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**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**

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**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.

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**R 336.2903**

**Source:** 2012 AACCS.

**R 336.2907**

**Source:** 2019 AACCS.

**R 336.2908**

**Source:** 2019 AACCS.

**R 336.2910**

**Source:** 2011 AACCS.

**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) "ASHA" means the American Speech-Language-Hearing Association.
  - (b) "Board" means the Michigan board of audiology created under section 16805 of the code, MCL 333.16805.
  - (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: 2005 AACCS; 2019 AACCS; 2021 AACCS; 2023 MR 6, Eff. March 29, 2023.

**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 seeking licensure or that is licensed shall have completed 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 this state or the United States.
    - (ii) Identifying victims of human trafficking in healthcare settings.
    - (iii) Identifying the warning signs of human trafficking in healthcare 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 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-reviewed journal, healthcare 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 an individual and request documentation of proof of completion of training. If audited by the department, the individual shall provide acceptable proof of completion of training, that includes either of the following:
- (a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and the individual's name.
  - (b) A self-certification statement by the individual. The certification statement must include the individual's name and either

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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 and author of the article, publication name of the peer-reviewed journal, healthcare journal, or professional or scientific journal, and the 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 AACs; 2022 AACs; 2023 MR 6, Eff. March 29, 2023.

**R 338.2 Application for audiologist license; requirements.**

Rule 2. (1) An applicant for an audiologist license shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

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

(b) Provide proof, as directed by the department, verifying completion of a master's or doctoral degree in audiology from an accredited educational program under R 338.8(1) or (2) and (3) or (4).

(c) Provide proof, as directed by the department, verifying completion of a minimum of 9 months of supervised clinical experience in audiology, as shown by 1 of the following requirements:

(i) For an applicant that has a doctor of audiology (Au.D.), an official transcript that shows the awarding of an Au.D. from an accredited educational institution under R 338.8(1) or (2) and (3) or (4).

(ii) For an applicant that has either a doctoral or master's degree in audiology, a certification of clinical experience that shows that the applicant completed the required supervised clinical experience.

(d) Provide proof, as directed by the department, verifying a passing score on an examination adopted under R 338.7.

(2) If an applicant for an audiologist license provides either a Certificate of Clinical Competence in Audiology (CCC-A) from 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 AACs; 2022 AACs; 2023 MR 6, Eff. March 29, 2023.

**R 338.3 Licensure by endorsement; audiologist.**

Rule 3. (1) An applicant for an audiologist license by endorsement shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

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

(b) Provide proof, as directed by the department, verifying a current and full audiologist license in another state or in a province of Canada.

(c) If the applicant is licensed as an audiologist in a province in Canada, provide proof, as directed by the department, verifying that the applicant completed the educational requirements in Canada or in the United States for licensure as an audiologist in Canada or in the United States.

(d) Provide proof, as directed by the department, verifying a passing score on either of the following examinations for an audiologist license in another state or in a province of Canada to obtain licensure as an audiologist in another state or in a province of Canada:

(i) One of the examinations adopted under R 338.7.

(ii) The Canadian Entry-to-Practice Exam for Audiology.

(e) If the applicant has held an audiologist license for less than 18 months, 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.

(2) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another 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, including 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: 2005 AACs; 2019 AACs; 2021 AACs; 2022 AACs; 2023 MR 6, Eff. March 29, 2023.

**R 338.4 Supervised clinical experience; limited license requirements.**

Rules 4. (1) An applicant for an audiologist limited 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 shall satisfy the requirements of

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the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
  - (b) Provide proof, as directed by the department, verifying completion of an accredited educational program in audiology under R 338.8(1) or (2) and (3) or (4).
  - (c) Provide proof, as directed by the department, verifying acceptance for training in a clinical situation under the supervision of an individual that is licensed as an audiologist in this state.
  - (2) The applicant shall provide proof, as directed by the department, verifying the completion of 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 under R 338.8(1) or (2) and (3) or (4). Both of the following requirements apply to the clinical supervised experience:
    - (a) The experience is subject to R 338.5.
    - (b) Only experience obtained in an approved supervised clinical situation by an individual that holds a limited license counts toward the experience requirement.
    - (3) If an applicant transfers to a different supervised clinical situation, then the applicant shall provide information about the supervised clinical situation on an updated form provided by the department under subrule (2) of this rule.
- History: 2005 AACs; 2021 AACs; 2022 AACs; 2023 MR 6, Eff. March 29, 2023.

