. (1) The practice of oral and maxillofacial pathology deals with the nature, identification, and management of diseases affecting the oral and maxillofacial regions. It is a science that investigates the causes, processes, and effects of these diseases. The term "oral and maxillofacial pathology" means the same as the term "oral pathology."
(2) The specialty of oral and maxillofacial pathology includes, but is not limited to, the research and diagnosis of diseases using clinical, radiographic, microscopic, biochemical, or other examinations.
(3) An applicant for licensure as an oral and maxillofacial pathologist shall meet all of the following requirements:
(a) Hold a current license to practice dentistry in this state.
(b) Have graduated from a program of oral and maxillofacial pathology approved by the board under R 338.11301.
(c) Provide verification of a passing score on the specialty certification examination that is conducted and scored by the American Board of Oral and Maxillofacial Pathology.
History: 1994 AACS; 2011 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11513 Oral and maxillofacial surgery explained; licensure requirements; examination content.
Rule 1513. (1) The practice of oral and maxillofacial surgery includes the diagnosis, surgical, and adjunctive treatment of diseases, injuries, and defects involving both the functional and esthetic aspects of the hard and soft tissues of the oral and maxillofacial region.
(2) The specialty of oral and maxillofacial surgery includes, but is not limited to, the care, treatment, and procedures associated with an office and hospital-based practice under R 338.11301.
(3) A dentist who applies for licensure as an oral and maxillofacial surgeon shall comply with all of the following requirements:
(a) Hold a current license to practice dentistry in this state.
(b) Have completed a residency in oral and maxillofacial surgery approved by the board under R 338.11301.
(c) Satisfy either of the following:
(i) Submit a final official transcript of dental postgraduate training from a graduate program of dentistry approved by the board under R 338.11301 or, in the case of a hospital program that does not issue transcripts, certification by the hospital administrator or other official of the satisfactory completion of the program.
(ii) Provide evidence of diplomate status with the American Board of Oral and Maxillofacial Surgery (ABOMS) through completion of the ABOMS specialty examinations.
History: 1984 AACS; 2011 AACS; 2014 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11515 Orthodontics and dentofacial orthopedics explained; licensure requirements; examination content.
Rule 1515. (1) The practice of orthodontics includes the diagnosis, prevention, interception, and correction of malocclusion, as

well as the neuromuscular and skeletal abnormalities of the developing or mature orofacial structures. The term "orthodontics and dentofacial orthopedics" means the same as the term "orthodontics."
(2) The specialty of orthodontics includes, but is not limited to, all of the following:
(a) The diagnosis, prevention, interception, and comprehensive treatment of all forms of malocclusion of the teeth and associated alterations in their surrounding structures.
(b) The design, application, and control of functional and corrective appliances.
(c) The growth guidance of the dentition and its supporting structures to attain and maintain optimum occlusal relations in physiologic and esthetic harmony among facial and cranial structures.
(3) A dentist who desires licensure as an orthodontist shall comply with all of the following requirements:
(a) Hold a current license to practice dentistry in this state.
(b) Have graduated from a program of orthodontics approved by the board under R 338.11301.
(c) Provide the department with evidence of the successful passing of the American Board of Orthodontics (ABO) written exam. The passing score accepted for licensure is the passing score established by the ABO.
(d) Satisfy either of the following:
(i) Submit a final official transcript of dental postgraduate training from a graduate program of dentistry approved by the board under R 338.11301 or, in the case of a hospital program that does not issue transcripts, certification by the hospital administrator or other official of the satisfactory completion of the program.
(ii) Provide evidence of diplomate status with the ABO through completion of the ABO specialty examinations.
History: 1984 AACS; 2011 AACS; 2017 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11517 Prosthodontics explained; licensure requirements; examination content.
Rule 1517. (1) The practice of prosthodontics includes the diagnosis, treatment planning, rehabilitation, and maintenance of the oral function, comfort, appearance, and health of patients with clinical conditions associated with missing or deficient teeth or oral and maxillofacial tissues, or both, using biocompatible substitutes.
(2) The specialty of prosthodontics includes, but is not limited to, the restoration and maintenance of oral function, comfort, appearance, and health of the patient by the restoration of natural teeth and the replacement of missing teeth and contiguous oral and maxillofacial tissues with artificial substitutes.
(3) A dentist who applies for licensure as a prosthodontist shall comply with all of the following requirements:
(a) Hold a current license to practice dentistry in this state.
(b) Have graduated from a program of prosthodontics approved by the board under R 338.11301.
(c) Provide verification of a passing score on the written portion of the specialty certification examination that is conducted and scored by the American Board of Prosthodontics (ABP).
(d) Satisfy either of the following:
(i) Submit a final official transcript of dental postgraduate training from a graduate program of dentistry approved by the board under R 338.11301 or, in the case of a hospital program that does not issue transcripts, certification by the hospital administrator or other official of the satisfactory completion of the program.
(ii) Provide evidence of diplomate status with the ABP through completion of the ABP specialty examinations.
History: 1984 AACS; 1998-2000 AACS; 2011 AACS; 2014 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11519 Periodontics explained; licensure requirements; examination content.
Rule 1519. (1) The practice of periodontics includes the prevention, diagnosis, and treatment of disease of the supporting and surrounding tissues of the teeth or their substitutes and the maintenance of the health, function, and esthetics of these structures and tissues.
(2) A dentist who desires licensure as a periodontist shall comply with both of the following requirements:
(a) Hold a current license to practice dentistry in this state.
(b) Have graduated from a program of periodontics approved by the board under R 338.11301.
(c) Satisfy either of the following:
(i) Submit a final official transcript of dental postgraduate training from a graduate program of dentistry approved by the board under R 338.11301 or, in the case of a hospital program that does not issue transcripts, certification by the hospital administrator or other official of the satisfactory completion of the program.
(ii) Provide evidence of diplomate status with the American Board of Periodontology through completion of the American Board of Periodontology specialty examinations.
History: 1984 AACS; 2011 AACS; 2017 AACS;2021 MR 8, Eff. Apr. 26, 2021.

R 338.11521 Pediatric dentistry explained; licensure requirements; examination content.
Rule 1521. (1) The practice of pediatric dentistry is an age-defined specialty that provides both primary and comprehensive

preventive and therapeutic oral health care for infants and children through adolescence, including those with special health care needs.
(2) A dentist who desires licensure as a pediatric dentist shall comply with all of the following requirements:
(a) Hold a current license to practice dentistry in this state.
(b) Have graduated from a program of pediatric dentistry approved by the board under R 338.11301.
(c) Provide verification of a passing score on the written examination used for specialty certification that is conducted and scored by the American Board of Pediatric Dentistry (ABPD) or provide documentation of diplomate status with the ABPD.
(d) Satisfy either of the following:
(i) Submit a final official transcript of dental postgraduate training from a graduate program of dentistry approved by the board under R 338.11301 or, in the case of a hospital program that does not issue transcripts, certification by the hospital administrator or other official of the satisfactory completion of the program.
(ii) Provide evidence of diplomate status with ABPD through completion of the ABPD specialty examinations.
History: 1984 AACS; 2011 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11523 Endodontics explained; licensure requirements; examination content.
Rule 1523. (1) The practice of endodontics includes the morphology, physiology, and pathology of the human dental pulp and periradicular tissues. Its study encompasses related basic and clinical sciences, including the biology of the normal pulp and the etiology, diagnosis, prevention, and treatment of diseases and injuries of the pulp and associated periradicular conditions.
(2) A dentist who applies for licensure as an endodontist shall comply with all of the following requirements:
(a) Hold a current license to practice dentistry in this state.
(b) Have graduated from a program of endodontics approved by the board under R 338.11301.
(c) Provide documentation to the department evidencing the successful passing of the American Board of Endodontists (ABE) written examination. The passing score accepted for licensure is the passing score established by the ABE.
(d) Satisfy either of the following:
(i) Submit a final official transcript of dental postgraduate training from a graduate program of dentistry approved by the board under R 338.11301 or, in the case of a hospital program that does not issue transcripts, certification by the hospital administrator or other official of the satisfactory completion of the program.
(ii) Provide evidence of diplomate status with the ABE through completion of the ABE specialty examinations.
History: 1984 AACS; 2011 AACS; 2014 AACS; 2017 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11525 Specialists; holding self out to public.
Rule 1525. (1) A dentist who is not licensed as a specialist by the board shall not announce or hold himself or herself out to the public as limiting his or her practice to, as being specially qualified in, or as giving special attention to, a branch of dentistry that is listed as a specialty in R 338.11501. A dentist is considered to be holding himself or herself out as a specialist in a branch of dentistry that is listed as a specialty in R 338.11501 in either of the following situations:
(a) When, in any way, he or she gives public emphasis to the practice of a specialty of dentistry listed in R 338.11501 without disclosing that he or she is a dentist who is not licensed in this state as a specialist under R 338.11501.
(b) When he or she identifies himself or herself with a specialty of dentistry in R 338.11501, whether or not he or she claims special attention to or a practice limited to the specialty, or if he or she employs the use of signs, professional cards, letterheads, other listings, or letters to the public or the profession that, in any way, implies special knowledge or ability in a specialty of dentistry in R 338.11501. This subdivision does not apply to specialists who are advertising in the specialty for which they are licensed in this state under R 338.11501.
(2) A dentist who is licensed as a specialist in this state under R 338.11501 shall include his or her license number in all public advertisements for that specialty, including, but not limited to, telephone books, solicitations, print media, newspapers, and internet advertising.
(3) Identification as an employer, employee, or partner, with an individual who is duly licensed as a specialist in this state under R 338.11501 constitutes announcement to the public of qualifications for specialization, unless the individual so associating himself or herself publicly states, by signs, cards, or announcements, that he or she is not licensed in this state as a specialist under R 338.11501 or is engaged in the practice of some other specialty of dentistry in which he or she is duly licensed in this state under R 338.11501.
History: 1984 AACS; 1994 AACS; 2011 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11527 Dental license suspension or revocation; automatic suspension or revocation of specialty licensure.
Rule 1527. The suspension or revocation of the dental license of a dentist automatically causes the suspension or revocation of a specialty license issued to that dentist under the code and these rules.
History: 1984 AACS; 2011 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

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

R 338.11601 General anesthesia; conditions; violation.
Rule 1601. (1) A dentist shall not administer general anesthesia to a dental patient or delegate and supervise the performance of any act, task, or function involved in the administration of general anesthesia to a dental patient, unless all of the following conditions are satisfied:
(a) The dentist has completed a minimum of 1 year of advanced training in general anesthesia and pain control in a program that meets the standards adopted in R 338.11603(l). A program that is accredited by CODA as meeting the accreditation standards for advanced dental education programs in anesthesiology meets the requirements of this subdivision.
(b) The dentist and the delegatee, if any, maintain current certification in basic and advanced cardiac life support for health care providers with a hands-on component from an agency or organization that grants certification pursuant to standards substantially equivalent to the standards adopted in R 338.11603(2). A certification in basic and advanced cardiac life for health care providers with a hands-on component from AHA meets the requirements of this subdivision.
(c) The facility in which the anesthesia is administered meets the equipment standards adopted in R 338.11603(3).
(d) The dentist shall be physically present with the patient who is given any general anesthesia until he or she regains consciousness and the dentist shall remain on the premises until the patient is capable of being discharged.
(2) A dentist who does not meet the requirements of subrule (1) of this rule shall not offer general anesthesia services for dental patients unless all of the following conditions are met:
(a) General anesthesia services are directly provided through association with, and by, either of the following individuals:
(i) A physician who is licensed under the provisions of part 170 or 175 of the code, MCL 333.17001 to 333.17097, and 333.17501 to 333.17556, and who is a member in good standing on the anesthesiology staff of a hospital accredited by the Joint Commission.
(ii) A dentist who meets the requirements of subrule (1)(a) and (b) of this rule.
(b) A person who administers anesthesia, under the provisions of subdivision (a) of this subrule, shall be physically present with the patient who is given any general anesthesia until he or she regains consciousness and the dentist shall remain on the premises where the general anesthesia is administered until the patient anesthetized is capable of being discharged.
(c) The provisions of subrule (1)(b) and (c) of this rule must be complied with.
(3) A dentist is in violation of section 16221(l)(h) of the code, MCL 333.16221, if he or she fails to comply with subrules (1) and (2) of this rule.
History: 1990 AACS; 2011 AACS; 2017 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11602 Intravenous conscious sedation; conditions; violations.
Rule 1602. (1) A dentist shall not administer intravenous conscious sedation to a dental patient or delegate and supervise the performance of any act or function involved in the administration of intravenous conscious sedation to a dental patient unless 1 of the following is satisfied:
(a) The dentist complies with R 338.11601(1) or (2).
(b) The dentist complies with all of the following provisions:
(i) The dentist has completed a minimum of 60 hours of training in intravenous conscious sedation and related academic subjects, including a minimum of 40 hours of supervised clinical instruction in which the dentist has sedated not less than 20 cases in a course that complies with the standards adopted in R 338.11603(1). A program that is accredited by CODA as meeting the accreditation standards for advanced dental education programs meets the standards in R 338.11603(1).
(ii) The dentist and the delegatee, if any, maintains current certification in basic ~~or~~ and advanced cardiac life support for health care providers with a hands-on component from an agency or organization that grants certification under standards substantially equivalent to the standards adopted in R 338.11603(2). A certification in basic and advanced cardiac life support for health care providers with a hands-on component from AHA meets the requirements of this paragraph.
(iii) The facility in which the anesthesia is administered complies with the equipment standards adopted in R 338.11603(3).
(2) A dentist is in violation of section 16221(1)(h) of the code, MCL 333.16221, if he or she fails to comply with subrule (1) of this rule.
History: 1990 AACS; 1997 AACS; 2011 AACS; 2017 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11603 Adoption of standards; effect of certification of programs.
Rule 1603. (1) The board adopts by reference the CODA standards for anesthesiology educational programs in the publication titled "Accreditation Standards for Advanced Dental Education Programs in Anesthesiology," copyright 2018, and the standards for advanced training in anesthesia and pain control and training in intravenous conscious sedation and related

subjects set forth by the ADA's publication titled "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students," October 2016 edition. The guidelines may be obtained at no cost from the American Dental Association, 211 E. Chicago Avenue, Chicago, Illinois, 60611, or at no cost on the association's website at http://www.ada.org. A copy of the standards is available for inspection and distribution, at 10 cents per page from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.
(2) The board adopts by reference the standards for credentialing in basic and advanced life support for health care providers with a hands-on component set forth by the AHA in the standards and guidelines for cardiopulmonary resuscitation and emergency cardiac care for professional providers, published in "2015 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care" (Volume 132, Issue 18 Supplement 2, November 3, 2015) and updates in 2017 and 2018. A copy of the Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care may be obtained at an approximate cost of $28.00 from the American Heart Association, 7272 Greenville Avenue, Dallas, Texas, 75231 or at no cost from the AHA's website at https://cpr.heart.org/. A copy of this document is available for inspection and distribution, at the same cost as purchasing a copy from AHA, from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.
(3) The board adopts by reference the standards regarding the equipment within a facility where anesthesia is administered set forth by the American Association of Oral and Maxillofacial Surgeons in the publication titled "Office Anesthesia Evaluation Manual," ninth edition. A copy of this manual may be obtained at a cost of approximately $345.00 from the American Association of Oral and Maxillofacial Surgeons, 9700 West Bryn Mawr Avenue, Rosemont, Illinois, 60018, or at the association's website at http://www.aaoms.org at a cost of approximately $345.00. A copy of this document is available for inspection and distribution, at the same cost as purchasing a copy from the American Association of Oral and Maxillofacial Surgeons, from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.
History: 1990 AACS; 1997 AACS; 2006 AACS; 2011 AACS; 2014 AACS; 2017 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11604 Rescinded.
History: 1990 AACS; 2011 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11605 Enteral sedation; guidelines; adoption by reference; requirements for approval of course and instructor.
Rule 1605. (1) Before being offered to licensees, a course and its instructors in enteral sedation must be approved by the board and, at a minimum, the course objectives, content, duration, evaluation, documentation, and faculty must be consistent with the enteral sedation course standards in the ADA's "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students," October 2016, whose guidelines are adopted by reference by the board. The guidelines may be obtained at no cost from the American Dental Association, 211 E. Chicago Avenue, Chicago, Illinois, 60611 or at no cost on the association's website at http://www.ada.org. A copy of the guidelines is available for inspection and distribution, at 10 cents per page, from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.
(2) A program or course that is certified by CODA as meeting the ADA's standards for advanced training in anesthesia and pain control and training in intravenous conscious sedation in the publication titled "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students," October 2016 edition, is approved by the board.
History: 2006 AACS; 2011 AACS; 2014 AACS; 2017 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

PART 7. CONTINUING EDUCATION

R 338.11701 License renewal for a dentist, dental specialist, and special-retired volunteer dentist; requirements; applicability.
Rule 1701. (1) This rule applies to an application for the renewal of a dentist license, dental specialist license, and special retired volunteer dentist license under sections 16201 and 16184 of the code, MCL 333.16201 and 333.16184.
(2) Subject to subrule (8) of this rule, an applicant for a dentist license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall comply with both of the following during the 3-year period before the end of the license cycle:
(a) Possess current certification in basic or advanced cardiac life support from an agency or organization that grants certification pursuant to standards substantially equivalent to the standards adopted in R 338.11705(4).
(b) Complete at least 3 continuing education credits in pain and symptom management. Continuing education credits in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain,

pharmacology, behavior modification, stress management, clinical applications, and drug interactions.
(3) Subject to subrule (8) of this rule, in addition to the requirements of subrule (2) of this rule, an applicant for a dentist license renewal, who has been licensed for the 3-year period immediately preceding the expiration date of the license, shall comply with all of the following during the 3-year period before the end of the license cycle:
(a) Complete not less than 60 hours of continuing education approved by the board under R 338.11704a.
(b) Complete a minimum of 20 hours of the required continuing education hours in programs directly related to clinical issues including delivery of care, materials used in delivery of care, and pharmacology.
(c) Complete a minimum of 20 hours of the required continuing education hours by attending synchronous, live courses or programs that provide for direct interaction between faculty and participants, including, but not limited to, lectures, symposia, live teleconferences, workshops, and participation in volunteer patient or supportive dental services provided for in R 338.11704a(1)(m). These courses, with the exception of the volunteer services, may be counted toward the required courses in clinical issues such as delivery of care, materials used in delivery of care, and pharmacology.
(4) Subject to subrule (8) of this rule, in addition to the requirements of subrules (2) and (3) of this rule, a dental specialist shall complete 20 hours of the required continuing education hours in the dental specialty field in which he or she is certified during the 3-year period before the end of the license cycle.
(5) Subject to subrule (8) of this rule, in addition to the requirements of subrule (2) of this rule, an applicant for a special retired dentist license shall comply with the following during the 3-year period before the end of the license cycle:
(a) Complete not less than 40 hours of continuing education acceptable to the board in R 338.11704a.
(b) Complete a minimum of 14 hours of the required hours of continuing education in programs directly related to clinical issues such as delivery of care, materials used in delivery of care, and pharmacology.
(c) Complete a minimum of 14 hours of the required hours of continuing education by attending synchronous, live courses or programs that provide for direct interaction between faculty and participants, including but not limited to, lectures, symposia, live teleconferences, workshops, and providing volunteer clinical services provided for in R 338.11704a(1)(m) . These courses, with the exception of the volunteer clinical services, may be counted toward the required courses in clinical issues such as delivery of care, materials used in delivery of care, and pharmacology.
(d) Comply with the conditions for renewal in section 16184(2) of the code, MCL 333.16184.
(6) The submission of the application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The board may require an applicant or a licensee to submit evidence to demonstrate compliance with this rule. The applicant or licensee shall maintain evidence of complying with the requirements of this rule for a period of 5 years from the date of the submission for renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.
(7) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.
(8) Effective for an application for renewal that is filed for the renewal cycle that begins 1 year or more after the effective date of this subrule, an applicant shall meet the requirements of this subrule and subrules (1), (7), and (9) to (14) of this rule. An applicant for a dentist license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall complete not less than 60 hours of continuing education approved by the board under R 338.11704a during the 3-year period before the end of the license cycle.
(9) An applicant for a dental specialist license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall complete 60 hours of continuing education approved by the board under R 338.11704a with not less than 20 hours of the required 60 hours in board-approved continuing education in the dental specialty field in which he or she is licensed within the 3-year period before the end of the license cycle.
(10) In addition to meeting the requirements of section 16184 of the code, MCL 333.16184, an applicant for a special retired volunteer dentist license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall complete not less than 60 hours of continuing education approved by the board under R 338.11704a during the 3-year period before the end of the license cycle.
(11) An applicant shall possess current certification in basic or advanced cardiac life support for health care providers with a hands-on component from an agency or organization that grants certification pursuant to standards substantially equivalent to the standards adopted in R 338.11705(4).
(12) In complying with the requirements of subrules (8) to (10) of this rule, an applicant for a dentist license, dental specialist license, and special retired volunteer dentist license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall comply with all of the following before the end of the license cycle:
(a) Complete at least 3 hours of the required continuing education hours in pain and symptom management. Continuing education hours in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interactions. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward

the required hours for pain and symptom management.
(b) Complete at least 1 hour of the required continuing education hours in dental ethics and jurisprudence with inclusion of delegation of duties to allied dental personnel. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for dental ethics and jurisprudence with inclusion of delegation of duties to allied dental personnel.
(c) Complete a minimum of 20 hours of the required continuing education hours in programs directly related to clinical issues including delivery of care, materials used in delivery of care, and pharmacology. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for clinical issues.
(d) Complete at least 1 hour of the required continuing education hours in infection control, which must include sterilization of hand pieces, personal protective equipment, and the Centers for Disease Control and Prevention's infection control guidelines. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for infection control.
(e) Complete a minimum of 20 hours of the required continuing education hours by attending synchronous, live courses or programs that provide for direct interaction between faculty and participants including, but not limited to, lectures, symposia, live teleconferences, workshops, and participation in volunteer patient or supportive dental services provided for in R 338.11704a(1)(m). These courses, with the exception of the volunteer services in R 338.11704a(1)(m), may be counted toward the required courses in clinical issues such as delivery of care, materials used in delivery of care, and pharmacology.
(f) Complete no more than 30 hours of the required continuing education hours asynchronously, noninteractive.
(13) Except for the 1-time training in human trafficking and 1-time training in opioid and controlled substances awareness, which may be used to comply with the requirement for the 1-time training and a continuing education requirement, an applicant may not earn credit for a continuing education program or activity that is identical to a program or activity an applicant has already earned credit for during that renewal period.
(14) The submission of the application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The board may require an applicant or a licensee to submit evidence to demonstrate compliance with this rule. An applicant or licensee shall maintain evidence of complying with the requirements of this rule for a period of 5 years from the date of the submission for renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.
History: 1991 AACS; 2004 AACS; 2011 AACS; 2014 AACS; 2017 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11703 License renewal for a dental therapist and special-retired volunteer dental therapist; requirements; applicability.
Rule 1703. (1) This rule applies to an application for the renewal of a dental therapist license and special-retired volunteer dental therapist license under sections 16184, 16201, and 16653 of the code, MCL 333.16184, 333.16201, and 333.16653.
(2) An applicant for a dental therapist license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall complete not less than 35 hours of continuing education approved by the board under R 338.11704a during the 2-year period before renewal.
(3) In addition to meeting the requirements of section 16184 of the code, MCL 333.16184, an applicant for a special-retired volunteer dental therapist license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall complete not less than 35 hours of continuing education approved by the board under R 338.11704a during the 2-year period before renewal.
(4) An applicant shall possess current certification in basic or advanced cardiac life support for health care providers with a hands-on component from an agency or organization that grants certification pursuant to standards substantially equivalent to the standards adopted in R 338.11705(4).
(5) In complying with the requirements of subrules (2) and (3) of this rule, an applicant for a dental therapist license or special-retired volunteer dental therapist license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall comply with all of the following before the end of the license cycle:
(a) Complete at least 2 hours of the required continuing education hours in pain and symptom management. Continuing education hours in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interactions. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for pain and symptom management.
(b) Complete at least 1 hour of the required continuing education hours in dental ethics and jurisprudence. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for dental ethics and jurisprudence.
(c) Complete at least 1 hour of the required continuing education hours in infection control, which must include sterilization of hand pieces, personal protective equipment, and the Centers for Disease Control and Prevention's infection control guidelines.

Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for infection control.
(d) Complete a minimum of 12 hours of the required continuing education hours in programs directly related to clinical issues including delivery of care, materials used in delivery of care, and pharmacology. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for clinical issues.
(e) Complete a minimum of 12 hours of the required continuing education hours by attending synchronous, live courses or programs that provide for direct interaction between faculty and participants including, but not limited to, lectures, symposia, live teleconferences, workshops, and participation in volunteer patient or supportive dental services provided for in R 338.11704a(1)(m). These courses, with the exception of the volunteer services in R 338.11704a(1)(m), may be counted toward the required courses in clinical issues including delivery of care, materials used in delivery of care, and pharmacology.
(f) Complete no more than 18 hours of the required continuing education hours asynchronously, noninteractive.
(6) Except for the 1-time training in human trafficking and 1-time training in opioid and controlled substances awareness, which may be used to comply with the requirement for the 1-time training and a continuing education requirement, an applicant may not earn credit for a continuing education program or activity that is identical to a program or activity the applicant has already earned credit for during that renewal period.
(7) The submission of the application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The board may require an applicant or a licensee to submit evidence to demonstrate compliance with this rule. An applicant or licensee shall maintain evidence of complying with the requirements of this rule for a period of 5 years from the date of the submission for renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.
(8) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.
History: 1991 AACS; 2004 AACS; 2011 AACS; 2014 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11704 License renewal for a registered dental hygienist, registered dental hygienist special volunteer, registered dental assistant, and registered dental assistant special volunteer; requirements; applicability.
Rule 1704. (1) This rule applies to an application for the renewal of a registered dental hygienist license, and a registered dental assistant license under section 16201 of the code, MCL 333.16201, and a registered dental hygienist special-retired volunteer license and a registered dental assistant special-retired volunteer license under section 16184 of the code, MCL 333.16184.
(2) An applicant for a registered dental hygienist license renewal or a registered dental assistant license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license, shall complete not less than 36 hours of continuing education approved by the board under R 338.11704a during the 3 years before the end of the license cycle.
(3) An applicant holding both a registered dental hygienist license and a registered dental assistants license shall complete not less than 36 hours of continuing education acceptable to the board under R 338.11704a during the 3 years before the end of the license cycle. The 36 hours must include not less than 12 hours devoted to registered dental hygienist functions, and not less than 12 hours devoted to registered dental assistant functions.
(4) In addition to meeting the requirements of section 16184 of the code, MCL 333.16184, an applicant for a special-retired volunteer registered dental assistant license renewal or a special-retired volunteer registered dental hygienist license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall complete not less than 36 hours of continuing education approved by the board under R 338.11704a during the 3-year period before the end of the license cycle.
(5) An applicant shall possess current certification in basic or advanced cardiac life support for health care providers with a hands-on component from an agency or organization that grants certification pursuant to standards substantially equivalent to the standards adopted in R 338.11705(4).
(6) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.
(7) In complying with the requirements of subrules (2) to (4) of this rule, an applicant for a registered dental assistant license, registered dental hygienist license, special-retired volunteer registered dental assistant license, or special-retired volunteer registered dental hygienist license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall also comply with all of the following before the end of the license cycle:
(a) Complete a minimum of 12 hours of the required continuing education hours in programs directly related to clinical issues including delivery of care, materials used in the delivery of care, and pharmacology. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for clinical issues.
(b) Complete a minimum of 12 hours of the required continuing education hours by attending synchronous, live courses or programs that provide for direct interaction between faculty and participants including, but not limited to, lectures, symposia, live teleconferences, workshops, and provision of volunteer patient or supportive dental services provided for in R

338.11704a(1)(m). These courses, with the exception of the volunteer services in R 338.11704a(1)(m), may be counted toward the required courses in clinical issues including delivery of care, materials used in delivery of care, and pharmacology.
(c) Complete at least 2 hours of the required continuing education hours in pain and symptom management. Continuing education credits in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interactions. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for pain and symptom management.
(d) Earn no more than 18 of the 36 hours of the required continuing education hours asynchronously, noninteractive.
(e) Effective for an application for renewal that is filed for the renewal cycle that begins 1 year or more after the effective date of this subrule, complete at least 1 hour of the required continuing education hours in dental ethics and jurisprudence with inclusion of delegation of duties to allied dental personnel. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for ethics and jurisprudence with inclusion of delegation of duties to allied dental personnel.
(f) Effective for applications for renewal that are filed for the renewal cycle that begins 1 year or more after the effective date of this subrule, complete at least 1 hour of the required continuing education hours in infection control, which must include sterilization of hand pieces, personal protective equipment, and the Centers for Disease Control and Prevention's infection control guidelines. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for infection control.
(8) Effective for an application for renewal that is filed for the renewal cycle that begins 1 year or more after the effective date of this subrule, an applicant may not earn credit for a continuing education program or activity that is identical to a program or activity the applicant has already earned credit for during that renewal period, except for the 1-time training in human trafficking and 1-time training in opioid and controlled substances awareness, which may be used to comply with the requirement for the 1-time training and a continuing education requirement.
(9) The submission of the application for renewal constitutes the applicant's certification of compliance required by this rule. The board may require an applicant or licensee to submit evidence to demonstrate compliance with this rule. The applicant or licensee shall maintain evidence of complying with the requirements of this rule for a period of 5 years from the date of the submission for renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.
History: 2004 AACS; 2011 AACS; 2014 AACS; 2017 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11704a Acceptable continuing education for licensees, limitations.
Rule 1704a. (1) The board shall consider any of the following as acceptable continuing education for dentists, dental therapists, dental specialists, special-retired volunteer dentists, special-retired volunteer dental therapists, registered dental hygienists, special-retired volunteer registered dental hygienists, registered dental assistants, and special-retired volunteer registered dental assistants, unless otherwise noted:

Acceptable Continuing Education activities		
(a)	Completion of an approved continuing education program or activity related to the practice of dentistry. A continuing education program or activity is approved, regardless of the format in which it is offered, if it is approved or offered for continuing education credit by any of the following: A dental, dental therapy, dental hygiene, dental assistant, or a hospital-based dental specialty educational program approved by CODA. A continuing education sponsoring organization, institution, or individual approved by the Academy of General Dentistry (AGD). A continuing education national sponsoring organization, institution, or individual approved by the American Academy of Dental Hygiene (AADH), the American Dental Hygienists' Association (ADHA), the American Dental Assistants Association (ADAA), and the Commission on Continuing Education Provider	The number of hours earned are the number of hours approved by the sponsor or the approving organization. If the activity was not approved for a set number of hours, then 1 credit hour for each 50 minutes of participation may be earned. No limitation on the number of hours earned.

	Recognition ADA Continuing Education Recognition Program (ADA CERP) or its successor organization. A continuing education sponsoring organization, institution, or individual approved by the Michigan Dental Association (MDA), Michigan Dental Hygienists Association (MDHA), and Michigan Dental Assistants Association (MDAA). Another state board of dentistry. If audited, an applicant shall submit a copy of a letter or certificate of completion showing the applicant's name, number of hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.	
(b)	Completion of courses offered for credit in a dental, dental therapy, dental hygiene, dental assistant, or a hospital-based dental specialty educational program approved by CODA. If audited, an applicant shall submit an official transcript that reflects completion of the course and number of semester or quarter credit hours earned.	Ten hours of continuing education may be earned for each quarter credit earned and 15 hours may be earned for each semester credit earned. No limitation on the number of hours earned.
(c)	Attendance at a program or activity related to topics approved in R 338.2443(2) and R 338.143(2) for category 1 continuing education by the board of medicine or board of osteopathic medicine. If audited, an applicant shall submit a copy of a letter or certificate of completion showing the applicant's name, number of hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.	One hour may be earned for each 50 minutes of program attendance. A maximum of 30 hours for a dentist, and 18 hours for a dental therapist, registered dental hygienist, and registered dental assistant may be earned in each renewal period.
(d)	For dentists, satisfactory participation for a minimum of 7 months in a hospital or institution through a postgraduate dental clinical training program approved by CODA. If audited, an applicant shall submit a copy of a letter or certificate of completion showing the applicant's name, number of hours attended, the name of the hospital or institution, the name of the clinical training program, the date of participation, and the activities completed.	Twenty hours may be earned in each calendar year for 7 months of participation in the calendar year. A maximum of 20 hours per calendar year may be earned.
(e)	For dentists, successful completion of an American-board specialty examination. If audited, an applicant shall submit proof of a passing score on the examination.	Ten hours may be earned in the year in which the applicant achieves a passing score on a specialty examination. A maximum of 20 hours may be earned in each renewal period. Credit is not given for repeating the same examination in a renewal period.
(f)	Renewal of a dentist, dental therapist, registered dental hygienist, or registered dental assistant license held in another state that requires continuing education for license renewal that is substantially equivalent in subject matter and total amount of required hours required in	For a dentist, 60 hours may be earned. For a dental therapist, 35 hours may be earned. For a registered dental hygienist or registered dental assistant, 36 hours may be earned.

	these rules if the applicant resides and practices in another state. If audited, an applicant shall submit proof of current licensure in another state and a copy of a letter or certificate of completion showing the applicant's name, number of hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, type of program or activity, and the date on which the program was held or activity completed.	A maximum of 60 hours for a dentist, 35 hours for a dental therapist, and 36 hours for a registered dental hygienist or registered dental assistant may be earned in each renewal period.
(g)	For a registered dental assistant, meeting the requirements for recertification in R 338.11705(3). If audited, an applicant shall submit proof of current certification, other than emeritus certification, by the Dental Assisting National Board (DANB).	Thirty-six hours may be earned. A maximum of 36 hours may be earned in each renewal period.
(h)	Initial publication of an article or text related to the practice of dentistry, dental therapy, dental hygiene, or dental assisting in either of the following: A textbook. A journal of a national association of dentists, dental therapists, dental specialists, dental hygienists, or dental assistants. If audited, an applicant shall submit a copy of the publication that identifies the applicant as the author or a publication acceptance letter.	Twenty-five hours may be earned per publication. A maximum of 25 hours may be earned in each renewal period.
(i)	Initial publication of an article related to the practice of dentistry, dental therapy, dental hygiene, or dental assisting in either of the following: A journal of an accredited dentistry, dental therapy, dental hygiene, or dental assisting school. A state or state-component association of dentists, dental therapists, dental specialists, dental hygienists, or dental assistants. If audited, an applicant shall submit a copy of the publication that identifies the applicant as the author or a publication acceptance letter.	Twelve hours may be earned per publication. A maximum of 12 hours may be earned in each renewal period.
(j)	Independent reading of articles or viewing or listening to media, other than online programs, related to dental, dental therapy, dental hygiene, or dental assisting education. If audited, an applicant shall submit an affidavit attesting to the number of hours the applicant spent participating in these activities that includes a description of the activity.	One hour for each 50 minutes of participation may be earned per activity. A maximum of 10 hours may be earned in each renewal period.
(k)	Development and presentation of a table clinical demonstration or a continuing education lecture offered in conjunction with the presentation of continuing education programs approved by the board pursuant to subrule (3) of this rule that is not a part of the licensee's regular job description.	One hour for each 50 minutes devoted to the development and initial presentation. A maximum of 10 hours may be earned in each renewal period.

	If audited, an applicant shall submit a copy of the curriculum and a letter from the program sponsor verifying the length and date of the presentation.	
(l)	Attendance at a dental-related program that is approved by the board pursuant to subrule (3) of this rule and that is relevant to health care and advancement of the licensee's dental education. If audited, an applicant shall submit a copy of a letter or certificate of completion showing the applicant's name, number of hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.	Ten hours of continuing education may be credited per year. A maximum of 10 hours may be earned in each renewal period.
(m)	Providing volunteer patient or supportive dental services in this state at a board-approved program pursuant to subrule (4) of this rule that is not a part of the licensee's regular job description nor required under a board order or agreement and that complies with the following: The program is a public or nonprofit entity, program, or event, or a school or nursing home. The program provides patient or supportive dental services to the indigent or dentally underserved populations. The licensee does not receive direct or indirect remuneration of any kind including, but not limited to, remuneration for materials purchased or used. The licensee shall sign in and sign out daily upon commencement and termination of the provision of services. A dentist with a specialty license issued from this state shall limit volunteer clinical dental services to the specialty area in which the dentist is licensed. If audited, an applicant shall submit proof from the sponsor of the assignments and the hours of service provided.	One hour for each 120 minutes of providing patient or supportive dental services. A dentist or special-retired volunteer dentist may earn a maximum of 20 hours per renewal period. A dental therapist, registered dental hygienist, registered dental assistant, special-retired volunteer dental therapist, special-retired volunteer registered dental hygienist, and special-retired volunteer registered dental assistant may earn a maximum of 12 hours per renewal period.

(2) If an organized continuing education course or program is offered in segments of 50 to 60 minutes each, 1 hour of credit is given for each segment.
(3) The following requirements are established for board approval of continuing education, which includes, but is not limited to, any continuing education not otherwise approved by subrule (1) of this rule:
(a) The continuing education applicant shall submit a complete application, on forms provided by the department. A licensee shall submit a "Patient Protection" form provided by the department to the department for each continuing education course or program involving treatment of live patients.
(b) A completed application form must be submitted to the department at least 70 days before the date the course or program is conducted and 70 days before the next regularly scheduled board meeting for the proposed continuing education to be considered for approval by the board. Continuing education conducted before board consideration and approval will be denied approval.
(c) A course or program must substantially meet the standards and criteria for an acceptable category of continuing education under this rule and must be relevant to health care and advancement of the licensee's dental education.
(d) Board approval is for a term of 3 years from the date of approval.
(e) Approved continuing education must be reevaluated by the board before any changes during the 3-year approval term including, but not limited to, changes in the following:
(i) Instructors and speakers.
(ii) Content, title, and number of continuing education hours to be awarded to participants.
(f) Subject to subdivision (g) of this subrule, all changes to previously approved continuing education courses or programs

must be submitted on required department forms at least 70 days before the date the continuing education course or program is offered to participants and 70 days before the next regularly scheduled board meeting to be considered for approval by the board. Any changes to the submitted and previously approved courses or programs conducted before board reconsideration and approval will be denied approval.
(g) Emergency changes to instructors and speakers that are unable to be submitted to the board at least 70 days before the date of the continuing education may be reviewed by the department in consultation with the board chair when proof acceptable to the department is submitted with the change supporting the nature of the emergency.
(h) The specific dates of the continuing education course or program does not require further board approval and may be changed without review by the board if the presentation dates are within the board's original 3-year term of approval.
(i) All of the following information must be recorded on a continuing education course or program certificate of completion or other proof prepared by the sponsor conducting the continuing education:
(i) The name of the applicant.
(ii) Continuing education approval number issued by the board.
(iii) Course title.
(iv) Speaker or instructor.
(v) Date the approved continuing education course was conducted.
(vi) Number of continuing education hours awarded.
(vii) Approved sponsor's signature.
(viii) Dates of the current approval term.
(ix) Name of participant.
(j) The board may revoke the approval status of any approved continuing education course or program any time the course or program fails to comply with these rules.
(4) The following requirements are established for board approval of a sponsor offering volunteer continuing education opportunities under subrule (1)(m) of this rule:
(a) A sponsor shall apply to the department to obtain approval as a sponsoring entity on the volunteer dental application form.
(b) A sponsor shall retain patient records.
(c) A sponsor shall retain documentation of all volunteer assignments and the hours of service provided.
(d) Upon request, a sponsor shall provide the board with the records, copy of the assignments, hours of service, and evidence of compliance with the requirements of subrule (1)(m) of this rule.
(e) A sponsor shall provide each licensee with verification of all volunteer hours of dental care provided by the licensee upon completion of the licensee's service.
(f) Upon request, a sponsor shall submit documentation to the department, evidencing compliance with the requirements of subrules (1)(m) and (5) of this rule.
(g) Board approval is for a term of 4 years from the date of approval.
(h) The board may revoke the approval status of any volunteer continuing education opportunity any time an approved continuing education program fails to comply with these rules.
(i) All of the following information must be recorded on a continuing education certificate of completion or other proof prepared by the sponsor conducting the volunteer continuing education course or program:
(i) The name of the sponsoring organization.
(ii) Continuing education approval number issued by the board.
(iii) Dates and times of volunteer services.
(iv) Number of continuing education hours earned.
(v) Signature of individual responsible for attendance.
(vi) Dates of the current approval term.
(vii) Name of participant.
(5) A continuing education sponsor shall maintain evidence of participation in continuing education, including signed continuing education certificates of completion issued to participants, for a period of 5 years from the date of the continuing education program or course.
History: 2004 AACS; 2006 AACS; 2011 AACS; 2014 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11704b Rescinded.
History: 2011 AACS; 2017 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11704c Rescinded.
History: 2011 AACS; 2017 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11705 Standards and requirements; adoption by reference.
Rule 1705. (1) The board adopts by reference the standards and criteria of the AGD's Program Approval for Continuing Education (PACE) which are set forth in the publication titled "PACE Academy of General Dentistry Program Approval for Continuing Education Program Guidelines, Revised April 2019." Information on the PACE standards and criteria is available at no cost from the Academy of General Dentistry, 560 W. Lake St., Sixth Floor, Chicago, Illinois, 60661-6600 or at no cost from the academy's internet website at www.agd.org. A copy of the guidebook is available for inspection and distribution at 10 cents per page from the Michigan Board of Dentistry, Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.
(2) The board adopts by reference the standards and criteria of the ADA CERP for approval of continuing education sponsoring organizations, which are set forth in the publication titled "ADA CERP Recognition Standards~~,~~ and Procedures April 2019." A copy of this publication may be obtained at no cost from the association at ADA CERP, 211 E. Chicago Avenue, Chicago, Illinois, 60611-2678 or at no cost from the association's internet website at www.ada.org. A copy of the publication is available for inspection and distribution at 10 cents per page from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.
(3) The board adopts by reference the requirements for recertification established by DANB as set forth in the publication titled "Dental Assisting National Board, Inc. Recertification Requirements 2019." A copy of the publication may be obtained at no cost from the Dental Assisting National Board, Inc., 444 N. Michigan Avenue, Suite 900, Chicago, Illinois, 60611 or at no cost from the national board's internet website at www.danb.org. A copy of the guidelines and requirements are available for inspection and distribution at 10 cents per page from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.
(4) The board adopts by reference the standards for certification in basic and advanced cardiac life support for health care providers with a hands-on component set forth by the AHA in the standards and guidelines for cardiopulmonary resuscitation and emergency cardiac care for professional providers, published in "2015 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care," Volume 132, Issue 18, Supplement 2, November 3, 2015, with updates in 2017 and 2018. A copy of the guidelines for cardiopulmonary resuscitation and emergency cardiovascular care may be obtained at a cost of approximately $28.00 from the AHA's website at www.cpr.heart.org. A copy of this document is available for inspection and distribution, at the same cost as purchasing a copy from the AHA, from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.
History: 1991 AACS; 2004 AACS; 2006 AACS; 2011 AACS; 2014 AACS; 2017 AACS; 2011 AACS; 2017 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