**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) 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 not less than 30 hours per week and 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 not less than 15 hours per week and obtained within 36 consecutive months.

History: 2005 AACs; 2019 AACs; 2021 AACs; 2022 AACs; 2023 MR 6, Eff. March 29, 2023.

**R 338.6 Foreign trained applicants; licensure requirements.**

Rule 6. An applicant for an audiologist license who graduated from a postsecondary institution outside of the United States or Canada shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide proof, as directed by the department, verifying completion of an educational degree program in audiology that is substantially equivalent to the educational requirements in R 338.2(1)(b). The department accepts a credential evaluation completed by a credential evaluation organization that is a current member organization of the National Association of Credential Evaluation Services as proof of an applicant's satisfaction of the educational requirements.
- (b) Provide proof, as directed by the department, verifying that the applicant may practice as an audiologist without limitation in a country currently recognized by the United States. An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another 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, including 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.
- (c) Provide proof, as directed by the department, verifying 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 AACs; 2022 AACs; 2023 MR 6, Eff. March 29, 2023.

**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 or its successor organization. Applicants shall achieve a passing score on the NTE or the Praxis Series II Examination in Audiology or any successor examination.

History: 2005 AACs; 2013 AACs; 2021 AACs; 2022 AACs; 2023 MR 6, Eff. March 29, 2023.

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**R 338.8 Educational standards; adoption by reference.**

Rule 8. (1) The standards for accrediting audiology educational programs developed and adopted by the Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA), ASHA, 2200 Research Boulevard, #310, Rockville, Maryland 20850, in the publication titled "Standards for Accreditation of Graduate Education Programs in Audiology and Speech-Language Pathology," effective August 1, 2017, and updated August 2020, which are available at no cost on the council's website at <https://caa.asha.org>, are approved and adopted by reference. If an audiology educational program is accredited by the CAA, it is approved.

(2) The standards for accrediting doctor of audiology programs developed and adopted by the Accreditation Commission for Audiology Education (ACAE), 11480 Commerce Park Drive, Ste. 220, Reston, Virginia 20191, in the publication titled "Accreditation Standards for the Doctor of Audiology (Au.D.) Program," adopted March 2016, which are available at no cost on the commission's website at <https://acaeccred.org>, are approved and adopted by reference. If an audiology educational program is accredited by the ACAE, it is approved.

(3) The standards for recognition of accrediting organizations developed and adopted by the Council for Higher Education Accreditation (CHEA), One Dupont Circle NW, Suite 510, Washington, D.C. 20036, in the publication titled "CHEA Standards and Procedures for Recognition," effective October 4, 2021, which are available at no cost on the council's website at <https://www.chea.org>, are approved and adopted by reference. If a higher education institution is accredited by the accrediting body of the region in which the institution is located and the accrediting body satisfies the recognition standards of CHEA, the institution is approved.

(4) The criteria for recognition and the recognition process for the secretary's recognition of accrediting agencies of the United States Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Washington, D.C. 20202, in 34 CFR 602.10 to 602.39, effective July 1, 2020, which are available at no cost on the department's website at <https://www2.ed.gov/about/offices/list/ope/index.html>, are approved and adopted by reference. If a higher education institution is accredited by the accrediting body of the region in which the institution is located and the accrediting body satisfies the recognition criteria and process of the United States Department of Education, the institution is approved.

(5) Copies of the standards in this rule 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.

History: 2005 AACCS; 2019 AACCS; 2021 AACCS; 2022 AACCS; 2023 MR 6, Eff. March 29, 2023.