PART 8. DENTAL AMALGAM

R 338.11801 Definitions.
Rule 1801. (1) As used in this part:
(a) "Amalgam separator" means a device designed to remove dental amalgam waste particles from dental office wastewater.
(b) "Dental amalgam" means a mixture of mercury and other metals used as a dental restorative material.
(c) "Dental amalgam waste" means waste from a dental office containing any of the following:
(i) Contact amalgam waste, which means dental amalgam that has been in contact with the patient including, but not limited to, extracted teeth with dental amalgam restorations; carving scrap collected at chair-side; and dental amalgam captured by chair-side traps, vacuum pump filters, amalgam separators, or other dental amalgam capture devices.
(ii) Non-contact amalgam scrap, which means dental amalgam that has not been in contact with the patient including, but not limited to, excess dental amalgam mix remaining at the end of a dental procedure.
(iii) Empty amalgam capsules, which means individually dosed containers left over after mixing precapsulated dental amalgam.
(iv) Dental amalgam that may have accumulated in the plumbing system or that is found in other areas of a dental office.
(d) "Dentist," means an individual licensed under article 15 of the code, MCL 333.16101 to 333.18838, and these rules, to engage in the practice of dentistry, who uses or removes dental amalgam or who owns or operates a dental office that generates dental amalgam waste.
(e) "Discharge" means the release of any dental amalgam waste into the environment. This includes any releases to land, ground or surface waters, septic systems, or wastewater treatment systems.
(f) "Holding tank" means a closed, watertight, sealed structure designed and used to receive and store wastewater. Holding tanks are designed and constructed for ultimate disposal of collected wastewater at another site.
(g) "Recycle" or "recycling" means sending mercury or dental amalgam waste to either the contracted separator company or a facility in the United States that reclaims or distills the mercury for reuse. "Recycle" or "recycling" does not include any of the following:

(i) The on-site processing of mercury or dental amalgam waste.
(ii) The sale, donation, or exchange of mercury or dental amalgam waste through internet lists.
(iii) The sale or donation of mercury or dental amalgam waste to any individual or company for any other reuse purpose.
(2) Unless otherwise defined in these rules, the terms defined in the code have the same meanings when used in this part.
History: 2012 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11811 Amalgam separator; installation and operation; requirements.
Rule 1811. (1) On or before December 31, 2013, a dentist shall install, or have installed, an amalgam separator on each wastewater drain in his or her dental office that is used to discharge dental amalgam waste. In addition to meeting the requirements of the code and these rules, a dentist who is required to install an amalgam separator, pursuant to section 16631 of the code, MCL 333.16631, shall comply with all of the following:
(a) Install an amalgam separator that meets the requirements of R 338.11813.
(b) Install, operate, and maintain the amalgam separator according to the manufacturer's instructions.
(c) Ensure the installed amalgam separator is properly sized to accommodate maximum dental amalgam wastewater flow rates at the dental office. The maximum allowable flow rate through an amalgam separator at a dental office must not exceed the maximum flow rate capacity at which the amalgam separator was tested under R 338.11813(1)(a).
(d) Ensure that all wastewater from the dental office containing dental amalgam waste passes through an installed and properly functioning and maintained amalgam separator before being discharged.
(2) Subrule (1) of this rule does not apply to any of the following:
(a) Oral and maxillofacial surgeons.
(b) Oral and maxillofacial radiologists.
(c) Oral pathologists.
(d) Orthodontists.
(e) Periodontists.
(f) Dentists while providing services in a dental ~~school~~ educational program, in a hospital, or through a local health department.
(g) Dentists who install and use a holding tank and do not discharge amalgam waste.
History: 2012 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11813 Amalgam separator; requirements.
Rule 1813. (1) An amalgam separator that is installed in a dental office under R 338.11811 must meet all of the following requirements:
(a) Be certified as passing the international organization for standardization (ISO) 11143 standard, 2008, for evaluating amalgam separators.
(b) Have a removal efficiency of not less than 95% as determined by the testing required under subdivision (a) of this subrule, based on the overall average of the 3 empty and the 3 simulated full test results.
(c) Be tested and certified by 1 of the following:
(i) SP technical research institute of Sweden.
(ii) Tuv nord, Germany.
(iii) NSF international.
(iv) Both of the following:
(A) A testing laboratory accredited by an accreditation body that is a signatory to the international laboratory accreditation cooperation's mutual recognition arrangement and has a scope of accreditation that includes ISO 11143 standard, 2008.
(B) A certification body accredited by an accreditation body that is a signatory to the international accreditation forum's multilateral recognition arrangement and has a scope of accreditation that includes ISO 11143 standard, 2008.
(2) Any amalgam separator that meets the requirements of subrule (1) of this rule qualifies as an amalgam separator approved by the board.
History: 2012 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11815 Collection, disposal, and recycling of dental amalgam waste; requirements.
Rule 1815. (1) A dentist shall comply with all of the following:
(a) Use amalgam only in a precapsulated form.
(b) Salvage, store, and recycle non-contact and contact dental amalgam materials, including empty amalgam capsules.
(c) Collect and recycle extracted teeth or portions of teeth that contain dental amalgam materials.
(d) Store all dental amalgam waste in enclosed and structurally sound containers until a sufficient amount has been collected for shipment to a reclamation facility or recycler or at a minimum, recycle annually.
(e) Label all containers holding dental amalgam waste. The label must include at a minimum, the title "dental amalgam waste

for recycling" and the date the waste was initially placed in the container.
(f) Use chair-side traps to retain amalgam and recycle the content.
(g) Recycle all amalgam materials collected in amalgam separators, vacuum pump filters, chair-side traps, or other wastewater processing devices.
(h) Ensure that the separators operate properly and do not become full and bypass. This may include inspecting the separators annually, halfway through the operating life, or as required by the manufacturer.
(i) Follow the steps for the cleanup of mercury spills as recommended by the Michigan department of health and human services at www.michigan.gov/mercury.
(2) A dentist shall not do any of the following:
(a) Store bulk elemental mercury that is not in capsule form.
(b) Put dental amalgam waste down a toilet or drain.
(c) Put dental amalgam waste or empty amalgam capsules into trash containers, or biohazard or infectious waste bags.
(d) Disinfect teeth or any item containing dental amalgam by autoclaving or using heat.
(e) Use cleaners containing bleach or chlorine to flush drains or wastewater lines.
(3) A dentist shall train and have written procedures for training dental office staff who manage or dispose of dental amalgam waste to ensure compliance with this rule.
(4) This rule does not apply to a dentist listed in R 338.11811(2)(a) to (f). A dentist who installs and uses a holding tank and does not discharge amalgam waste shall comply with the requirements of subrules (1), (2), and (3) of this rule, as applicable.
History: 2012 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11817 Record keeping.
Rule 1817. (1) A dentist who is subject to the provisions of R 338.11811 shall maintain records at his or her dental office that include all of the following:
(a) Type of amalgam separator installed, including the manufacturer and model.
(b) Date the amalgam separator became operational.
(c) Documentation verifying that the amalgam separator meets the requirements of R 338.11813.
(d) Documentation of the manufacturer's instructions for the operation and maintenance of the amalgam separator.
(e) Service records for each amalgam separator in use at the dental office that includes all of the following:
(i) Dates of maintenance.
(ii) Dates separator contents were recycled.
(iii) Name of the staff or contractor performing the service.
(f) Documentation verifying that the dentist disposed of and recycled any dental amalgam waste that was generated from the individual's dental office consistent with the requirements of R 338.11815. The documentation must include all of the following:
(i) Name and address of the collection service or recycler.
(ii) Amount by weight of dental amalgam waste that was collected and the date it was collected or shipped from the dental office for recycling.
(iii) Name and address of the facility where the dental amalgam waste is recycled.
(iv) Shipping or manifest papers documenting transfer of the dental amalgam waste to the recycler.
(2) Upon request by an authorized state official, local public health department staff, or local municipality's representative, a dentist subject to this rule shall provide the records required under subrule (1) of this rule.
(3) A dentist subject to this rule shall retain the records required under subrule (1) of this rule for a minimum of 3 years.
History: 2012 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11819 Verification.
Rule 1819. With each license renewal, a dentist who is subject to the provisions of R 338.11811 shall verify on a form provided by the department that he or she is in compliance with these rules and provide the amalgam separator make and year that each separator was installed.
History: 2012 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 338.11821 Compliance and enforcement.
Rule 1821. Failure to comply with the requirements of these rules is a violation of section 16221(h) of the code, MCL 333.16221, and may result in sanctions as provided for in the code, or under state or federal law.
History: 2012 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

DIRECTOR'S OFFICE

CHIROPRACTIC - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 338.12001
Source: 2019 AACS.

R 338.12001a
Source: 2019 AACS.

R 338.12002
Source: 2011 AACS.

R 338.12003
Source: 2019 AACS.

R 338.12004
Source: 2019 AACS.

R 338.12005
Source: 2019 AACS.

R 338.12006
Source: 2019 AACS.

R 338.12007
Source: 1998-2000 AACS.

R 338.12008
Source: 2019 AACS.

R 338.12008a
Source: 2019 AACS.

R 338.12008b
Source: 2019 AACS.

R 338.12009
Source: 2014 AACS.

R 338.12010
Source: 2019 AACS.

R 338.12011
Source: 2019 AACS.

R 338.12011a
Source: 2019 AACS.

R 338.12011b
Source: 2019 AACS.

R 338.12012
Source: 1997 AACS.

R 338.12013
Source: 1982 AACS.

R 338.12014
Source: 2019 AACS.

R 338.12015
Source: 2019 AACS.

PART 2. EDUCATION

R 338.12021
Source: 2019 AACS.

PART 3. LICENSURE

R 338.12031
Source: 2019 AACS.

R 338.12032
Source: 2019 AACS.

R 338.12033
Source: 2019 AACS.

R 338.12034
Source: 2019 AACS.

R 338.12035
Source: 2019 AACS.

R 338.12036
Source: 2019 AACS.

R 338.12037
Source: 2019 AACS.

PART 4. CONTINUING EDUCATION

R 338.12041
Source: 2019 AACS.

R 338.12042
Source: 2019 AACS.

PART 5. STANDARDS OF PRACTICE

R 338.12051
Source: 2019 AACS.

R 338.12052
Source: 2019 AACS.

R 338.12053
Source: 2019 AACS.

R 338.12054
Source: 2019 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

ACUPUNCTURE – GENERAL RULES

PART 1. GENERAL RULES

R 338.13001 Definitions.
Rule 1. (1) As used in these rules:
(a) "Board" means the Michigan board of acupuncture created under section 16521 of the public health code, MCL 333.16521.
(b) "Code" means the public health code 1978 PA 368, MCL 333.1101 to 333.25211.
(c) "Department" means the department of licensing and regulatory affairs.
(2) Terms defined in the code have the same meanings when used in these rules.
History: 2011 AACS; 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

R 338.13002 Training standards for identifying victims of human trafficking; requirements.
Rule 2. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or registration or who is licensed or registered shall complete training in identifying victims of human trafficking that meets the following standards:
(a) Training content must cover all of the following:
(i) Understanding the types and venues of human trafficking in the United States.
(ii) Identifying victims of human trafficking in health care settings.
(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
(iv) Resources for reporting the suspected victims of human trafficking.
(b) Acceptable providers or methods of training include any of the following:
(i) Training offered by a nationally-recognized or state-recognized health-related organization.
(ii) Training offered by, or in conjunction with, a state or federal agency.
(iii) Training obtained in an educational program that has been approved by the board for initial licensure or registration, or by a college or university.
(iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
(c) Acceptable modalities of training may include any of the following:
(i) Teleconference or webinar.
(ii) Online presentation.
(iii) Live presentation.
(iv) Printed or electronic media.
(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to an applicant for license renewal beginning July 2, 2018 and to an applicant for initial licensure beginning April 22, 2021.
History: 2016 AACS; 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

R 338.13003 Telehealth.
Rule 3. (1) An acupuncturist shall obtain consent before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.
(2) An acupuncturist providing a telehealth service shall do both of the following:

(a) Act within the scope of his or her practice.
(b) Exercise the same standard of care applicable to a traditional, in-person health care service.
History: 2011 AACS; rescinded 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

R 338.13004 Adoption of standards.
Rule 4. The National Certification Commission for Acupuncture and Oriental Medicine's (NCCAOM) national standards of competence in acupuncture and Oriental medicine as set forth in the document titled, "NCCAOM Certification Handbook," effective January 1, 2019, is approved by the board and adopted by reference in these rules. The document is available for inspection and distribution at the cost of 10 cents per page from the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing at 611 W. Ottawa St. P.O. Box 30670, Lansing, Michigan 48909 and at no cost from NCCAOM at www.nccaom.org or National Certification Commission for Acupuncture and Oriental Medicine, 2025 M. Street NW, Suite 800, Washington, DC 20036.
History: 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

PART 2. LICENSURE

R 338.13005 Licensure of Michigan-registered acupuncturist; requirements.
Rule 5. Beginning on the date of promulgation of these rules, and for a period of 36 months following promulgation of these rules, the department shall issue a license to an applicant who, in addition to meeting all the requirements of the code, satisfies both of the following:
(a) Submits a completed application on a form provided by the department, together with the requisite fee.
(b) Is currently registered as an acupuncturist in this state.
History: 2011 AACS; 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

R 338.13006 Licensure of non-NCCAOM certified acupuncturist; requirements.
Rule 6. (1) Beginning on the date of promulgation of these rules, and for a period of 36 months following promulgation of these rules, the department shall issue a license to an applicant who, in addition to meeting all the requirements of the code, submits a completed application on a form provided by the department, together with the requisite fee.
(2) The applicant shall demonstrate to the board that he or she has the education, training, and experience required for licensure pursuant to sections 16515 and 16525 of the code, MCL 333.16515 and 333.16525. The applicant shall satisfy all of the following:
(a) The applicant shall establish that he or she has completed a minimum of 1,245 hours of systematic acupuncture education, as that term is defined in section 16501(1)(v) of the code, MCL 333.16501, by submitting his or her education records, training records, or other verifiable evidence of the applicant's education and training that included live lectures, demonstrations, and supervised clinical training specific to acupuncture.
(b) The applicant shall establish that he or she is certified in clean needle technique by the Council of Colleges of Acupuncture and Oriental Medicine.
(c) The applicant shall establish that he or she has provided acupuncture services to an average of 50 or more patients per year during the 4 years preceding the date of application for licensure by submitting his or her patient records, billing records, or both. The applicant shall ensure that patient confidentiality is protected on every document submitted.
(3) If documentation submitted pursuant to this rule is in a language other than English, an original, official translation must also be submitted.
History:2021 MR 7, Eff. Apr. 1, 2021.

R 338.13007 Licensure of NCCAOM-certified applicant; requirements.
Rule 7. Beginning on the date of promulgation of these rules, the department shall issue a license to an applicant who, in addition to meeting all the requirements of the code, satisfies both of the following:
(a) Submits a completed application on a form provided by the department, together with the requisite fee.
(b) Submits proof acceptable to the department that he or she is currently certified by NCCAOM as a Diplomate of Acupuncture or Diplomate of Oriental Medicine.
History:2021 MR 7, Eff. Apr. 1, 2021.

R 338.13008 Limited License; requirements; restrictions.
Rule 8. (1) Beginning on the date of promulgation of these rules, and for a period of 36 months following the promulgation of these rules, the department shall issue a limited license to an applicant who, in addition to meeting the requirements of the code, meets all of the following:

(a) The applicant provides documentation that he or she has been performing acupuncture under the supervision of a physician licensed under part 170 of the code, MCL 333.17001 to 333.17097, or part 175 of the code, MCL 333.17501 to 333.17556, for a minimum of 2 years before March 4, 2020.
(b) The applicant submits a form provided by the department that contains the name and signature of the supervising physician acknowledging assumption of the supervisory responsibilities under section 16109(2) of the code, MCL 333.16109.
(c) The applicant holds a license to engage in another health profession as defined in section 16105(2) of the code, MCL 333.16105, at the time of his or her application.
(2) A limited licensee shall comply with all of the following:
(a) Engage in the practice of acupuncture only under the supervision of the physician identified pursuant to subrule (1)(b) of this rule.
(b) Notify the department if the physician identified pursuant to subrule (1)(b) of this rule is no longer willing or able to supervise the limited licensee.
(i) If the supervising physician is no longer willing or able to supervise the limited licensee, the limited licensee shall not provide acupuncture services until a new supervising physician licensed under part 170 or part 175 of the code is secured and the requirements of subrule (1)(b) of this rule have been met by the new supervising physician and the form, provided by the department, that contains the name and signature of the supervising physician acknowledging assumption of the supervisory responsibilities under section 16109(2) of the code, MCL 333.16109, has been submitted to the department.
(ii) A limited license cannot be renewed if a supervising physician licensed under part 170 or part 175 of the code is not identified.
(c) A limited licensee shall not collect payment from an insurer for performing a service that is within the practice of acupuncture.
History:2021 MR 7, Eff. Apr. 1, 2021.

R 338.13010 Licensure by endorsement; requirements.
Rule 10. (1) An applicant for an acupuncturist license by endorsement, in addition to meeting all the requirements of the code, shall submit a completed application on a form provided by the department, together with the requisite fee and satisfy both of the following:
(a) Demonstrate to the satisfaction of the department that he or she holds an active license or registration in good standing from another state on the date of filing an application for licensure by endorsement.
(b) Submit proof acceptable to the department that he or she is currently certified by NCCAOM as a Diplomate of Acupuncture or Diplomate of Oriental Medicine.
(2) An applicant's license or registration in good standing shall be verified by the licensing or registering agency of each state in which the applicant holds or ever held a license or registration as an acupuncturist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.
History: 2011 AACS; 2019 AACS;2021 MR 7, Eff. Apr. 1, 2021.

R 338.13015 Rescinded.
History: 2011 AACS; 2019 AACS;2021 MR 7, Eff. Apr. 1, 2021.

R 338.13020 Rescinded.
History: 2011 AACS; 2019 AACS;2021 MR 7, Eff. Apr. 1, 2021.

R 338.13025 Application for relicensure; requirements.
Rule 25. An applicant whose license has lapsed may be relicensed upon submission of the appropriate documentation as noted in the table below:

(1) For an acupuncturist who has let his or her Michigan license lapse and is currently licensed in another state or Canada.		Lapsed 0-3 years	Lapsed more than 3 years
(a)	Submits a completed application on a form provided by the department, together with the required fee.	√	√
(b)	Establishes that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√
(c)	Submits fingerprints as required under		√

	section 16174(3) of the code, MCL 333.16174(3).		
(d)	Submits proof of having completed 30 hours of continuing education in compliance with R 338.13026 and R 338.13028 within the 2-year period immediately preceding the application for relicensure.	√	√
(e)	An applicant's license or registration in good standing must be verified by the licensing or registering agency of each state in which the applicant holds or ever held a license or registration as an acupuncturist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.	√	√
(2) For an acupuncturist who has let his or her Michigan license lapse and is not currently licensed in another state or Canada.		Lapsed 0-3 years	Lapsed more than 3 years
(a)	Submits a completed application on a form provided by the department, together with the required fee.	√	√
(b)	Establishes that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√
(c)	Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174(3).		√
(d)	Submits proof of having completed 30 hours of continuing education in compliance with R 338.13026 and R 338.13028 within the 2-year period immediately preceding the application for relicensure.	√	√
(e)	Possesses a current and valid NCCAOM certification as a Diplomate of Acupuncture or Diplomate of Oriental Medicine.		√
(f)	An applicant's license or registration in good standing must be verified by the licensing or registering agency of each state in which the applicant holds or ever held a license or registration as an acupuncturist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.	√	√

History: 2011 AACS; 2019 AACS;2021 MR 7, Eff. Apr. 1, 2021.

PART 3. LICENSE RENEWAL, LIMITED LICENSE RENEWAL, AND CONTINUING EDUCATION

R 338.13026 Renewal of acupuncturist license; renewal of limited license; requirements; limitations; waiver request.
Rule 26. (1) Pursuant to section 16517 of the code, MCL 333.16517, an applicant for renewal of a license or limited license, who has been licensed for the 2-year period immediately preceding the expiration date of the license, shall accumulate 30 hours

of continuing education related to the practice of acupuncture and approved by the board, pursuant to these rules, during the 2 years before the expiration date of the license.
(2) An applicant for renewal of a license or a limited license shall accumulate at least 5 hours of the required hours of continuing education in pain and symptom management related to the practice of acupuncture during each license cycle pursuant to sections 16204(2) and 16517(2) of the code, MCL 333.16204 and 333.16517.
(3) An applicant for renewal of a limited license, in addition to meeting the requirements of subrules (1) and (2) of this rule, shall meet all of the following:
(a) Pursuant to section 16517(3) of the code, MCL 333.16517, the applicant shall hold an active license to engage in another health profession, as defined in section 16105 of the code, MCL 333.16105, at the time of his or her application, and as a condition of renewal of his or her limited license. –
(b) The applicant shall accumulate the continuing education credits required in subrules (1) and (2) of this rule in addition to any continuing education credits accumulated for the purpose of renewing his or her other health professional license.
(c) The applicant shall submit a form, provided by the department, that contains the name and signature of his or her supervising physician acknowledging that the physician provided the supervisory responsibilities required under section 16109(2) of the code, MCL 333.16109, during the previous license cycle and agreeing to provide those supervisory responsibilities during the next license cycle.
(4) Submission of an application for renewal constitutes the applicant's certification of compliance with this rule. An applicant shall retain documentation of satisfying the requirements of this rule for a period of 4 years from the date of applying for license renewal. The board may require an applicant to submit evidence to demonstrate compliance with this rule. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.
(5) The department must receive a request for a waiver under section 16205 of the code, MCL 333.16205, before the expiration date of the license.
(6) The continuing education credits earned in 1 license cycle may not be carried forward to the next license cycle.
(7) The applicant may not earn continuing education credits for completing the same activity twice within the same license cycle.
History: 2021 MR 7, Eff. Apr. 1, 2021.

R 338.13028 Acceptable continuing education, requirements.
Rule 28. (1) The board approves for continuing education a course or activity approved by the NCCAOM as a professional development activity (PDA). One PDA credit equals 1 hour of continuing education credit that can be accumulated to satisfy the requirements of R 338.13026.
(2) Pursuant to section 16517(1) of the code, MCL 333.16517, an individual who has met the continuing education standards of the NCCAOM is considered to have met the continuing education requirements for license renewal.
(3) If an applicant does not meet the requirements of subrule (2) of this rule, he or she shall accumulate not less than 30 continuing education credits by participating in a course or activity approved by the NCCAOM.
History: 2021 MR 7, Eff. Apr. 1, 2021.

R 338.13030 Rescinded.
History: 2011 AACS; 2019 AACS; 2021 MR 7, Eff. Apr. 1, 2021.

R 338.13035
Source: 2019 AACS.

R 338.13040
Source: 2019 AACS.

R 338.13045
Source: 2019 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BOARD OF MIDWIFERY

PART 1. GENERAL PROVISIONS

R 338.17101
Source: 2019 AACS.

PART 2. PRELICENSURE LICENSED MIDWIFERY EDUCATION

R 338.17111
Source: 2019 AACS.

R 338.17113
Source: 2019 AACS.

R 338.17115
Source: 2019 AACS.

PART 3. LICENSURE

R 338.17121
Source: 2019 AACS.

R 338.17122
Source: 2019 AACS.

R 338.17123
Source: 2019 AACS.

R 338.17125
Source: 2019 AACS.

R 338.17127
Source: 2019 AACS.

PART 4. PRACTICE, CONDUCT, AND CLASSIFICATION OF CONDITIONS

R 338.17131
Source: 2019 AACS.

R 338.17132
Source: 2019 AACS.

R 338.17133
Source: 2019 AACS.

R 338.17134
Source: 2019 AACS.

R 338.17135
Source: 2019 AACS.

R 338.17136
Source: 2019 AACS.

R 338.17137
Source: 2019 AACS.

PART 5. LICENSE RENEWAL AND CONTINUING EDUCATION

R 338.17141

Source: 2019 AACS.

DEPARTMENT OF LABOR & ECONOMIC GROWTH

DIRECTOR'S OFFICE

PREPAID FUNERAL & CEMETERY SALES

PART 1. GENERAL PROVISIONS

R 339.11
Source: 2014 AACS.

PART 2. CONTRACTS

R 339.21
Source: 2006 AACS.

R 339.22
Source: 2014 AACS.

R 339.23
Source: 2006 AACS.

R 339.24
Source: 2014 AACS.

PART 3. STANDARDS OF OPERATION

R 339.31
Source: 2014 AACS.

R 339.32
Source: 2014 AACS.

R 339.33
Source: 2006 AACS.

R 339.34
Source: 2014 AACS.

R 339.35
Source: 2006 AACS.

R 339.36
Source: 2006 AACS.

R 339.37
Source: 2006 AACS.

PART 4.RECORD KEEPING

R 339.41
Source: 2014 AACS.

R 339.42

Source: 2014 AACS.

R 339.43
Source: 2014 AACS.

R 339.45
Source: 2006 AACS.

R 339.47
Source: 2006 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

CORPORATIONS, SECURITIES, AND COMMERCIAL LICENSING BUREAU

UNARMED COMBAT

PART 1. GENERAL PROVISIONS

R 339.101
Source: 2019 AACS.

R 339.102
Source: 2016 AACS.

R 339.103
Source: 2016 AACS.

PART 2. PROFESSIONAL BOXING, AMATEUR MIXED MARTIAL ARTS, AND PROFESSIONAL MIXED MARTIAL ARTS

R 339.201
Source: 2019 AACS.

R 339.202
Source: 2019 AACS.

R 339.202a
Source: 2009 AACS.

R 339.203
Source: 2019 AACS.

R 339.203a
Source: 2019 AACS.

R 339.203b
Source: 2019 AACS.

R 339.203c
Source: 2019 AACS.

R 339.203d
Source: 2016 AACS.

R 339.204

Source: 2019 AACS.

R 339.205
Source: 2019 AACS.

R 339.205a
Source: 2019 AACS.

R 339.205b
Source: 2019 AACS.

R 339.206
Source: 2016 AACS**.**

R 339.206a
Source: 2016 AACS**.**

R 339.207
Source: 2019 AACS.

R 339.209
Source: 2005 AACS.

R 339.210
Source: 2019 AACS.

R 339.211
Source: 2009 AACS.

R 339.213
Source: 2019 AACS.

R 339.215
Source: 2019 AACS.

R 339.217
Source: 2019 AACS.

R 339.219
Source: 2016 AACS**.**

R 339.221
Source: 2009 AACS.

R 339.223
Source: 2019 AACS.

R 339.223a
Source: 2016 AACS**.**

R 339.225
Source: 2009 AACS.

R 339.226
Source: 2019 AACS.

R 339.226a
Source: 2019 AACS.

R 339.227
Source: 2019 AACS.

R 339.229
Source: 2019 AACS.

R 339.230
Source: 2019 AACS.

R 339.231
Source: 2019 AACS.

R 339.232
Source: 2019 AACS.

R 339.233
Source: 2009 AACS.

R 339.234
Source: 2016 AACS**.**

R 339.234a
Source: 2016 AACS**.**

R 339.235
Source: 2019 AACS.

R 339.235a
Source: 2016 AACS**.**

R 339.237
Source: 2009 AACS.

R 339.239
Source: 2019 AACS.

R 339.241
Source: 2016 AACS**.**

R 339.243
Source: 2019 AACS.

R 339.245
Source: 2019 AACS.

Rule 339.246
Source: 2019 AACS.

Rule 339.246a
Source: 2019 AACS.

R 339.247
Source: 2016 AACS**.**

R 339.249
Source: 2019 AACS.

R 339.251
Source: 2019 AACS.

R 339.253
Source: 2019 AACS.

R 339.255
Source: 2019 AACS.

R 339.257
Source: 2016 AACS**.**

R 339.259
Source: 2016 AACS**.**

R 339.261
Source: 2016 AACS**.**

R 339.263
Source: 2005 AACS.

R 339.265
Source: 2019 AACS.

R 339.267
Source: 2016 AACS**.**

R 339.269
Source: 2019 AACS.

R 339.271
Source: 2016 AACS**.**

PART 3. FEES

R 339.301
Source: 2016 AACS**.**

R 339.303
Source: 2016 AACS**.**

PART 4.

R 339.401
Source: 2005 AACS.

R 339.403
Source: 2009 AACS.

OFFICE OF COMMERCIAL SERVICES

OCCUPATIONAL BOARDS

R 339.601
Source: 2014 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL CODE RENEWALS

PART 1. LICENSE AND REGISTRATION RENEWALS

R 339.1001
Source: 2014 AACS.

R 339.1001a Definitions.
Rule 1a. (1) As used in these rules:
(a) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.
(b) "Department" means the department of licensing and regulatory affairs.
(c) "Issue date" means the date that the initial license or registration was granted to the licensee or registrant by the department.
(d) "Limitation" means a limitation relative to scope of practice as defined in section 105(3) of the code, MCL 339.105.
(2) A term defined in the code has the same meaning when used in these rules.
History: 2020 MR 24, Eff. Dec 22, 2020; 2021 MR 20, Eff. Nov. 1, 2021.

PART 2. LICENSE AND REGISTRATION RENEWALS

R 339.1002 Annual license renewal; expiration.
Rule 2. (1) The following licenses expire annually and must be renewed each year on or before the date indicated:
Appraisal management company……..7/31.
Barber student instructor…….....Issue date.
Mortuary science trainees.....1/31.
(2) Until 90 days after the effective date of these rules, the following licenses expire annually and must be renewed each year on or before the date indicated:
Collection practices.....6/30.
Personnel agencies……12/31.
History: 1981 AACS; 1993 AACS; 1998-2000 AACS; 2014 AACS; 2020 MR 24, Eff. Dec 22, 2020; 2021 MR 20, Eff. Nov. 1, 2021.

R 339.1003 Biennial license or registration renewal; expiration.
Rule 3. (1) The following licenses and registrations expire biennially and must be renewed every 2 years on or before the date indicated:
Accountancy.....7/31.
Architects..... Issue date.
Barbers.....Issue date.
Barber establishments and schools……....Issue date.
Cosmetology.....Issue date.
Cosmetology establishments and schools…….....Issue date.
Hearing aid dealers.....Issue date.
Landscape architects.....Issue date.
Mortuary science……10/31.
Professional engineers.....Issue date.
Professional surveyors.....Issue date.
Real estate appraisers.....7/31.
(2) A license or registration that has a limitation may be renewed for a term that is less than 2 years.
(3) For licenses that are to be renewed biennially, the department may initially renew half of the licenses for 1 year and half of the licenses for 2 years to provide equal numbers of renewals in each fiscal year.
History: 1981 AACS; 1989 AACS; 1998-2000 AACS; 2014 AACS; 2018 AACS; 2020 MR 24, Eff. Dec 22, 2020; 2021 MR 20, Eff. Nov. 1, 2021.

R 339.1003a Triennial license renewal; expiration.
Rule 3a. (1) The following licenses expire triennially and must be renewed every 3 years on or before the date indicated:
Real estate brokers and salespersons.....Issue date.
Residential builder and maintenance and alteration contractor…….5/31.

(2) Beginning 90 days after the effective date of these rules, the following licenses expire triennially and must be renewed every 3 years on or before the date indicated:
Collection practices.....Issue date.
Personnel agencies……Issue date.
(3) A license that has a limitation may be renewed for a term that is less than 3 years.
History: 2020 MR 24, Eff. Dec 22, 2020; 2021 MR 20, Eff. Nov. 1, 2021.

R 339.1004
Source: 2014 AACS.

R 339.1005
Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL CODE—DISCIPLINARY RULES

PART 1. GENERAL RULES

R 339.1701
Source: 2015 AACS.

R 339.1702 Definitions.
Rule 702. (1) As used in these rules "code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.
(2) The applicable terms defined in the code have the same meaning when used in these rules.
History: 2021 MR 9, Eff. May 3, 2021.

R 339.1703 Rescinded.
History: 1990 AACS; 2021 MR 9, Eff. May 3, 2021.

R 339.1705
Source: 2015 AACS.

R 339.1706 Continuing duty to report name, postal address, and electronic mail address change.
Rule 706**.** In addition to complying with sections 204(5) and (6) of the code, MCL 339.204, a licensee, registrant, or qualifying officer, director, owner, or manager of a licensee or registrant whose license or registration has expired, lapsed, or has been suspended, revoked, or surrendered shall notify the department of a change of name, postal address, or electronic mail address until the later of 1 of the following, occurs:
(a) Seven years after the license or registration status change occurs.
(b) The licensee**,** registrant, or qualifying officer, director, owner, or manager of a licensee or registrant is in full compliance with all final orders issued against the licensee, registrant, or qualifying officer, director, owner, or manager of a licensee or registrant.
History: 2006 AACS; 2021 MR 9, Eff. May 3, 2021.

R 339.1707
Source: 1997 AACS.

R 339.1708 Disciplinary action; unlicensed or unregistered person.
Rule 708. (1) A person who violates the code is subject to disciplinary action and sanctions based upon that conduct under the code without regard to whether he or she becomes licensed or registered or whether the department knew of the violation at the time that the license or registration was issued.
(2) A person considered unlicensed or unregistered under section 601(3) of the code, MCL 339.601, or whose license or registration has been suspended, revoked, or surrendered shall not engage in the practice of any profession requiring licensure or registration under the code.

(3) A person who becomes unlicensed or unregistered remains subject to disciplinary action for violating the code, a rule promulgated under the code, or a final order issued under the code until the later of 1 of the following occurs:
(a) Seven years after a change in license or registration status change occurs.
(b) The licensee or registrant is in full compliance with all final orders issued against the licensee or registrant.
History: 2021 MR 9, Eff. May 3, 2021.

R 339.1709
Source: 2015 AACS.

R 339.1710 Service of formal complaints and orders.
Rule 710. (1) The department may serve a formal complaint, summary suspension order, cease and desist order, or final order on a respondent by personal service, first class United State mail, or certified mail, return receipt requested, to the most current address of record on file with the department.
(2) If service is made by mail, it is deemed received 3 business days after the date of mailing, unless otherwise indicated by the returned certified mail receipt.
(3) Non-delivery does not affect the validity of service if it was caused by the respondent's refusal to take delivery.
History: 2021 MR 9, Eff. May 3, 2021.

R 339.1711
Source: 1997 AACS.

PART 2. HISTORICAL RECORDS

R 339.1712 Historical records.
Rule 712. The department may obtain and maintain all of the following in a person's historical record:
(a) Reports, information, or a final order from a state department or agency.
(b) Reports or information from a professional association or professional society.
(c) Reports or information from the secretary of state's office.
(d) Reports or information related to prior complaints made against the person.
(e) Reports or information from any federal, state, or local law enforcement agency.
(f) Reports, information, or a final order or judgment from any federal, state, or local court or other adjudicating body.
History: 2021 MR 9, Eff. May 3, 2021.

R 339.1713
Source: 2015 AACS.

PART 3. INVESTIGATIONS

R 339.1714 Investigations.
Rule 714. The department's investigations, conducted as required by section 502 of the code, MCL 339.502, may encompass violations other than those specifically identified when the investigation was initiated.
History: 2021 MR 9, Eff. May 3, 2021.

R 339.1715
Source: 1997 AACS.

PART 4. CONTESTED CASE PROCEEDINGS

R 339.1716 Pleadings and orders.
Rule 716. (1) As used in this rule, "contested case" means that term as defined by section 3(3) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.203.
(2) Until the Michigan office of administrative hearings and rules issues a notice of hearing, all documents and any related attachments must be filed with the department or the department of the attorney general as set forth in the formal complaint, summary suspension order, cease and desist order, or attached notice document.

(3) After the Michigan office of administrative hearings and rules issues a notice of hearing, all documents and pleadings and any related attachments must be filed with the Michigan office of administrative hearings and rules and simultaneously served to all parties listed in the case caption of the notice, as required in the notice of hearing and R 792.10101 to 792.10137.
(4) A formal complaint may be withdrawn or amended at any time consistent with the code, the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and R 792.10101 to 792.10137. If the department adds a new charge, the department must give the respondent an opportunity to request a compliance conference.
(5) All pleadings, documents, and any related attachments that are properly filed become a part of the official record of the hearing under sections 76 and 86 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.276 and 24.286, and R 792.10101 to 792.10137.
History: 2021 MR 9, Eff. May 3, 2021.

R 339.1721
Source: 2015 AACS.

R 339.1725
Source: 1997 AACS.

PART 5. COMPLIANCE CONFERENCE AND REQUEST FOR ADJOURNMENT

R 339.1726 Rescinded.
History: 1990 AACS; 2021 MR 9, Eff. May 3, 2021.

R 339.1727
Source: 1997 AACS.

R 339.1728
Source: 1997 AACS.

R 339.1731 Compliance conferences; requests for adjournment; written statements.
Rule 731. (1) The department may conduct a compliance conference held under section 508 of the code, MCL 339.508, informally and not as an evidentiary hearing.
(2) A respondent may request and may be granted an adjournment of the compliance conference for good cause shown. As used in this subrule, "good cause" means that the respondent submitted a written request for adjournment to the department that provides legally sufficient grounds to warrant the adjournment, such as circumstances beyond the respondent's control.
(3) A respondent may request to submit a written statement in lieu of requesting or appearing for a compliance conference.
History: 1990 AACS; 2021 MR 9, Eff. May 3, 2021.

R 339.1741
Source: 2015 AACS.

R 339.1743
Source: 2015 AACS.

R 339.1745
Source: 2015 AACS.

R 339.1746
Source: 1997 AACS.

R 339.1741
Source: 2015 AACS.

R 339.1743
Source: 2015 AACS.

R 339.1745

Source: 2015 AACS.

R 339.1753
Source: 1997 AACS.

R 339.1755
Source: 2015 AACS.

R 339.1757
Source: 2015 AACS.

R 339.1759
Source: 2015 AACS.

R 339.1761
Source: 2015 AACS.

R 339.1763
Source: 2015 AACS.

R 339.1765
Source: 2015 AACS.

R 339.1767
Source: 2015 AACS.

R 339.1771
Source: 2015 AACS.

ATHLETICS

PART 1. GENERAL PROVISIONS

R 339.3101
Source: 2005 AACS.

R 339.3102
Source: 2005 AACS.

R 339.3201
Source: 2005 AACS.

R 339.3202
Source: 2005 AACS.

R 339.3203
Source: 2005 AACS.

R 339.3204
Source: 2005 AACS.

R 339.3205
Source: 2005 AACS.

R 339.3206
Source: 2005 AACS.

R 339.3207

Source: 2005 AACS.

R 339.3207a
Source: 2005 AACS.

R 339.3208
Source: 2005 AACS.

R 339.3209
Source: 2005 AACS.

R 339.3210
Source: 2005 AACS.

R 339.3210a
Source: 2005 AACS.

R 339.3211
Source: 2005 AACS.

R 339.3212
Source: 2005 AACS.

R 339.3213
Source: 2005 AACS.

R 339.3214
Source: 2005 AACS.

R 339.3215
Source: 2005 AACS.

R 339.3216
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R 339.3217
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R 339.3218
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R 339.3219
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R 339.3220
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R 339.3221
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R 339.3222
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R 339.3223
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R 339.3229
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R 339.3230
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R 339.3231
Source: 2005 AACS.

R 339.3232
Source: 2005 AACS.

R 339.3233
Source: 2005 AACS.

R 339.3234
Source: 2005 AACS.

R 339.3235
Source: 2005 AACS.

R 339.3236
Source: 2005 AACS.

R 339.3199
Source: 1985 AACS.

PART 2. PROFESSIONAL BOXING

R 339.3201
Source: 1995 AACS.

R 339.3202
Source: 1995 AACS.

R 339.3203
Source: 1995 AACS.

R 339.3204
Source: 1995 AACS.

R 339.3205
Source: 1995 AACS.

R 339.3206
Source: 1995 AACS.

R 339.3207
Source: 1995 AACS.

R 339.3207a
Source: 1995 AACS.

R 339.3208
Source: 1995 AACS.

R 339.3209
Source: 1995 AACS.

R 339.3210
Source: 1995 AACS.

R 339.3210a
Source: 1995 AACS.

R 339.3211
Source: 1995 AACS.

R 339.3212
Source: 1995 AACS.

R 339.3213
Source: 1995 AACS.

R 339.3214
Source: 1995 AACS.

R 339.3215
Source: 1995 AACS.

R 339.3216
Source: 1995 AACS.

R 339.3217
Source: 1995 AACS.

R 339.3218
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R 339.3219
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R 339.3220
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R 339.3221
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R 339.3226
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R 339.3231
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R 339.3232
Source: 1995 AACS.

R 339.3233
Source: 1995 AACS.

R 339.3234
Source: 1985 AACS.

R 339.3235
Source: 1995 AACS.

R 339.3236
Source: 1995 AACS.

DIRECTOR'S OFFICE

COLLECTION AGENCIES

R 339.4001
Source: 2014 AACS.

R 339.4003
Source: 2014 AACS.

R 339.4005
Source: 2014 AACS.

R 339.4007
Source: 2014 AACS.

R 339.4009
Source: 2014 AACS.

R 339.4011
Source: 2014 AACS.

PERSONNEL AGENCIES

PART 1. GENERAL PROVISIONS

R 339.5001
Source: 2014 AACS.

R 339.5005
Source: 2014 AACS.

R 339.5009
Source: 1996 AACS.

PART 2. LICENSING

R 339.5021
Source: 2014 AACS.

R 339.5023
Source: 2014 AACS.

PART 3. STANDARDS OF CONDUCT

R 339.5031
Source: 2014 AACS.

R 339.5033
Source: 2014 AACS.

R 339.5035
Source: 2014 AACS.

R 339.5037
Source: 2014 AACS.

R 339.5039
Source: 2014 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BARBERS

PART 1. GENERAL PROVISIONS

R 339.6001
Source: 2014 AACS.

R 339.6002 Definitions.
Rule 2. (1) As used in these rules:
(a) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.
(b) “Department” means the department of licensing and regulatory affairs.
(2) Terms that are defined in the code have the same meaning when used in these rules.
History: 2021 MR 21, Eff. Nov. 4, 2021.

R 339.6003
Source: 2014 AACS.

R 339.6019
Source: 1991 AACS.

PART 2. LICENSES

R 339.6021
Source: 1998 AACS.

R 339.6022 Licensure by endorsement; substantially equal requirements;
substituted experience; training obtained outside the United States.
Rule 22. (1) An individual who is licensed as a barber in another state, jurisdiction, or country may apply for a barber license by endorsement under this rule.
(2) An applicant for licensure by endorsement, in addition to meeting all the requirements under section 1108 of the code, MCL 339.1108, shall submit an application on a form provided by the department, pay the required fee, and satisfy all of the following requirements:
(a) Hold or have held in good standing a license as a barber for at least 1 of the 3 years immediately preceding the date of application.
(b) Provide proof of any name change, if the name on the application does not match the name shown on the submitted documents.
(c) Demonstrate that the licensure requirements of the state, jurisdiction, or country in which he or she is authorized to perform barber services are substantially equal to the requirements for licensure under the code and these rules.
(3) The requirements of another state, jurisdiction, or country are considered substantially equal to the requirements for a barber license in this state if both of the following conditions are satisfied:
(a) The state, jurisdiction, or country required an applicant to pass 1 or more examinations that tested barber theory and practical application that are substantially equal to the theory and practical application examinations for licensure in this state.
(b) The state, jurisdiction, or country required an applicant to receive not less than 1,800 hours of prelicensure training at a licensed barber college.
(4) If the applicant's prelicensure training does not satisfy the requirements of subrule (3)(b) of this rule, pursuant to section 1108(3) of the code, MCL 339.1108, the hours of prelicensure training required under the code and these rules may be substituted with barber or barber apprentice experience at a ratio of 100 hours of training for each 3 months of barber or barber apprentice experience. To receive credit, the applicant shall attest on a form provided by the department that he or she worked as a barber or barber apprentice for a period of time equal to the number of hours of training required for licensure.
(5) Both of the following apply regarding education, training, or experience obtained outside of the United States:
(a) An applicant who received education, training, or experience outside the United States shall have documentation provided directly to the department from the educational institution, apprenticeship, or employer verifying his or her education, training, and experience. Documentation that is provided in a language other than English must include a copy in English that is translated and notarized by an embassy or professional translation service.
(b) If the educational, apprenticeship, or work experience records are unavailable from the country in which an applicant received his or her education, training, or experience, he or she may not substitute experience for any of the hours of prelicensure training concerning safety and sanitation, or laws, rules, or regulations. To receive credit for other required prelicensure training hours, the applicant shall provide both of the following:
(i) A notarized affidavit stating the total number of years of education, apprenticeship, or barber experience he or she has completed. The affidavit shall include the name of each school he or she attended and the degree or training he or she received, including the courses taken and grades received, and if applicable, the names of each former employer or apprenticeship supervisor.
(ii) A notarized statement from a government official of the country in which the records are unavailable attesting to the unavailability of his or her records.
(6) Each state, jurisdiction, or country in which the applicant holds or has ever held a license as a barber shall verify that the applicant's license is currently in good standing or was in good standing just prior to its lapse.
History: 2021 MR 21, Eff. Nov. 4, 2021.

R 339.6023 Relicensure requirements.
Rule 23. (1) An applicant whose license has lapsed for 3 years or less after the expiration date of the last license may be

relicensed under section 411(3) of the code, MCL 339.411, after submitting a completed application on a form provided by the department and the required fee.
(2) An applicant whose license has lapsed for more than 3 years after the expiration date of the last license may be relicensed under section 411(4) of the code, MCL 339.411, after submitting a completed application on a form provided by the department, the required fee, and satisfying either of the following requirements:
(a) Pass the examination required for licensure pursuant to section 1108(1)(d) of the code, MCL 339.1108.
(b) Establish that he or she has an active barber license in good standing in another state, jurisdiction, or country.
History: 2021 MR 21, Eff. Nov. 4, 2021.

PART 3. SANITATION

R 339.6031 Premises.
Rule 31. (1) All premises used by a licensee must be maintained in a clean, safe, and sanitary condition. The premises must be free from all of the following:
(a) Dust.
(b) Mold.
(c) Mildew.
(d) Insects.
(e) Rodents.
(f) Vermin.
(g) Other sources of contamination or potential causes of health or safety hazards or nuisances.
(2) Floors, walls, ceilings, fixtures, furnishings, and work surfaces must be kept clean. Open windows and doors must be screened to prevent the entry of insects. Waste containers must be kept closed with a lid or hinged-door and emptied when full and at least once every 24 hours. Waste containers must be cleaned and disinfected at least once every 24 hours unless lined with a plastic bag that is disposed of each time the waste container is emptied.
(3) Equipment and supplies for barbering use must be stored separately from storage for any other purpose. Soiled or used towels or rubbish must not be allowed to accumulate on the premises or in adjacent areas. Used towel and rubbish storage may not be adjacent to storage for clean supplies. Covered containers or cabinets must be provided for clean supplies that are not wrapped for sanitation.
(4) Toilet facilities must be furnished on the premises unless public toilet facilities are reasonably available.
(5) Licensed premises must have stationary washbasins located within the licensed premises. Washbasins used to satisfy the sanitation requirements of these rules may not be in a restroom or out of view of the work area where services are performed. Each basin must be connected to a pressurized water system with hot and cold running water and with adequate provision for drainage and disposal of waste into a public disposal system or septic tank.
(6) Licensed premises must comply with all regulations of the political subdivision in which they are located and with state and federal building codes, health regulations, and fire safety regulations.
History: 1991 AACS; 2019 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 339.6033
Source: 2019 AACS.

R 339.6035
Source: 1991 AACS.

R 339.6037
Source: 2019 AACS.

R 339.6039
Source: 2003 AACS.

PART 4. BARBER COLLEGES

R 339.6040 Substitution of hours for credits earned in Michigan-licensed cosmetology school; substantially similar criteria and determination; notice to department.
Rule 40. (1) Pursuant to section 1110(6) of the code, MCL 339.1110, a barber college may allow a student who is a Michigan-licensed cosmetologist to substitute up to 1,000 hours of substantially similar instruction obtained from a Michigan-licensed

cosmetology school for hours of instruction required by the barber college.
(2) In determining if an hour of instruction earned from a Michigan-licensed cosmetology school is substantially similar and may be substituted for required instruction in the barber student's curriculum, the barber college may consider all of the following:
(a) The student's cosmetology school transcript.
(b) The student's scores on examinations.
(c) The cosmetology school's course descriptions.
(d) The student's performance on an examination conducted by the barber college that tests the student's theory and practical knowledge.
(3) The barber college shall determine the number of substantially similar instruction hours that will be substituted for hours of required instruction in the student's barber college curriculum before the student begins his or her barber college program.
(4) The barber college shall notify the department of the number of substantially similar hours it permitted the student to substitute in the student's barber college curriculum.
History: 2021 MR 21, Eff. Nov. 4, 2021.

R 339.6041
Source: 2019 AACS.

R 339.6045
Source: 2014 AACS.

R 339.6047 Barber college; curriculum.
Rule 47. A barber college shall follow a curriculum of instruction in barbering shown under table 47. The curriculum may vary within 10% of the hours for each subject specified in this rule as long as the total theory hours is not less than 225 and the total practical hours is not less than 1,575.
TABLE 47
Barber Training Curriculum

Topic	Theory Hours	Practical Hours
(a) Orientation: (i) History of barbering profession. (ii) Implements of barbering profession.	10	0
(b) Safety and sanitation: (i) General (basic first aid, work stations). (ii) Bacteriology and diseases of hair, scalp, skin, nails, and glands. (iii) Implements (sanitation, maintenance, care). (iv) Laws and rules governing safety and sanitation.	60	50
(c) Client services: (i) Composition, structure, function of skin, hair, head, face, and neck. (ii) Analysis of bone structure, skin, and hair. (iii) Determination of services desired by client. (iv) Examination of client (identifying disorders and diseases), referral for medical treatment. (v) Recommending services and follow-up maintenance.	30	These activities must be performed as part of activities specified in sub-divisions (d), (e), and (f) of this rule.
(d) Haircut and shave: (i) Hair cutting. (ii) Hair styling. (iii) Razor honing and stropping. (iv) Shaving and beard trimming.	60	1,000
(e) Chemical services: (i) Shampooing and conditioning hair. (ii) Hair waving and relaxing. (iii) Hair coloring and lightening.	15	125

(f) Secondary services: (i) Skin care (facials, massage, and therapy). (ii) Hair and scalp treatments (preparations, massage, and therapy). (iii) Selling and servicing hairpieces.	25	275
(g) Laws, rules, and regulations: (i) Governing the barber. (ii) Governing the barbershop.	10	0
(h) Business management: (i) Ethics. (ii) Merchandising. (iii) Bookkeeping. (iv) Taxes. (v) Insurances.	10	100
(i) Licensure examination preparation.	5	25
	225	1,575

History: 1991 AACS; 2019 AACS; 2021 MR 21, Eff. Nov. 4, 2021.

R 339.6049
Source: 1991 AACS.

R 339.6051
Source: 2014 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

NURSING HOME ADMINISTRATORS

PART 1. GENERAL PROVISIONS

R 339.14001
Source: 2019 AACS.

R 339.14002
Source: 2019 AACS.

R 339.14003 Telehealth.
Rule 3. (1) Consent must be obtained before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.
(2) Evidence of the consent obtained pursuant to subrule (1) of this rule must be maintained in a patient's medical record and retained in compliance with section 16213 of the code, MCL 333.16213.
(3) A nursing home administrator providing a telehealth service shall do both of the following:
(a) Act within the scope of his or her practice.
(b) Exercise the same standard of care applicable to a traditional, in-person health care service.
History: 1992 AACS; 1998-2000 AACS; 2014 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

PART 2. EDUCATION

R 339.14005 Accreditation standards; adoption by reference.
Rule 5. (1) The department, in consultation with the board, adopts by reference the procedures and criteria for recognizing accrediting organizations of the council of higher education accreditation (CHEA), effective September 24, 2018, and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1,

2010, as contained in 34 CFR part 602 (2010). The CHEA recognition standards may be obtained from the council's website at http://www.chea.org at no cost. The federal recognition criteria may be obtained at no cost from the United States Department of Education's website at: http://www.ed.gov.
(2) Copies of the standards and criteria recognizing accrediting agencies used by CHEA and the department of education are available for inspection and distribution at cost of 10 cents per page from the Board of Nursing Home Administrators, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.
History: 1992 AACS; 1998-2000 AACS; 2014 AACS; 2019 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 339.14007
Source: 2019 AACS.

PART 3. LICENSURE

R 339.14008 Application for nursing home administrator license; requirements.
Rule 8. (1) The department shall issue a nursing home administrator license to an applicant who, in addition to satisfying the requirements of the code, satisfies all of the following:
(a) Submits a completed application on a form provided by the department.
(b) Pays the required fee to the department.
(c) Complies with either of the following:
(i) Completed a course of instruction and training that meets the requirements of R 339.14007.
(ii) Had been employed as a chief executive or administrative officer at a state-licensed hospital for not less than 5 of the 7 years immediately preceding the date of applying for a nursing home administrator license, as provided in section 17309(3) of the code, MCL 333.17309.
(2) In addition to meeting the requirements of subrule (1) of this rule, an applicant shall, within 2 years after the date of the application, pass both of the following examinations:
(a) The National Association of Long-term Care Administrator Board's (NAB) Core of Knowledge Examination for Long Term Care Administrators (CORE) administered by the professional examination service of the NAB or its successor organization, pursuant to R 339.14011.
(b) The NAB National Nursing Home Administrators Line of Service Examination (NHA LOS) administered by the professional examination service of the NAB or its successor organization, pursuant to R 339.14011.
(3) An applicant may sit for the CORE and the NHA LOS examinations a maximum of 4 times each.
History: 2014 AACS; 2019 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 339.14009
Source: 2019 AACS.

R 339.14011
Source: 2019 AACS.

R 339.14012 Training standards for identifying victims of human trafficking; requirements.
Rule 12. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual licensed or seeking licensure shall complete training in identifying victims of human trafficking that meets the following standards:
(a) Training content must cover all of the following:
(i) Understanding the types and venues of human trafficking in Michigan or the United States.
(ii) Identifying victims of human trafficking in health care settings.
(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
(iv) Resources for reporting the suspected victims of human trafficking.
(b) Acceptable providers or methods of training include any of the following:
(i) Training offered by a nationally recognized or state-recognized, health-related organization.
(ii) Training offered by, or in conjunction with, a state or federal agency.
(iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
(iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
(c) Acceptable modalities of training include any of the following:

(i) Teleconference or webinar.
(ii) Online presentation.
(iii) Live presentation.
(iv) Printed or electronic media.
(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to all license renewals and for initial licenses issued on or after March 17, 2021.
History: 1992 AACS; 1995 AACS; 1998-2000 AACS; 2014 AACS; 2019 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 339.14013 Rescinded.
History: 1992 AACS; 1998-2000 AACS; 2014 AACS; 2019 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 339.14015
Source: 2019 AACS.

R 339.14019
Source: 1992 AACS.

R 339.14020 Relicensure.
Rule 20. An applicant for relicensure whose Michigan license has lapsed, under the provisions of 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements as noted by (√):

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

(f) If applicable, provide proof of any nursing home administrator license previously held: An applicant's nursing home administrator license in good standing must be verified by the licensing agency of any state of the United States or province of Canada in which the applicant has ever held a nursing home administrator license. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√

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

History: 2014 AACS; 2019 AACS 2019; 2021 MR 8, Eff. Ap. 15, 2021.

R 339.14020a Licensure by endorsement.
Rule 20a. (1) An applicant for a nursing home administrator license by endorsement, in addition to meeting the requirements of the code and these rules, shall submit the required fee and a completed application on a form provided by the department.
(2) If an applicant has been registered or licensed as a nursing home administrator in 1 or more state for 5 years or more

immediately preceding the date of filing an application for a Michigan nursing home administrator license, then the applicant is presumed to meet the requirements of section 16186(1)(b) of the code, MCL 333.16186.
(3) If an applicant has been registered or licensed as a nursing home administrator in 1 or more state for less than 5 years immediately preceding the date of filing an application for a Michigan nursing home administrator license, then the applicant shall meet the requirements for initial licensure as specified in R 339.14008.
(4) An applicant shall have his or her license or registration in good standing verified by the licensing agency of any state of the United States in which the applicant holds or ever held a license or registration as a nursing home administrator. Verification must include the record of any disciplinary action taken or pending against the applicant.
History: 2014 AACS; 2019 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 339.14021
Source: 2014 AACS.

PART 4. CONTINUING EDUCATION

R 339.14022
Source: 2019 AACS.

R 339.14023
Source: 2019 AACS.

R 339.14024 Credits earned; limit on distance learning credits; required credits.
Rule 24. (1) As used in this rule, "participation" means education time, exclusive of any break.
(2) One continuing education credit hour is earned for each 50 to 60 minutes of participation in an approved continuing education course. After completion of the initial 60 minutes, continuing education credit may be earned in tenth of an hour increments for each additional 6-minutes of participation in an approved continuing education course.
(3) Fifteen continuing education credit hours are earned for each semester credit hour earned from an accredited college or university.
(4) Ten continuing education credit hours are earned for each academic quarter credit hour earned from an accredited college or university.
(5) A maximum of 20 continuing education credit hours may be earned through online or electronic media, such as videos, internet web-based seminars, video conference, online continuing education programs, or through any other media that do not permit live interaction between the presenter and the licensee.
(6) A minimum of 2 continuing education credit hours must be earned in pain and symptom management during each renewal cycle, as required under section 16204 of the code, MCL 333.16204.
(7) A minimum of 1 continuing education credit hour must be earned in state specific laws and regulations pertaining to licensed nursing home and nursing care facilities during each renewal cycle.
History: 2019 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 339.14024a
Source: 2019 AACS.

R 339.14025
Source: 2019 AACS.

R 339.14026 Approved continuing education courses.
Rule 26. If a continuing education course covers a qualifying subject specified in R 339. 14032, the following continuing education courses are approved by the board:
(a) A course approved by the NAB.
(b) A course offered by a college or university that meets the accreditation standards adopted in R 339.14005.
History: 2019 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 339.14026a Application for board approval of continuing education course.
Rule 26a. (1) If a continuing education course is not approved pursuant to R 339.14026, the sponsor of the course may seek board approval by complying with both of the following:
(a) Completing and submitting an application on the form provided by the department not less than 120 days before the first

date of instruction.
(b) Submitting with the application all of the following materials:
(i) A detailed course outline that must include the length of time designated for each topic.
(ii) A list of instructional materials.
(iii) A copy of each instructor's résumé.
(iv) A description of the methodology to be used to monitor and verify attendance and the sponsor's policy for retention of documents verifying course completion.
(v) A written policy describing the sponsor's refund policy.
(2) If the sponsor of the course is seeking approval for credits that may be used to satisfy the pain and symptom management continuing education required by R 339.14024(6), the board may approve credit or credits that could be applied toward that requirement based on the length of time the topic will be covered in the course.
(3) At the conclusion of each board-approved course, the sponsor of the course shall award to each participant a certificate or written evidence of attendance that indicates all of the following:
(a) The participant's name.
(b) The date the course was offered.
(c) The location of where the course offered.
(d) The sponsor approval number.
(e) The number of hours of continuing education earned.
(f) If applicable, the hours of continuing education earned that may satisfy the pain and symptom management continuing education required by R 339.14024(6).
(4) The sponsor of the course shall maintain attendance records for 4 years from the date of the course.
(5) The board shall not approve any application that was filed after the first date of instruction.
History: 2019 AACS; 2021 MR 8, Eff. Ap. 15, 2021.

R 339.14027
Source: 2019 AACS.

R 339.14029
Source: 2019 AACS.

R 339.14030
Source: 2019 AACS.

R 339.14031
Source: 2019 AACS.

R 339.14032
Source: 2019 AACS.

R 339.14033
Source: 2019 AACS.

R 339.14035
Source: 2019 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

ARCHITECTS – GENERAL RULES

PART 1. GENERAL PROVISIONS

R 339.15101
Source: 2020 AACS.

R 339.15102
Source: 1998-2000 AACS.

R 339.15103
Source: 2014 AACS.

R 339.15104
Source: 2001 AACS.

R 339.15105
Source: 1985 AACS.

PART 2. EDUCATION, EXPERIENCE, AND EXAMINATION STANDARDS

R 339.15201
Source: 2020 AACS.

R 339.15202
Source: 2020 AACS.

R 339.15203
Source: 1998-2000 AACS.

R 339.15204
Source: 2020 AACS.

PART 3. RELICENSURE

R 339.15301
Source: 2020 AACS.

R 339.15302
Source: 2014 AACS.

R 339.15304
Source: 2020 AACS.

PART 4. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 339.15401
Source: 2020 AACS.

R 339.15402
Source: 2020 AACS.

R 339.15403
Source: 2020 AACS.

R 339.15404
Source: 2020 AACS.

PART 5. LICENSE RENEWAL AND CONTINUING EDUCATION

R 339.15501
Source: 2020 AACS.

R 339.15502

Source: 2020 AACS.

R 339.15502a
Source: 2020 AACS.

R 339.15503
Source: 2020 AACS.

R 339.15504
Source: 2020 AACS.

R 339.15505
Source: 2018 AACS.

R 339.15506
Source: 2020 AACS.

R 339.15507
Source: 2020 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PROFESSIONAL ENGINEERS – GENERAL RULES

PART 1. GENERAL PROVISIONS

R 339.16001
Source: 2020 AACS.

R 339.16002
Source: 1998-2000 AACS.

R 339.16003
Source: 2014 AACS.

R 339.16004
Source: 2001 AACS.

R 339.16006
Source: 1985 AACS.

PART 2. LICENSURE

R 339.16021
Source: 2020 AACS.

R 339.16022
Source: 2020 AACS.

R 339.16023
Source: 1998-2000 AACS.

R 339.16024
Source: 2020 AACS.

R 339.16025

Source: 2020 AACS.

R 339.16026
Source: 2020 AACS.

PART 3. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 339.16031
Source: 2020 AACS.

R 339.16032
Source: 2020 AACS.

R 339.16033
Source: 2020 AACS.

R 339.16034
Source: 2020 AACS.

PART 4. LICENSE RENEWAL AND CONTINUING EDUCATION

R 339.16040
Source: 2020 AACS.

R 339.16041
Source: 2020 AACS.

R 339.16042
Source: 2020 AACS.

R 339.16043
Source: 2020 AACS.

R 339.16044
Source: 2020 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PROFESSIONAL SURVEYORS – GENERAL RULES

PART 1. GENERAL PROVISIONS

R 339.17101
Source: 2020 AACS.

R 339.17102
Source: 1997 AACS.

R 339.17103
Source: 2014 AACS.

R 339.17104
Source: 2001 AACS.

R 339.17105

Source: 1985 AACS.

PART 2. EDUCATION, EXPERIENCE, AND EXAMINATIONS

R 339.17201
Source: 2020 AACS.

R 339.17202
Source: 2020 AACS.

R 339.17203
Source: 2020 AACS.

PART 3. PROFESSIONAL SURVEYOR SEAL AND RELICENSURE

R 339.17301
Source: 2020 AACS.

R 339.17302
Source: 2014 AACS.

R 339.17303
Source: 2020 AACS.

PART 4. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 339.17401
Source: 1995 AACS.

R 339.17402
Source: 1985 AACS.

R 339.17403
Source: 1995 AACS.

R 339.17404
Source: 2014 AACS.

PART 5. CONTINUING EDUCATION

R 339.17505
Source: 2020 AACS.

R 339.17506
Source: 2020 AACS.

R 339.17507
Source: 2020 AACS.

R 339.17508
Source: 2020 AACS.

R 339.17509
Source: 2020 AACS.

FORESTERS

PART 1. GENERAL PROVISIONS

R 339.18001
Source: 2014 AACS.

R 339.18005
Source: 2014 AACS.

R 339.18007
Source: 2014 AACS.

PART 2. REGISTRATION

R 339.18021
Source: 1998-2000 AACS.

R 339.18023
Source: 2014 AACS.

R 339.18025
Source: 2014 AACS.

R 339.18027
Source: 2014 AACS.

R 339.18029
Source: 1998-2000 AACS.

PART 3. STANDARDS OF CONDUCT

R 339.18031
Source: 2014 AACS.

R 339.18035
Source: 2014 AACS.

MORTUARY SCIENCE

PART 1. GENERAL PROVISIONS

R 339.18901
Source: 2014 AACS.

R 339.18905
Source: 2014 AACS.

R 339.18919
Source: 1991 AACS.

PART 2. LICENSING

R 339.18921
Source: 2001 AACS.

R 339.18923
Source: 1998-2000 AACS.

R 339.18925
Source: 1991 AACS.

R 339.18927
Source: 2001 AACS.

R 339.18929
Source: 2014 AACS.

PART 3. STANDARDS OF OPERATIONS

R 339.18930
Source: 2001 AACS.

R 339.18931
Source: 2014 AACS.

R 339.18933
Source: 1991 AACS.

R 339.18937
Source: 1991 AACS.

PART 4. STANDARDS OF CONDUCT

R 339.18941
Source: 2014 AACS.

R 339.18943
Source: 1991 AACS.

R 339.18945
Source: 1991 AACS.

R 339.18947
Source: 2014 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

LANDSCAPE ARCHITECTS – GENERAL RULES

PART 1. GENERAL PROVISIONS

R 339.19001
Source: 2014 AACS.

R 339.19002 Definitions.
Rule 2. (1) As used in these rules:
(a) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.
(b) "Department" means the department of licensing and regulatory affairs.
(2) A term defined in the code has the same meaning when used in these rules.
History: 2021 MR 8, Eff. Apr. 26, 2021.

PART 2. EDUCATION AND EXAMINATION

R 339.19004 Adoption by reference; accreditation.
Rule 4. (1) The department adopts by reference the Landscape Architectural Accreditation Board's (LAAB) "Accreditation Standards for First-Professional Programs in Landscape Architecture," March 2016. The LAAB's standards for accreditation are available for inspection and distribution at a cost of 10 cents per page from the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 Ottawa St., P.O. Box 30670, Lansing, Michigan 48909, or at no cost from the LAAB's website at https://www.asla.org/uploadedFiles/CMS/Education/Accreditation/LAAB_ACCREDITATION_STANDARDS_March2016.pdf
(2) The department adopts by reference the Landscape Architecture Accreditation Council's (LAAC) "Manual of Accreditation Standards and Procedures for Canadian Programs of Landscape Architectural Education," March 2017. The LAAC's standards for accreditation are available for inspection and distribution at a cost of 10 cents per page from the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 Ottawa St., P.O. Box 30670, Lansing, Michigan 48909, or at no cost from the LAAC's website at https://www.csla-aapc.ca/csla-aapc.
(3) A landscape architect education program accredited by the LAAB or the LAAC is approved by the department.
(4) A credentials evaluation provided by a current member of the National Association of Credential Evaluation Services that verifies that an applicant's education satisfies the requirements of a landscape architect education program accredited by the LAAB or the LAAC adopted by reference in subrules (1) and (2) of this rule is approved by the department.
History: 2021 MR 8, Eff. Apr. 26, 2021.

R 339.19005
Source: 1998-2000 AACS.

R 339.19006 Examination adoption; passing score.
Rule 6. (1) The department approves and adopts the Landscape Architect Registration Examination (LARE) prepared and scored by the Council of Landscape Architects Registration Boards (CLARB).
(2) The passing score for the LARE is the score established by the CLARB.
History: 2021 MR 8, Eff. Apr. 26, 2021.

R 339.19007
Source: 2014 AACS.

PART 3. LICENSURE

R 339.19008 Licensure by examination.
Rule 8. (1) An applicant for a landscape architect license by examination shall submit a completed application on a form provided by the department together with the requisite fee. In addition to satisfying the requirements of the code, the applicant shall satisfy all the requirements in subrules (2) to (5) of this rule.
(2) The applicant shall possess a minimum of 7 years of training and experience in the actual implementation and practice of landscape architecture by satisfying 1 of the following:
(a) The applicant earned a baccalaureate degree from a program approved pursuant to R 339.19004 and completed at least 3 years of experience by working a minimum of 4,500 hours over a 3-year period. As used in this rule, "experience" means applying accepted principles of landscape architecture in a non-academic and non-internship setting under the supervision of a landscape architect who is licensed or registered in this state or another state. Experience must be verified by the supervising landscape architect.
(b) The applicant earned a baccalaureate degree and a master's degree from a program approved pursuant to R 339.19004, and completed at least 2 years of experience by working a minimum of 3,000 hours over a 2-year period. Experience must be verified by the supervising landscape architect.
(c) The applicant completed 1 or both of the following for a total of 7 years of training and experience:
(i) The applicant completed 1 year of education from a program approved pursuant to R 339.19004 by passing a minimum of 30 semester hours or 45 quarter hours per year for each year of training credit earned. A maximum of 5 years of credit may be earned.
(ii) The applicant completed 1 year of experience demonstrated by working a minimum of 1,500 hours per year for each year of experience earned. A maximum of 7 years of credit may be earned. Experience hours must be verified by the supervising landscape architect.
(3) The applicant shall provide documentation to demonstrate that he or she has established a CLARB Council Record.
(4) The applicant shall pass all parts of the LARE administered through the CLARB.

(5) The applicant shall provide not less than 5 references from individuals unrelated to the applicant who have knowledge of the applicant's experience in the practice of landscape architecture. At least 3 references must be from a licensed or registered landscape architect and must document the applicant's experience in the practice of landscape architecture.
History: 2021 MR 8, Eff. Apr. 26, 2021.

R 339.19010 Licensure for an applicant currently licensed, registered, or
otherwise credentialed in another state or country.
Rule 10. (1) An applicant for licensure who is currently licensed, registered, or otherwise credentialed in another state or country shall submit a completed application on a form provided by the department together with the requisite fee. In addition to satisfying the requirements of the code, the applicant shall satisfy all of the requirements in subrules (2) to (4) of this rule.
(2) The applicant shall satisfy 1 of the following:
(a) Possess a current valid CLARB certification.
(b) Demonstrate that the requirements for the license, registration, or other credential he or she holds had requirements that are substantially equivalent to R 339.19008, as required by MCL 339.2209.
(3) The applicant shall provide not less than 3 references from individuals unrelated to the applicant who have knowledge of the applicant's experience in the practice of landscape architecture. At least 1 reference must be from a licensed or registered landscape architect and must document the applicant's experience in the practice of landscape architecture.
(4) The applicant's license, registration, or other credential in good standing in landscape architecture must be verified by each licensing agency where the applicant holds, or has ever held, a landscape architect license, registration, or other credential. If applicable, verification must include the records of any disciplinary action taken or pending against the applicant.
History: 2021 MR 8, Eff. Apr. 26, 2021.

R 339.19012 Relicensure.
Rule 12. (1) An applicant whose license has lapsed for less than 3 years before the date of application for relicensure may be relicensed under section 411(3) of the code, MCL 339.411, if the applicant satisfies the requirements of the code and both of the following:
(a) The applicant submits the required fee and a completed application on a form provided by the department.
(b) The applicant submits proof to the department of accumulating not less than 24 hours of continuing education credit that meets the requirements of R 339.19014 during the 2 years immediately preceding the date of application for relicensure. If the department determines that the amount of continuing education hours submitted with the application is deficient, the applicant has 1 year from the date of the application to provide proof of completing the deficient hours.
(2) An applicant whose license has been lapsed for 3 years or more preceding the date of application may be relicensed under section 411(4) of the code, MCL 339.411, if the applicant satisfies the requirements of the code and all of the following:
(a) The applicant submits the required fee and a completed application on a form provided by the department.
(b) The applicant establishes that he or she has met all of the requirements for initial licensure under the code and these rules.
(c) The applicant submits proof to the department of accumulating not less than 24 hours of continuing education credit that meets the requirements of R 339.19014 during the 2 years immediately preceding the date of application for relicensure. If the department determines that the amount of continuing education hours submitted with the application is deficient, the applicant has 1 year from the date of the application to provide proof of completing the deficient hours.
(d) The applicant provides not less than 3 references from individuals unrelated to the applicant who have knowledge of the applicant's experience in the practice of landscape architecture. At least 1 reference must be from a licensed or registered landscape architect and must document the applicant's experience in the practice of landscape architecture.
(3) The applicant's license, registration, or other credential in good standing in landscape architecture must be verified by each licensing agency where the applicant holds, or has ever held, a landscape architect license, registration, or other credential. If applicable, verification must include the records of any disciplinary action taken or pending against the applicant.
History: 2021 MR 8, Eff. Apr. 26, 2021.

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

R 339.19014 License renewal; required continuing education; limitations; retention of documentation; waiver.
Rule 14. (1) This rule applies to an application for renewal of a landscape architect license beginning 2 years after the date of promulgation of this rule.
(2) An applicant for license renewal who has been licensed for the 2-year period preceding the expiration of his or her current license shall have completed 24 hours of continuing education that satisfies the requirements of R 339.19016.
(3) A minimum of 16 of the 24 hours of required continuing education must be earned in a program or activity pertaining to

the subject of public health, safety, or welfare (HSW). HSW subjects include, but are not limited to the following:
(a) Building codes.
(b) Code of ethics.
(c) Codes, acts, laws, and regulations governing the practice of landscape architecture.
(d) Construction administration, including construction contracts.
(e) Construction documents.
(f) Design of environmental systems.
(g) Environmental process and analysis.
(h) Erosion control methods.
(i) Grading.
(j) Horticulture.
(k) Irrigation methods.
(l) Land planning and use.
(m) Landscape preservation, landscape restoration and adaptive reuse.
(n) Lateral forces.
(o) Natural hazards-impact of earthquake, hurricane, fire, or flood related to site design.
(p) Pedestrian and vehicular circulation.
(q) Planting design.
(r) Resource conservation and management.
(s) Roadway design principles.
(t) Site accessibility, including Americans with Disabilities Act standards for accessible site design.
(u) Site and soils analysis.
(v) Site design and engineering, including materials, methods, technologies, and applications.
(w) Site security and safety.
(x) Storm water management and surface and subsoil drainage.
(y) Structural systems considerations.
(z) Surveying methods and techniques as they affect landscape architecture.
(aa) Sustainable design, including techniques related to energy efficiency.
(bb) Use of site materials and methods of site construction.
(cc) Vegetative management.
(dd) Wetlands.
(ee) Zoning as it relates to the improvement or protection of the public health, safety, and welfare.
(4) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The department may require a licensee to submit evidence to demonstrate compliance with this rule.
(5) The continuing education credit earned during 1 license cycle may not be carried forward to the next license cycle.
(6) The licensee shall retain documentation of satisfying the requirements of this rule for a period of 4 years from the date of application for license renewal.
(7) A request for a continuing education waiver filed pursuant to section 204(2), MCL 339.204, must be received by the department before the expiration date of the license.
History: 2021 MR 8, Eff. Apr. 26, 2021.

R 339.19016 Approved continuing education; limitations.
Rule 16. (1) The department shall grant credit for continuing education hours as provided in the chart below:

	Activity and Proof Required	Number of Continuing Education Hours Granted for Activity
(a)	Completion of an approved continuing education program related to landscape architecture, regardless of the format in which it is offered, if it is approved or offered for continuing education credit by any of the following: Landscape Architecture Continuing Education System. The American Society of Landscape Architects (ASLA).	The number of continuing education hours designated by the approving entity. If the program was not approved for a set number of hours, then 1 credit hour for each 50 minutes of participation may be earned.

	A state chapter of the ASLA. If audited, the applicant shall submit documentation or certificate of completion showing the applicant's name, total continuing education credits earned, sponsor name and contact information, program title, and the date the program was held or completed.	
(b)	Passing an academic course related to landscape architecture offered by a college or university that offers a baccalaureate degree or higher degree in landscape architecture and is accredited by the LAAB. If audited, the applicant shall submit a copy of the transcript showing the number of credit hours of the academic courses related to landscape architect.	Fifteen hours of continuing education may be earned for each semester of credit. Ten hours of continuing education hours may be earned for each quarter credit.
(c)	Attending a seminar, in-house course, workshop, or professional or technical presentation related to landscape architecture. If audited, the applicant shall submit a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter or attendee, and the name of the organization that approved or offered the presentation.	One hour of continuing education may be earned for every 50 minutes of participation.
(d)	Teaching, instructing, or presenting a subject related to landscape architecture. If audited, the applicant shall submit documentation by the college or university confirming the licensee as the teacher, instructor, or presenter of the academic course, the dates of the course or presentation, the number of classroom hours spent teaching, instructing, or presenting, and the course title.	One hour of continuing education may be earned for every 50 minutes of teaching, instruction, or presenting. A maximum of 12 hours of continuing education may be earned for this activity during each renewal period.
(e)	Initial publication of a peer-reviewed paper, article, or book related to landscape architecture. If audited, the applicant shall submit a copy of the publication that identifies the applicant as the author or a publication acceptance letter.	Six hours of continuing education may be earned for this activity. A maximum of 18 hours of continuing education may be earned for this activity during each renewal period.
(f)	Participation in professional examination writing. If audited, the applicant shall submit documentation by the testing developer confirming the applicant as an examination writer, the dates the examination writing, and the number of hours spent writing the examination questions.	One hour of continuing education may be earned for every 50 minutes of examination writing. A maximum of 5 hours of continuing education may be earned for this activity during each renewal period.
(g)	Providing professional expertise to a non-profit or public board, commission, council, or committee. If audited, the applicant shall submit documentation from the board, commission, or committee confirming	One hour of continuing education hour may be earned for each 50 minutes of meetings attended. A maximum of 10 hours of

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

(2) Continuing education hours are not granted for a program or activity that has substantially the same content of a program or activity for which the applicant has already earned continuing education hours during the same renewal period.
History: 2021 MR 8, Eff. Apr. 26, 2021.

R 339.19018 Sanctions for failure to complete required continuing education.
Rule 18. (1) A licensee who fails to comply with the continuing education requirements of R 339.19014 is subject to all of the following:
(a) A fine of $250.00, plus $50.00 for each continuing education hour, or on a pro-rata basis for a fractional hour, the licensee is deficient, payable by a date determined by the department.
(b) Probation for a minimum period of 1 day, not to exceed a period of 1 year, until the licensee has completed the continuing education hours that he or she was deficient during the audit period. The continuing education hours used to satisfy these sanctions do not apply in computing the licensee's compliance with current continuing education requirements for license renewal. Probation automatically terminates upon completion of the required deficient hours and payment of the fine.
(2) Failure to pay the fine or complete the deficient continuing education hours within the time allotted pursuant to subrule (1) of this rule will result in suspension of the license.
(3) Suspension pursuant to subrule (2) of this rule will be automatically lifted upon compliance with the consent order, provided that such compliance occurs before the license expires. If the licensee fails to comply with the consent order before the license expires, the licensee shall apply for relicensure.
(4) Instead of the sanctions provided in subrule (1) of this rule, the department may accept permanent surrender of the license.
History: 2021 MR 8, Eff. Apr. 26, 2021.

R 339.19020
Source: 1983 AACS.

PART 2. REGISTRATION

R 339.19021
Source: 1998-2000 AACS.

R 339.19023 Rescinded.
History: 1983 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 339.19025 Rescinded.

History: 1983 AACS; 1991 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 339.19027
Source: 2014 AACS.

PART 3. EXAMINATIONS

R 339.19031
Source: 1998-2000 AACS.

R 339.19033
Source: 1998-2000 AACS.

R 339.19035
Source: 1998-2000 AACS.

R 339.19037
Source: 1998-2000 AACS.

R 339.19039
Source: 1998-2000 AACS.

PART 5. SEAL REQUIREMENTS

R 339.19041 Requirements of seal; use of seal.
Rule 41. (1) Pursuant to section 2210(1) of the code, MCL 339.2210, each licensee shall have a seal that states the name of the licensee, his or her landscape architect license number, and bear the words "licensed landscape architect" and "state of Michigan."

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

(3) The licensee shall obtain the seal when he or she is licensed and shall submit an imprint of the seal to the department within 30 days of licensure. If a new seal is obtained at a later time, the licensee shall submit an imprint of the new seal to the department within 30 days.
(4) The seal must be used only on work that has been prepared by or under the personal supervision of the licensee.
(5) Pursuant to section 2210(2) of the code, MCL 339.2210, any plan, specification, or report prepared by the licensee, or under his or her supervision, and filed with a public authority must be stamped with the licensee's seal.
History: 1983 AACS; 2021 MR 8, Eff. Apr. 26, 2021.

R 339.19045
Source: 2014 AACS.

R 339.19049
Source: 2014 AACS.

PROFESSIONAL COMMUNITY PLANNERS

PART 1. GENERAL PROVISIONS

R 339.20001
Source: 2014 AACS.

R 339.20002
Source: 2014 AACS.

R 339.20009
Source: 2014 AACS.

PART 2. REGISTRATION

R 339.20011
Source: 2014 AACS.

R 339.20013
Source: 2014 AACS.

R 339.20015
Source: 2014 AACS.

R 339.20017
Source: 2014 AACS.

R 339.20018
Source: 2014 AACS.

R 339.20019
Source: 2014 AACS.

PART 3. STANDARDS OF CONDUCT

R 339.20031
Source: 2014 AACS.

R 339.20033
Source: 2014 AACS.

R 339.20035
Source: 2014 AACS.

R 339.20037
Source: 2014 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

REAL ESTATE BROKERS AND SALESPERSONS - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 339.22101 Definitions.
Rule 101. (1) As used in these rules:
(a) “Code” means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.-
(b) “Department” means the department of licensing and regulatory affairs.

(c) "Disability" means a determinable physical or mental characteristic, which may result from disease, injury, congenital condition of birth, or functional disorder, that prevents a broker from performing his or her duties under the code.
(d) "Instructor" means an individual who is approved to teach prelicensure classes pursuant to section 2504(4) of the code, MCL 339.2504.
(e) "Program coordinator" means the individual responsible for supervising the administration of approved courses.
(f) "Real estate school" means an approved entity that represents to the public that any of its courses fulfill, in whole or in part, the requirements of section 2504(l) and (2) of the code, MCL 339.2504, for prelicensure education.
(2) A term defined in the code has the same meaning when used in these rules.
History: 1991 AACS; 1997AACS; 2002 AACS; 2014 AACS; 2018 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 339.22103
Source: 2014 AACS.

R 339.22199
Source: 1991 AACS.

PART 2. LICENSING

R 339.22201
Source: 2018 AACS.

R 339.22203 Prelicensure education broker license; prelicensure education equivalents for broker license; prelicensure education salesperson license.
Rule 203. (1) An applicant for a real estate broker's license shall satisfy all requirements of the code including completing 90 hours of approved prelicensure classroom courses in real estate of which 9 clock hours must be on civil rights and fair housing law. The broker prelicensure education must be completed not more than 36 months before the date of application, unless the applicant held an active real estate salesperson license during that period.
(2) Approved prelicensure education for a real estate broker license must meet the criteria established by the department but may be reviewed and preapproved by a statewide real estate trade association for subject matter relevant to the practice of real estate. Not more than 1 broker course on the same subject will be accepted for credit.
(3) An applicant for a real estate broker license shall be given prelicensure classroom course credit for the following:
(a) Possession of a law degree is considered equivalent to 60 clock hours of real estate education including 6 clock hours of instruction on civil rights law and fair housing law.
(b) Possession of a master's degree in business administration or finance from a degree or certificate granting public or independent nonprofit college or university, junior college, or community college is considered equivalent to 60 clock hours of real estate education.
(c) Possession of a bachelor's degree in business or finance from a degree or certificate granting public or independent nonprofit college or university, junior college, or community college is considered equivalent to 30 clock hours of real estate education.
(4) An applicant for a salesperson license shall have completed 40 clock hours of qualifying prelicensure classroom courses of which 4 clock hours must be on civil rights law and fair housing law. The salesperson prelicensure education must be completed not more than 36 months before the date of application.
History: 1991 AACS; 2002 AACS; 2007 AACS; 2018 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 339.22205
Source: 2017 AACS.

R 339.22207
Source: 2017 AACS.

R 339.22209
Source: 2014 AACS.

R 339.22211
Source: 2017 AACS.

R 339.22213
Source: 2014 AACS.

R 339.22215
Source: 2017 AACS.

R 339.22217 Acceptable related experience for broker and associate broker applicants.
Rule 217. For purposes of calculating the time an applicant for a license as a broker or an associate broker has been engaged in the real estate business, as required by section 2505(7)(b)(viii) of the code, MCL 339.2505, both of the following apply:
(a) A person holding a real estate license in another state shall be given 1 year of credit for each year in which he or she closed 5 or more real estate transactions.
(b) An applicant shall be given 1 year of credit for managing at least 10 units, located in the state of Michigan, for 3 or more years.
History: 2018 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

PART 3. LAPSE OF BROKER'S LICENSE AND BROKER'S DEATH OR DISABILITY

R 339.22219 Lapse of broker's license.
Rule 219. (1) If a broker's license is lapsed, the licenses of all real estate salespersons and all affiliated associate real estate brokers employed by that real estate broker are automatically suspended until that real estate broker is relicensed pursuant to section 2502a(3) of the code, MCL 339.2502a**,** or until there is a change of employer and the issuance of a new license.
(2) If a real estate salesperson or affiliated associate real estate broker whose license was suspended pursuant to subrule (1) of this rule becomes employed by a different licensed broker, the department shall issue a new license to the salesperson or associate real estate broker without charge if the license is issued during the same term in which the original license was issued.
History: 2018 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 339.22221 Death or disability of broker.
Rule 221. (1) If a broker's sole principal associate broker dies or becomes disabled, the department shall allow all affiliated real estate licensees a reasonable time, not to exceed 1 year, to either wind up the business of the real estate broker or designate a new sole principal associate broker.
(2) The license of the deceased or disabled sole principal associate broker must not be used to enter into new business transactions.
(3) One year after the date of death or disability of a broker's sole associate principal broker, the licenses of all affiliated real estate salespersons and associate real estate brokers who are employed by the broker are automatically suspended, pending a replacement of the sole principal associate broker or change of employer and the issuance of a new license.
(4) If a real estate salesperson or affiliated real estate broker whose license was suspended pursuant to subrule (3) of this rule becomes employed by a different licensed broker, the department shall issue a new license to the real estate salesperson or associate real estate broker without charge if the license is issued during the same term in which the original license was issued.
History: 2018 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

PART 4. PRACTICE AND CONDUCT

R 339.22301
Source: 2017 AACS.

R 339.22305 Service provision agreement.
Rule 305. (1) In addition to complying with the provisions of the code, a broker or a licensee acting on behalf of the employing broker who enters into a service provision agreement with a party or parties shall provide, at the time of signing**,** a true executed copy of the agreement to the party or parties signing the agreement. Every agreement must be fully completed by the licensee before the party or parties sign it.
(2) A service provision agreement must include a definite expiration date and must not contain a provision requiring the party signing the agreement to notify the broker of the party's intention to cancel the agreement upon or after the expiration date.
History: 1991 AACS; 2002 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 339.22307 Delivery of offer to purchase to buyer; delivery of written offers to seller; delivery of copies of acceptance to buyer and seller; inclusion of terms and conditions in offer to purchase.
Rule 307. (1) A licensee shall promptly deliver to the buyer a signed copy of the offer to purchase after it has been signed by

the buyer.
(2) A licensee shall make certain that all terms and conditions of the real estate transaction are included in the offer to purchase.
(3) A licensee shall promptly deliver all written offers to purchase to the seller upon receipt. Delivery may be made through any method acceptable to the parties including in person, by mail, or through an electronic communication pursuant to the uniform electronic transactions act, 2000 PA 305, MCL 450.831 to 450.849. The use of electronic records or digital signatures for any real estate transaction requires the prior agreement of the parties.
(4) Upon obtaining a proper acceptance of the offer to purchase, signed by the seller, the licensee shall promptly deliver true executed copies of the acceptance to the purchaser and seller.
(5) A licensee is not subject to disciplinary action for failing to submit to the seller any additional offers to purchase that are received after the seller has accepted an offer and the sales agreement is fully executed, unless a service provision agreement requires that subsequent offers be presented.
History: 1991 AACS; 2002 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 339.22309
Source: 2017 AACS.

R 339.22310
Source: 2017 AACS.

R 339.22311
Source: 2017 AACS.

R 339.22313 Trust or escrow accounts.
Rule 313. (1) In addition to complying with the provisions of the code, a trust or escrow account must comply with all of the requirements of this rule.
(2) A trust or escrow account must be maintained in a demand account only. Checks drawn on a trust or escrow account must be signed by a broker or an associate broker. Cosignatories may be used; however, the signature of a broker or associate broker must accompany this signature.
(3) A broker shall deposit all funds received in a fiduciary capacity, including escrow funds and earnest money, in a non-interest-bearing demand trust account. The account must be maintained pursuant to the requirements of section 2512(1)(k) of the code, MCL 339.2512.
(4) A broker shall maintain a record of all funds received. At a minimum, the record must include all of the following information:
(a) The date that the funds were received and the date of deposit.
(b) The name of the party who provided the funds.
(c) The amount of the funds received and deposited and the method of payment.
(5) A broker shall maintain a record of all funds disbursed. At a minimum, the record must include all of the following information:
(a) The name of the party to whom funds were disbursed.
(b) The date of the disbursement.
(c) The check number.
(d) The purpose of the disbursement.
(e) The amount of the disbursement.
(6) The broker's records must reflect the current account balance of each account maintained and must be made available to the department upon request.
(7) The broker's records must reflect the receipts and disbursements as they affect a single, particular transaction between a buyer and seller and must contain, at a minimum, all of the following information:
(a) For funds received, the record must include all of the following information:
(i) The names of both parties to a transaction.
(ii) The property address or brief legal description.
(iii) The dates and amounts received.
(b) For funds disbursed, the record must include all of the following information:
(i) The date of the disbursement.
(ii) The name of the payee.
(iii) The check number.
(iv) The amount of the disbursement.

(8) All trust or escrow account records must be maintained for a period of not less than 3 years from the date of inception of the records.
(9) A broker or associate broker's disbursement of an earnest money deposit must be made at consummation or termination of the agreement pursuant to the agreement signed by the parties. However, any deposit in the trust account of the broker for which the buyer and seller have made claim must remain in the broker's trust account until a civil action has determined to whom the deposit must be paid, or until the buyer and seller have agreed, in writing, to the disposition of the deposit. The broker may also commence a civil action to interplead the deposit with the proper court.
History: 1991 AACS; 2002 AACS; 2018 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 339.22315
Source: 2018 AACS.

R 339.22317
Source: 2017 AACS.

R 339.22319
Source: 2017 AACS.

R 339.22321 Licensee commissions for other services; disclosure and consent of buyer and seller required.
Rule 321. (1) A licensee who is entitled to receive, either directly or indirectly, a real estate commission as a result of the sale of property, may not also receive a referral fee or other valuable consideration for placing a loan in connection with that transaction unless the licensee obtains the prior written consent of the buyer and seller in that transaction and the fee is not otherwise prohibited by the real estate settlement procedures act of 1974, 12 USC 2601 to 2617, or other applicable law.
(2) A licensee who is entitled to receive, either directly or indirectly, a real estate commission as a result of the sale of property, may not also receive a referral fee or other valuable consideration from an abstract, home warranty, title insurance, or other settlement service provider in connection with that transaction unless the licensee obtains the prior written consent of the party or parties with whom the licensee has an agency relationship and the fee is not otherwise prohibited by the real estate settlement procedures act of 1974, 12 USC 2601 to 2617, or other applicable law.
History: 1991 AACS; 2002 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 339.22323
Source: 2017 AACS.

R 339.22325
Source: 2017 AACS.

R 339.22327
Source: 2017 AACS.

R 339.22329
Source: 2017 AACS.

R 339.22333
Source: 2002 AACS.

R 339.22335
Source: 1997 AACS.

R 339.22337
Source: 2014 AACS.

R 339.22339
Source: 2017 AACS.

R 339.22401
Source: 2017 AACS.

R 339.22403
Source: 1997 AACS.

R 339.22405
Source: 2017 AACS.

R 339.22501
Source: 2013 AACS.

R 339.22503
Source: 2013 AACS.

R 339.22505
Source: 2013 AACS.

R 339.22507
Source: 2013 AACS.

R 339.22509
Source: 2013 AACS.

R 339.22511
Source: 2013 AACS.

R 339.22513
Source: 2013 AACS.

R 339.22515
Source: 2013 AACS.

R 339.22517
Source: 2013 AACS.

R 339.22519
Source: 2013 AACS.

R 339.22521
Source: 2013 AACS.

R 339.22523
Source: 2013 AACS.

R 339.22525
Source: 2013 AACS.

R 339.22527
Source: 2013 AACS.

R 339.22529
Source: 2013 AACS.

R 339.22601
Source: 2018 AACS.

R 339.22602
Source: 2018 AACS.

R 339.22603
Source: 2018 AACS.

R 339.22604
Source: 2018 AACS.

R 339.22605
Source: 2018 AACS.

R 339.22606
Source: 2018 AACS.

R 339.22607
Source: 2018 AACS.

R 339. 22609
Source: 2018 AACS.

R 339.22611
Source: 2018 AACS.

R 339.22613
Source: 2018 AACS.

R 339.22615
Source: 2014 AACS.

R 339.22617
Source: 2018 AACS.

PART 5. REAL ESTATE EDUCATION

SUBPART 1. PRELICENSURE EDUCATION

R 339.22618 Application for approval to offer prelicensure courses; forms; required information.
Rule 618. (1) A real estate school shall submit a prelicensure course approval application on the form approved by the department. The application must include, but is not limited to, all of the following information:
(a) The school name, business address, telephone number, facsimile number, website address, and e-mail address, if applicable.
(b) The course title.
(c) The names, addresses, telephone numbers, and qualifications of instructors.
(d) The name of the program coordinator.
(e) A summary of topics completed for each prelicensure course to be taught, including the number of hours allocated to each topic.
(f) A sample certificate of completion that contains all of the following information:
(i) The date of course completion.
(ii) Identification of the course including the name of the course as approved by the department.
(iii) The name and approval number of the school.
(iv) The name of the student.
(v) The number of clock hours completed by the student.
(g) Methodology for verifying and monitoring attendance and the make-up policy.
(h) An enrollment application to be completed by prospective students that contains a statement disclosing the percentage of students who successfully completed the program in the past calendar year. The enrollment application must be updated no later than February 1 of each calendar year.
(2) A real estate school shall report to the department any change in the information on the application form within 30 days. The department shall accept or reject a change within 60 days of notification of the change.
(3) A real estate school shall apply for and obtain approval as determined by the department for real estate education courses

before the courses are offered to the public.
(4) The department shall issue a certificate or letter of course approval or a notice of denial to the school within 60 days after the application is received. Denials must be based on substantive deficiencies and specify the reasons for the denial.
(5) The department shall accept courses for approval that meet the criteria established by these rules and section 2504 of the code, MCL 339.2504.
History: 2018 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 339.22619 Expiration date for prelicensure courses; renewal.
Rule 619. (1) Approval of prelicensure courses issued by the department to a real estate school expires 1 year from the date the course was approved.
(2) A proprietary real estate school licensed under the proprietary schools act, 1943 PA 148, MCL 395.101 to 395.103**,** must remain compliant with the act to maintain approval as a real estate prelicensure school under this subpart.
(3) To maintain course approval, a proprietary real estate school shall submit to the department a renewal application on the form approved by the department at least 60 days before the expiration date of the course approval.
History: 2018 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 339.22620 Program coordinator.
Rule 620. Each real estate school shall designate at least 1 individual as program coordinator. The program coordinator is responsible for supervising the program of courses and ensuring compliance with the code and these rules.
History: 2018 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 339.22621 Instructors.
Rule 621. (1) The department shall approve each instructor before he or she teaches any real estate course. An instructor must possess at least 1 of the following minimum qualifications:
(a) Teaches or has taught real estate courses at an accredited institution of higher learning.
(b) Is licensed or certified by the department or other governmental agency to engage in the real estate aspects of appraising, financing, marketing, brokerage management, real property management, real estate counseling, real property law, or other related subjects.
(2) An instructor is responsible for all of the following:
(a) Complying with all laws and rules relating to real estate education.
(b) Providing students with current and accurate information.
(c) Maintaining an environment conducive to learning.
(d) Assuring and certifying accurate attendance of students enrolled in courses.
(e) Providing assistance to students and responding to questions relating to course materials.
(3) The real estate school shall submit to the department the qualifications of each instructor teaching an approved course with the prelicensure course approval application. The real estate school shall submit the qualifications to the department at least 60 days before the instructor is scheduled to begin instruction.
History: 2018 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 339.22622
Source: 2018 AACS.

R 339.22623
Source: 2018 AACS.

R 339.22624 Student records; content; inspection; certificate of completion; reporting.
Rule 624. (1) A real estate school shall establish and permanently maintain a record for each student.
(2) Student records must contain all of the following information:
(a) The student's name and address.
(b) The number of clock hours attended.
(c) The student's grade, if an examination is required to determine successful completion of the course.
(d) The date of course completion.
(e) The last 4 digits of the student's social security number.
(f) The student's date of birth.
(g) The student’s real estate license identification number, if applicable.
(3) All records must be available for inspection during normal business hours by an authorized representative of the department.

(4) A real estate school shall issue a certificate of completion to a student who successfully completes an approved real estate course. The certificate must include all of the criteria set forth in R 339.22618(1)(f).
(5) A student completing a prelicensure course shall present a state-issued photo identification or acceptable alternative form of photo identification to the school before receiving the certificate of completion. Both of the following apply:
(a) For courses conducted in a traditional classroom setting, a student or a licensee shall present a state-issued photo identification or other acceptable alternative form of identification that verifies, to the satisfaction of the school, the identification of the student or licensee.
(b) For courses conducted through distance learning, the school shall ensure that the student or licensee whose attendance is reported to the department is the same person who completed the distance learning course. The school shall take appropriate measures to ensure accurate verification of the identity of each student or licensee before reporting course completion to the department.
(6) At least 30 days before courses are held, a real estate school shall submit to the department a schedule and geographic location for each course.
(7) Within 5 business days of the conclusion of the last course, a real estate school shall submit, in a format required by the department, the names of students who have successfully completed an approved course.
History: 2018 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 339.22625 Denial, suspension, or rescission of approval to offer courses; violation of code or rules.
Rule 625. A real estate school or instructor may be subject to the penalties of section 602 of the code, MCL 339.602, for any of the following reasons:
(a) Failure to comply with the provisions of the code or these rules.
(b) Revealing or attempting to discover, or soliciting, encouraging, or inducing a person to reveal, the questions on a real estate license examination administered by or on behalf of the department.
(c) Making a substantial misrepresentation or inducement regarding a real estate school or course of study.
(d) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through agents, salespersons, advertising, or otherwise.

History: 2018 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 339.22626 Distance learning.
Rule 626. (1) Real estate education courses represented as fulfilling the requirements of section 2504 of the code, MCL 339.2504, and delivered through distance learning shall be approved by the department before being offered to the public.
(2) A distance learning course must contain all of the following:
(a) All requirements listed R 339.22618 for approval of a prelicensure course.
(b) The individual modules of instruction offered on a computer or other interactive program.
(c) A list of at least 1 learning objective for each module of instruction. The learning objective must ensure that if all the objectives are met, the entire content of the course is understood.
(d) A structured learning method to enable the student to attain each learning objective.
(e) A method of assessment of the student's performance during each module of instruction.
(f) A remediation for any student who is deficient in the assessment to repeat the module until the student understands the course content material.
(3) Delivery systems that meet the distance education criteria for current certification by the Association of Real Estate License Law Officials (ARELLO) are acceptable to the department, as follows:
(a) Proof of ARELLO certification as a primary or secondary provider, including the summary sheet and certificate, are provided with the application for course approval.
(b) Upon withdrawal or expiration of ARELLO certification, the approval to offer distance learning courses is suspended until ARELLO certification is reinstated or the real estate school has applied for and received approval from the department according to subrule (4) of this rule.
(4) Equivalent delivery systems may be used if they are approved by the department.
(5) The real estate school shall describe in detail on its application how it will remedy hardware and software failures.
History: 2018 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 339.22627
Source: 2018 AACS.

R 339.22628

Source: 2018 AACS.

SUBPART 2. CONTINUING EDUCATION

R 339.22629 Continuing education requirements for licensees.
Rule 629. (1) A licensee shall complete 18 hours of continuing education in each license cycle as follows:
(a) A minimum of 2 hours of legal education courses involving statutes, rules, and court cases must be completed during each year of a license cycle pursuant to section 2504a(2)(a) of the code, MCL 339.2504a, for a total of 6 or more hours of legal education per license cycle.
(b) The remaining 12 hours of continuing education required for renewal may be completed at any time during the license cycle.
(2) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule.
(3) An applicant shall retain for a minimum of 4 years evidence acceptable to the department that he or she has met the continuing education requirements for renewal, and upon request, produce this evidence to the department pursuant to section 2504a(3) of the code, MCL 339.2504a.
History: 2018 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 339.22630 Waiver of continuing education.
Rule 630. A request for a waiver of continuing education pursuant to section 204(2) of the code, MCL 339.204**,** must be received by the department before the expiration date of the license.
History: 2018 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 339.22631
Source: 2018 AACS.

R 339.22632 Eligible continuing education program.
Rule 632 (1) As used in this rule, "eligible continuing education course" means a course that is reviewed and certified by a statewide real estate association that has a membership representing more than 18,000 licensees.
(2) An association that reviews continuing education courses pursuant to subrule (1) of this rule shall comply with all of the following:
(a) Ensure that all continuing education courses that are offered to licensees are compliant with section 2504a of the code, MCL 339.2504a, and involve subjects that are relevant to the management, operation and practice of real estate or otherwise contribute to the professional competence of the licensee.
(b) Provide a system for monitoring a licensee's compliance with section 2504a of the code, MCL 339.2504a.
(c) Maintain a list of approved courses and ensure the list is available to licensees.
(3) A school, institution, program, or other person that has been denied certification as an eligible continuing education course by a statewide real estate association that has a membership representing more than 18,000 licensees may petition the department to review the association's decision pursuant to sections 520 and 521 of the code, MCL 339.520 and 339.521.
(4) If a statewide real estate association that has a membership representing more than 18,000 licensees does not exist, then continuing education courses must be approved by the board.
History: 2018 AACS; 2021 MR 6, Eff. Mar. 31, 2021.

R 339.22633
Source: 2002 AACS.

R 339.22635
Source: 2002 AACS.

R 339.22637
Source: 2002 AACS.

R 339.22639
Source: 2007 AACS.

R 339.22641
Source: 2007 AACS.

R 339.22643
Source: 1991 AACS.

R 339.22645
Source: 2018 AACS.

R 339.22647
Source: 2014 AACS.

R 339.22651
Source: 2014 AACS.

R 339.22652
Source: 2014 AACS.

R 339.22653
Source: 2007 AACS.

R 339.22654
Source: 2007 AACS.

R 339.22655
Source: 2007 AACS.

R 339.22657
Source: 2014 AACS.

R 339.22659
Source: 2014 AACS.

R 339.22661
Source: 2002 AACS.

R 339.22663
Source: 2007 AACS.

R 339.22664
Source: 2007 AACS.

R 339.22665
Source: 2014 AACS.

R 339.22667
Source: 1997 AACS.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

REAL ESTATE APPRAISERS - GENERAL RULES

PART 1. GENERAL PROVISIONS

R 339.23101 Definitions.
Rule 101. (1) As used in these rules:
(a) "Board" means the board of real estate appraisers created under section 2603 of the code, MCL 339.2603.
(b) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.

(c) "Transaction value" means either of the following:
(i) For loans or other extensions of credit, or for sales, leases, purchases, and investments, or in exchanges of real property, the market value of the real property interest involved.
(ii) For the pooling of loans or interests in real property for resale or purchase, the amount of the loan or market value of the real property calculated with respect to each loan or interest in real property.
(2) Terms defined in articles 1 to 6 and 26 of the code, MCL 339.101 to 339.606 and 339.2601 to 339.2637, have the same meanings when used in these rules.
History: 1996 AACS; 2002 AACS; 2003 AACS; 2004 AACS; 2006 AACS; 2007 AACS; 2010 AACS; 2013 AACS; 2014 AACS; 2021 MR 10, Eff. May 18, 2021.

R 339.23102
Source: 2016 AACS.

R 339.23103
Source: 2014 AACS.

R 339.23104 Exemption from standard.
Rule 104. The following are exempt from the requirements of the Uniform Standards of Professional Appraisal Practice (USPAP), Standard 3 and Standard 4:
(a) A board member who is performing an investigation or testifying at an adjudicatory hearing on behalf of the department.
(b) A board member who is serving in the capacity of a reviewer while reviewing the work experience of an applicant for licensure.
(c) An investigator employed by or retained by the department who is performing an investigation or testifying at an adjudicatory hearing.
History: 2018 AACS; 2021 MR 10, Eff. May 18, 2021.

PART 2. LICENSING

R 339.23201
Source: 2014 AACS.

R 339.23203 Appraisal experience for licensure; satisfactory evidence.
Rule 203. (1) For a licensure applicant's experience hours to be accepted, the experience must comply with both of the following requirements, as applicable:
(a) Appraisal experience must be demonstrated by copies of reports and file memoranda. The applicant shall submit a detailed log to the department that includes all of the following information:
(i) Date of each appraisal assignment.
(ii) Property address.
(iii) Property type.
(iv) Description of work performed by the applicant.
(v) Scope of the review and supervision of the applicant's supervisory certified appraiser consistent with the Appraiser Qualification Board (AQB) criteria, as defined in section 2601(b)(i) and (ii) of the code, MCL 339.2601, and R 339.23203a.
(vi) A clear indication of the time devoted to each appraisal.
(b) The information in the log must be documented by work samples, and must include the signature and state certification number of the supervisory certified appraiser.
(2) An applicant for a license shall demonstrate experience gained in each of the following areas of the appraisal process:
(a) Defining the appraisal problem.
(b) Gathering and analyzing data.
(c) Applying all appropriate valuation approaches, including cost approach, market approach, and income approach, and methodology.
(d) Arriving at an opinion of value.
(e) Reporting the opinion of value.
(3) Documents that support the information that is contained in an application, an applicant's experience log, or an affidavit of work experience accepted instead of an experience log before July 1, 2013, must be maintained for not less than 6 years from the date of application.
History: 1996 AACS; 2002 AACS; 2007 AACS; 2010 AACS; 2018 AACS; 2021 MR 10, Eff. May 18, 2021.

R 339.23203a Supervisory certified appraiser.
Rule 203a. (1) A supervisory certified appraiser shall comply with the supervisory certified appraiser qualifications in the AQB criteria.
(2) Before supervising, a supervisory certified appraiser shall complete a course that, at a minimum, complies with the specifications for course content established by the AQB criteria.
(3) A supervisory certified appraiser shall not supervise more than 3 real estate appraiser trainees pursuant to the AQB criteria unless written authorization by the department is granted, under subrule (4) of this rule, to exceed the number of trainees at any 1 time.
(4) The department may authorize a supervisory certified appraiser to exceed the maximum number of trainees allowed to be supervised under subrule (3) of this rule, provided all of the following are complied with:
(a) The applicant submits an application on a form provided by the department and approved by the board to the department.
(b) The supervisory certified appraiser submits proof to the department that he or she has complied with the supervisory certified appraiser qualifications in the AQB criteria and has more than 5 years of experience as an appraiser.
(c) The supervisory certified appraiser agrees in his or her application to limit supervision to no more than 6 trainees at any 1 time, with no more than 3 trainees with less than 1 year of experience.
(d) The supervisory certified appraiser prepares and maintains trainee progress reports on each trainee and makes them available to the department until the trainee becomes certified or licensed or after 2 years has lapsed since supervising the trainee, whichever is earlier.
(e) The supervisory certified appraiser provides the department with a mentoring plan for each trainee before supervising the trainee.
History: 2021 MR 10, Eff. May 18, 2021.

R 339.23205 Prior licensing or exemptions; experience in this state.
Rule 205. As required in the code, experience is valid only if an individual was properly licensed or exempt from licensure. In this state, to be properly licensed before January 1, 1992, an individual shall have held a real estate license in this state. Under the standards applicable to the licensing of appraisal services in this state before January 1, 1992, the following positions were considered exempt from real estate licensing:
(a) An employee of a financial institution whose services as an appraiser were performed for the financial institution and not offered to the public.
(b) An employee of an appraisal firm who performed appraisal tasks but did not sign reports.
(c) An employee of a firm whose appraisals were performed for the internal use of the firm and only on property owned or to be purchased by the firm for its own use.
(d) A governmental employee who appraised property for government use or purchase or whose appraisal was required for the operation of a governmental program.
History: 1996 AACS; 2021 MR 10, Eff. May 18, 2021.

R 339.23207
Source: 2002 AACS.

R 339.23209 Nonresident temporary permit.
Rule 209. A holder of a nonresident temporary permit issued by the department pursuant to section 2625(2) of the code, MCL 339.2625, may request 1 extension as follows:
(a) The application shall be in writing on a department form submitted to the department.
(b) The extension shall be for no more than 180 days.
(c) The extension shall be given to finish work on the same temporary assignment that was the subject of the initial temporary permit.
(d) In no case shall a temporary permit be issued for the same assignment for more than 360 days.
History: 2021 MR 10, Eff. May 18, 2021.

PART 3. APPRAISER EDUCATION

R 339.23301 Definitions.
Rule 301. As used in this part:
(a) "Continuing education course" means a course that complies with the AQB criteria for continuing education courses and is approved by the department.

(b) "Coordinator" means an individual who assumes, on behalf of a course sponsor, the responsibility pursuant to these rules for offering courses relating to the activities of real estate appraisers.
(c) "Instructor" means an individual who is determined to be qualified by the sponsor to instruct students or licensees in prelicensure or continuing education courses and who provides instruction directly and interactively in contact with students or licensees. An instructor may utilize guest speakers but shall bear ultimate responsibility to the sponsor for the quality of information imparted to students or licensees.
(d) "Prelicensure course" means a course that complies with the AQB criteria for prelicensure education courses and is approved by the department.
(e) "Sponsor" means an entity that meets the requirements of section 2617(2) of the-code, MCL 339.2617, and that offers or proposes to offer either prelicensure appraiser education or continuing education.
History: 1996 AACS; 2002 AACS; 2007 AACS; 2021 MR 10, Eff. May 18, 2021.

R 339.23303 Education; submission of documentation by applicants for licensure.
Rule 303. (1) In submitting documentation of prelicensure education obtained before the effective date of the code or from course sponsors that are not approved pursuant to these rules, the applicant shall show that the course was designed to teach individuals to perform appraisals or to augment a basic knowledge of appraisal with general information that the instructor then relates to the performance of appraisals.
(2) General educational courses, including business, economics, statistics, or law, or general courses in real estate or real estate law is not considered equivalent to approved prelicensure education unless a relationship to appraisal is shown in the course description, syllabus, or curriculum outline to the extent that 15 or more classroom hours were specifically related to appraisal. Classroom hours of credit must only be granted for hours that are specifically related to appraisal.
(3) An applicant's submission of documentation of prelicensure education shall include all of the following information:
(a) The date and place the course was taken.
(b) The name of the sponsor, the sponsor's current address, and the sponsor’s telephone number if available.
(c) A copy of the course outline, syllabus, detailed curriculum, or similar information.
(d) A copy of the certificate of completion.
(e) The number of classroom hours spent in the course. To have the education hours approved by the department, continuing education course sponsors utilizing distance-learning systems shall have an acceptable method of ensuring that the licensee achieves an equivalent to classroom hours.
(4) In submitting documentation of education from institutions of higher education that are approved to grant degrees that confer credit hours rather than classroom hours, 1 credit hour is equivalent to 10 classroom hours of actual instruction for term credits and 15 classroom hours of instruction for semester credits.
(5) Documentation to support information on the application for course approval must be maintained for not less than 6 years from the date of the application.
(6) To assist applicants, the department shall maintain a list of courses that are acceptable to the department.
History: 1996 AACS; 2002 AACS; 2007 AACS; 2021 MR 10, Eff. May 18, 2021.

R 339.23305
Source: 1996 AACS.

R 339.23307 Conduct of courses.
Rule 307. (1) A course sponsor shall comply with all of the following requirements:
(a) A sponsor shall not represent a course to licensees or to the public as meeting the requirements of the code and these rules until it has been approved by the department.
(b) A person shall not solicit for organizational membership, employment, or business-related products and services during qualifying course classroom hours.
(c) A sponsor shall appoint an individual as coordinator for the sponsor's courses. The coordinator shall be responsible for supervising the program of courses and assuring compliance with the code and these rules. The coordinator need not be a licensee.
(d) An instructor who meets the requirements of R 339.23309(3) and (4) shall teach the course.
(e) Each student or licensee shall be provided with a written syllabus that contains, at a minimum, all of the following information:
(i) The course title.
(ii) The times and dates of the course offering.
(iii) The name, business address, telephone number of the course coordinator, and the name of the instructor.
(iv) A detailed outline of the subject matter to be covered and the estimated time to be devoted to each subject.

(f) A course must not be credited for more than 10 classroom hours of instruction in 1 calendar day. Calculations of classroom hours for a course must not include any of the following:
(i) Meals.
(ii) Breaks.
(iii) Registration.
(iv) Required reading.
(v) Outside assignments.
(g) Each course must reflect the most current version of state and federal laws and regulations.
(h) A sponsor shall permit the department to review a course at any time or to inspect the records of a course sponsor during normal business hours.
(i) A sponsor whose programs are transferred to another entity shall arrange for student or licensee records to be maintained permanently by the successor entity. The successor entity shall ensure that student or licensee records are available to students or licensees who need to verify their education.
(2) A proprietary real estate appraiser sponsor licensed under the proprietary schools act, 1943 PA 148, MCL 395.101 to 395.103 shall continuously comply with the proprietary schools act.
History: 1996 AACS; 2002 AACS; 2006 AACS; 2007 AACS; 2021 MR 10, Eff. May 18, 2021.

R 339.23309 Sponsors; duties; instructors.
Rule 309. (1) A sponsor shall be responsible for all of the following:
(a) Compliance with all laws and rules relating to appraiser education.
(b) Providing students or licensees with current and accurate information.
(c) Maintaining an atmosphere that is conducive to learning in the classroom.
(d) Ensuring and certifying the attendance of students or licensees who are enrolled in courses.
(e) Providing assistance to students or licensees and responding to questions relating to course materials.
(f) Supervising all guest lecturers and relating all information that is presented to the practice of real estate appraisal.
(2) Distance education sponsors shall ensure that all of the following qualifications for their courses are complied with:
(a) The course must be presented with an instructor available to answer questions, provide information, and monitor student or licensee attendance.
(b) The course must meet 1 of the following criteria:
(i) The course has been presented by an accredited college or university through the Commission on Colleges or a national or regional accreditation association that offers distance education programs in other disciplines.
(ii) The course has received approval of the International Distance Education Certification Center (IDECC) for the course design and delivery mechanism and 1 of the following is met:
(A) The course has received approval of the AQB through the AQB course approval program.
(B) The course has received approval of the licensing or certifying jurisdiction where the course is being offered for the content of the course.
(C) The course meets all of the following requirements:
(I) The course is equivalent to 15 classroom hours for prelicensure courses and 2 classroom hours for continuing education courses.
(II) A student or licensee successfully completes a written examination proctored by an official approved by the presenting college or university or by the sponsoring organization, consistent with the requirements of the course accreditation. If a written examination is not required for accreditation, a student or licensee successfully completes course mechanisms required for accreditation which demonstrate mastery and fluency.
(III) The sponsor ensures that students or licensees completing the distance education courses achieve the equivalent of the stated classroom hours per course.
(3) A sponsor shall select as instructors only individuals who can demonstrate mastery of the material being taught and who possess 1 of the following qualifications:
(a) Experience as a faculty member of an institution of higher education that is approved to grant degrees.
(b) A state licensed, certified residential, or certified general appraiser with 3 years of appraisal experience.
(c) Other experience acceptable to the sponsor for courses other than prelicensure courses.
(4) Instructors of USPAP shall have complied with the AQB instructor certification program as required by the real property AQB criteria.
History: 1996 AACS; 2002 AACS; 2004 AACS; 2007 AACS; 2021 MR 10, Eff. May 18, 2021.

R 339.23311 Courses, activities not acceptable for prelicensure or continuing education.
Rule 311. The department shall not approve a prelicensure or continuing education course or activity, nor shall it grant credit

to a licensee for the USPAP course for any of the following:
(a) Courses that do not provide student or licensee access to an instructor during the course.
(b) Courses that deal with employment-related topics including explanations of rights, benefits, and responsibilities; organizational structure; and on-the-job methods, processes, or procedures.
(c) Membership in or service in an office, or on a committee of a professional, occupational, trade, or industry society or organization.
(d) Conferences, delegate assemblies, or similar meetings of professional organizations for policy-making purposes.
(e) Meetings and conventions of societies and associations; however, educational activities that are provided independently by an approved course sponsor and that are held concurrently with a meeting or convention of societies or associations may be given credit.
(f) Attendance at lecture series, cultural performances, entertainment, or recreational meetings or activities, or participation in travel groups, unless these activities are an integral part of a course that is approved pursuant to these rules.
(g) On-the-job training, apprenticeships, and other work experiences.
(h) Courses in sales promotion, motivation, marketing, psychology, time management, mechanical office, or business skills, including typing, speed-reading, or the use of office machines or equipment other than calculators or computers.
History: 1996 AACS; 2002 AACS; 2006 AACS; 2007 AACS; 2021 MR 10, Eff. May 18, 2021.

R 339.23313 Misleading information.
Rule 313. A person, including a sponsor, shall not provide misleading information about courses or any component of a course. Information is misleading when, taken as a whole, there is a probability that it deceives the class of persons that it is intended to influence. A sponsor shall not represent that the department's approval of a course is a recommendation or endorsement of the sponsor or the content of the course.
History: 1996 AACS; 2021 MR 10, Eff. May 18, 2021.

R 339.23315 Denial, suspension, or rescission of approval to offer courses; violation of code or rules.
Rule 315. A real estate sponsor or instructor is subject to the penalties of section 602 of the code, MCL 339.602, including recission of course approval, for any of the following reasons:
(a) Failure to comply with the provisions of the code or these rules.
(b) Having a high rate of failure on a licensing examination as a result of a lack of competent instruction.
(c) Making a substantial misrepresentation regarding an appraisal education sponsor or course.
(d) Pursuing a continued course of misrepresentation or making false promises through agents, salespersons, advertising or otherwise.
History: 1996 AACS; 2007 AACS; 2021 MR 10, Eff. May 18, 2021.

PART 3A. PRELICENSURE EDUCATION

R 339.23316 Prelicensure education.
Rule 316. Prelicensure education courses may be used to obtain credit for both prelicensure education and continuing education. However, the prelicensure exam may not be used toward continuing education hours.
History: 2007 AACS; 2021 MR 10, Eff. May 18, 2021.

R 339.23317 Prelicensure education; application for course approval; forms; requirements; unacceptable courses.
Rule 317. (1) An application for approval of a prelicensure real estate appraiser education course shall be made on forms provided by the department. The department shall accept or reject the application.
(2) The application shall include all of the following information:
(a) The course title.
(b) The number of classroom hours to be given for completion of the course.
(c) The name, business address, and telephone number of the sponsor.
(d) The name, business address, and telephone number of the course coordinator.
(e) The name, license number, and qualifications of instructors.
(f) A detailed outline of the subject matter to be covered and the number of classroom hours to be devoted to each topic, as it will appear in the student or licensee syllabus.
(g) A summary of the required topics for prelicensure that are covered in the course completed on the subject matter matrix provided by the department.
(h) The methodology for verifying and monitoring attendance, including the class make-up policy. A sponsor shall have a written make-up policy for students or licensees who are absent from all or a part of regularly scheduled class sessions. If there

are no opportunities to make up missed sessions, that policy must be stated.
(i) The standards a student or licensee must meet to complete the course, including assignments, projects, examinations, and the passing score on the examination that must be given at the completion of the course for a student or licensee to demonstrate mastery of the material covered.
(j) Proof that the sponsor is an entity that may offer prelicensure real estate appraisal education courses under section 2617(2) of the code, MCL 339.2617.
(3) If a sponsor desires to change a course's content, instructors, speakers, or hours of credit, the sponsor shall reapply for departmental approval of the changes to the course by completing an application for course approval, obtained from the department, not less than 30 days before the date the course is offered to students or licensees.
(4) Emergency changes to instructors and speakers that are unable to be submitted to the department not less than 30 days before the date of the continuing education course may be reviewed by the department if the department determines that the applicant was unable to submit the requested change not less than 30 days before the date of the continuing education course and the request submitted with the change supports the nature of the emergency.
(5) The department shall notify the sponsor whether the proposed course change is approved. The sponsor shall not offer the course with the proposed changes without departmental approval.
(6) The department may determine that a proposed change cannot be made without the submission of additional supporting documentation or that the extent or number of changes requested require the sponsor to complete a new application for approval.
(7) A department-approved course expires 3 years from the date of the course approval, at which time the course approval is subject to renewal. A sponsor shall notify the department of its intent to renew a previously approved course by submitting course renewal forms provided by the department. All of the following apply regarding course renewal:
(a) The completed course renewal forms must be received by the department not less than 60 days before the expiration date.
(b) If completed renewal forms are received by the department not less than 60 days before the expiration date, the course does not expire until reviewed by the department.
(c) If completed renewal forms are received by the department less than 60 days before the expiration date, approval of the course expires on the expiration date.
(d) Course renewal forms are not valid and are not accepted by the department less than 60 days before the expiration date.
(e) Sponsors requesting approval for a course less than 60 days before the expiration date shall complete and submit to the department an application for original course approval.
History: 1996 AACS; 2002 AACS; 2006 AACS; 2007 AACS; 2021 MR 10, Eff. May 18, 2021.

R 339.23319 Prelicensure education; student or licensee records; permanent record; course completion certificate.
Rule 319. (1) A course sponsor shall establish and permanently maintain a record for each student or licensee. The record must contain all of the following information:
(a) The student's or licensee's name and address.
(b) The student's or licensee's date of birth.
(c) The number of classroom hours attended.
(d) The title of the course and the department's course completion number.
(e) The date of course completion.
(f) The student's or licensee's grade.
(g) The licensee's real estate appraiser license number, if applicable.
(2) A course sponsor shall issue a certificate of completion to a student or licensee who completes the entire course and receives a passing grade in a prelicensure education course. The certificate must include all of the following information:
(a) The name of the student or licensee.
(b) The name of the sponsor.
(c) The name of the course attended.
(d) The number of classroom hours completed by the student or licensee.
(e) The date of course completion.
(f) The signature of the course coordinator or instructor.
(g) The sponsor number assigned by the department.
(h) The course approval number assigned by the department.
(3) Within 15 business days after the conclusion of a course, a sponsor shall certify to the department the names of students and licensees who complete an approved course in a manner approved by the department.
History: 1996 AACS; 2002 AACS; 2007 AACS; 2021 MR 10, Eff. May 18, 2021.

R 339.23320 Prelicensure requirements for USPAP.
Rule 320. (1) An applicant for licensure shall successfully complete the 15-hour national USPAP course required by the AQB.

Equivalency is determined through the AQB course approval program or by an alternate method established by the AQB.
(2) USPAP qualifying education credit shall be awarded only when the class is instructed by at least 1 instructor who is an AQB certified instructor and who is a certified residential real estate appraiser or a certified general real estate appraiser.
History: 2006 AACS; 2007 AACS; 2010 AACS; 2021 MR 10, Eff. May 18, 2021.

PART 3B. CONTINUING EDUCATION

R 339.23321 Continuing education; application for course approval; forms; requirements.
Rule 321. (1) An application for approval of a continuing education course must be made on forms provided by the department. The department shall accept or reject the application.
(2) The completed application forms must be submitted to the department not less than 60 days before the date the course is conducted.
(3) The application shall include, but not be limited to, all of the following information:
(a) The course title.
(b) The number of classroom hours to be given for completion of the course.
(c) The name, business address, and telephone number of the sponsor.
(d) The name, business address, and telephone number of the course coordinator.
(e) The name, license number, and qualifications of instructors.
(f) An outline of the subject matter to be covered and the number of classroom hours to be devoted to each topic, as it will appear in the syllabus.
(g) The methodology for verifying and monitoring attendance. A licensee shall attend the entire course to obtain credit for the course. Credit for a distance learning course requires completion of the entire course. A licensee shall not receive credit for attending the same course more than 1 time during the same license renewal cycle.
(h) The standards a licensee must meet to complete the course, including assignments, projects, or examinations. The sponsor, at its discretion, may give course examinations, but examinations are not required by the code or these rules for continuing education courses.
(i) Proof that the sponsor is an entity that may offer continuing education courses - under section 2617(2) of the code, MCL 339.2617.
(j) Information to demonstrate that the course meets the requirements of the AQB criteria and is designed to improve and maintain the capability of a licensee to perform activities regulated by the code.
(4) Approval is for a term of 3 years from the date that the department approved the course.
(5) An application for renewal of an approved continuing education course shall be made on forms provided by the department. All of the following apply to course renewal:
(a) Course renewal forms must be received by the department not less than 30 days before the approval expiration date.
(b) Course renewal forms are not accepted by the department if submitted less than 30 days before the expiration date.
(c) Sponsors requesting approval for course renewal less than 30 days before the expiration date shall complete and submit to the department an application for original course approval.
(d) If completed renewal forms are received by the department not less than 30 days before the expiration date, the course does not expire until the department reviewed the application and a decision has been made by the department.
(e) If completed renewal forms are not received by the department pursuant to the time frame established by this subrule, the course approval expires on the expiration date.
(6) Subject to subrule (7) of this rule, all changes to the instructors, speakers, course content, or number of continuing education hours to be awarded for an approved continuing education course must be submitted to the department on forms provided by the department not less than 30 days before the date the continuing education course is offered to licensees.
(7) Emergency changes to instructors and speakers that are unable to be submitted to the department not less than 30 days before the date of the continuing education course may be reviewed by the department if the department determines that the applicant was unable to submit the requested change not less than 30 days before the date of the continuing education course and the request submitted with the change supports the nature of the emergency.
(8) The department may revoke the approval status of any approved continuing education course any time the course fails to comply with these rules.
History: 1996 AACS; 2002 AACS; 2006 AACS; 2007 AACS; 2021 MR 10, Eff. May 18, 2021.

R 339.23323 Continuing education; licensee records; permanent record; course completion certificate.
Rule 323. (1) A course sponsor shall establish and permanently maintain a record for each licensee. The record must contain all of the following information:
(a) The licensee's name, address, and license number.

(b) The number of classroom hours attended.
(c) The title of the course and the date of course completion.
(2) A course sponsor shall issue a certificate of completion to a licensee who successfully completes a continuing education course. The certificate must include all of the following information:
(a) The name of the licensee.
(b) The licensee's license number.
(c) The name of the sponsor.
(d) The name of the course attended.
(e) The number of classroom hours completed by the licensee.
(f) The date of course completion.
(g) The signature of the course coordinator or instructor.
(3) Within 15 business days after a course ends, a sponsor shall certify to the department the names of licensees who completed an approved course by a method or on forms approved by the department.
History: 1996 AACS; 2002 AACS; 2021 MR 10, Eff. May 18, 2021.

R 339.23325 Continuing education; course credit for instructors.
Rule 325. Real estate appraisers who are also instructors may earn up to ½ of their required real estate appraiser continuing education credit per license cycle by teaching an approved real estate appraiser course. Credit is granted to an instructor once in a licensing cycle for the same course either as a licensee or as an instructor.
History: 1996 AACS; 2010 AACS; 2021 MR 10, Eff. May 18, 2021.

R 339.23326 Continuing education requirements for a licensee.
Rule 326. (1) A licensed appraiser shall successfully complete the 7-hour national USPAP update course, or its equivalent, not less than every 2 years. Equivalency is determined through the AQB course approval program or by an alternate method established by the AQB.
(2) USPAP qualifying education credit is awarded only when the class is taught by at least 1 instructor who is an AQB certified instructor and who is a certified residential real estate appraiser or a certified general real estate appraiser.
(3) Every 2 years, a licensed appraiser shall successfully complete not less than 2 hours of continuing education devoted to this state's appraiser license law and rules.
(4) Credit for attending the board of real estate appraisers meeting pursuant to the AQB criteria requires proof of attendance by submission of the department form with the signature of a board member or department staff person.
(5) The department shall not grant waivers to a licensee who has failed to meet the continuing education requirements.
(6) The department shall not grant deferrals to a licensee, except in the case of an individual returning from active military duty, or an individual impacted by a state or federally declared disaster. The department may allow a licensee returning from active military duty to remain in active status for a period of up to 90 days pending completion of all continuing education requirements. The department may allow a licensee impacted by a state or federally declared disaster that occurs within 90 days before the end of the continuing education cycle to remain in active status for a period of up to 90 days after the end of the licensee's continuing education cycle, pending completion of all continuing education requirements.
History: 2002 AACS; 2006 AACS; 2007 AACS; 2010 AACS; 2018 AACS; 2021 MR 10, Eff. May 18, 2021.

R 339.23327
Source: 2010 AACS.

PART 4. STANDARDS OF CONDUCT

R 339.23401 Licensee relationship to others participating in preparation of appraisals.
Rule 401. A state licensed or certified residential or certified general real estate appraiser shall not sign an appraisal report for a federally related transaction unless that licensee has performed the appraisal pursuant to USPAP and is properly licensed to perform the assignment. The material participation of any other individual in preparing the report must be acknowledged in the report as required by USPAP regardless of the licensure status of the other individual. The signature of a state-licensed, a certified residential, or a certified general appraiser as a supervisory or co-signing appraiser must not be used to mask the preparation of a report by an individual who is not authorized to sign the report.
History: 1996 AACS; 2002 AACS; 2006 AACS; 2021 MR 10, Eff. May 18, 2021.

R 339.23403 State-licensed real estate appraiser; certified residential real estate appraiser; certified general real estate appraiser; allowed functions.
Rule 403. (1) If a state-licensed real estate appraiser is properly qualified to undertake an assignment, a state-licensed real estate

appraiser may perform any of the following appraisal services:
(a) Appraise properties that are not federally related transactions.
(b) Appraise 1 to 4-family residential properties, unless the transaction value is $1,000,000.00 or more or the property is complex and must be appraised by a certified residential or certified general real estate appraiser.
(c) Appraise nonresidential properties for federally related transactions and real estate related financial transactions where the transaction value is less than $250,000.00.
(d) Assist a certified residential or certified general real estate appraiser in the development of an appraisal of a complex residential property or a nonresidential property that is the subject of a federally related transaction, as appropriate. The state-licensed real estate appraiser shall not sign the report. However, the certified residential or certified general real estate appraiser shall acknowledge the specific contributions of the state-licensed real estate appraiser within the appraisal report.
(2) A certified residential real estate appraiser, if properly qualified to undertake an assignment, may perform any of the following appraisal assignments:
(a) Appraise properties that are not federally related transactions.
(b) Appraise 1 to 4-family residential properties without regard to complexity or value.
(c) Appraise nonresidential properties for federally related transactions and real estate related financial transactions where the transaction value is less than $250,000.00.
(d) Assist a certified general real estate appraiser in the development of an appraisal of a nonresidential property that is the subject of a federally related transaction, as appropriate. The certified residential real estate appraiser shall not sign the report. However, the certified general real estate appraiser shall identify the specific contributions of the certified residential real estate appraiser within the appraisal report.
(3) The licensee allowed to sign the report shall identify all participating licensees and their contributions to the report.
History: 1996 AACS; 2002 AACS; 2006 AACS; 2007 AACS; 2015 AACS; 2021 MR 10, Eff. May 18, 2021.

R 339.23405 Advertising.
Rule 405. (1) A licensee shall state the level of license held in all advertising. Merely stating that the person is licensed does not satisfy the provisions of this subrule. However, in a directory listing or similar situation where space is limited, it is sufficient disclosure for a licensee to use the words certified general, certified residential, state-licensed, or limited appraiser, as appropriate, without additional wording.
(2) A licensee shall place his or her license number and license level on all reports and shall produce evidence of licensing upon request by a member of the public or a representative of the department. A license number is not required in advertising material.