**R 338.9 Relicensure.**

Rule 9. (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 the requirements of the code and the rules promulgated under the code, as well as 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 in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.
- (c) Provides proof, as directed by the department, verifying the completion of not less than 20 hours of continuing education credit that satisfies the requirements under R 338.10 and R 338.11 during the 2 years immediately before the application for relicensure.

(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 the requirements of the code and the rules promulgated under the code, as well as 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 in, and determined 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) Provides proof, as directed by the department, verifying the satisfaction of either of the following requirements:
  - (i) Successfully passing an examination required under R 338.7 during the 2 years immediately before the date of the application for relicensure.
  - (ii) Presents proof, as directed by the department, verifying that the applicant was licensed as an audiologist in another state or in a province of Canada during the 2-year period before the application for relicensure.

(3) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another 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, including 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: 2005 AACCS; 2019 AACCS; 2021 AACCS; 2022 AACCS; 2023 MR 6, Eff. March 29, 2023.

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**R 338.10 License renewal; requirements; applicability.**

Rule 10. (1) An applicant for renewal shall satisfy the requirements of the code and the rules promulgated under the code.  
(2) An applicant for license renewal who has been licensed in the 2-year period immediately before the expiration date of the license shall complete not less than 20 hours of continuing education in activities approved under these rules during the 2 years before 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. The licensee shall maintain documentation of satisfying the requirements of this rule for 4 years after 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 shall receive a request for a waiver of continuing education requirements for the board's consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license.  
History: 2005 AACs; 2019 AACs; 2021 AACs; 2022 AACs; 2023 MR 6, Eff. March 29, 2023.

**R 338.11 Acceptable continuing education; requirements; limitations.**

Rule 11. (1) As used in this rule, "instruction" means education time, exclusive of breakfast, lunch, or dinner periods, or any other breaks in the program.  
(2) The 20 hours of continuing education required under R 338.10(2) for the renewal of an audiologist license must satisfy the following requirements:  
(a) Not more than 10 hours of continuing education may be earned during a 24-hour period.  
(b) The licensee may not earn credit for a continuing education program or activity that is equivalent or substantially equivalent to a program or activity the licensee has already earned credit for during the license cycle.  
(c) Under section 16204 of the code, MCL 333.16204, at least 1 hour of continuing education must be earned in 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 part 168 of the code, MCL 333.16801 to 333.16811.  
(3) Any of the following activities are considered acceptable continuing education:

Activity Code	Activity and Proof Required	Number of continuing education hours granted/allowed per activity
(a)	<p>Initial presentation of a continuing education program related to the practice of audiology provided to a state, regional, national, or international audiology organization.</p> <p>To receive credit, the presentation must not be a part of the licensee's regular job description and must satisfy the standards in R 338.12.</p> <p>If audited, the licensee shall provide a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter, and the name of the organization that approved or offered the presentation for continuing education credit.</p>	<p>Three hours of continuing education are granted for each 50 to 60 minutes of presentation.</p> <p>No other credit is granted for preparation of a presentation.</p> <p>A maximum of 9 hours of continuing education are allowed for this activity in each renewal period.</p> <p>Under subrule (2)(b) of this rule, credit for a presentation is granted once per renewal period.</p>
(b)	<p>Initial presentation of a scientific exhibit, paper, or clinical demonstration to an audiology organization.</p> <p>To receive credit, the presentation must not be part of the licensee's regular job description or performed in the normal course of the licensee's employment.</p> <p>If audited, the licensee shall 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</p>	<p>Two hours of continuing education are granted for each 50 to 60 minutes of presentation.</p> <p>No other credit is granted for preparation of a presentation.</p> <p>A maximum of 6 hours of continuing education are allowed for this activity in each renewal period.</p> <p>Under subrule (2)(b) of this rule, credit for a presentation is granted once per</p>

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	presentation.	renewal period.
(c)	<p>Passing a postgraduate academic course related to the practice of audiology offered in an educational program approved under R 338.8(1) or (2) and (3) or (4).</p> <p>If audited, the licensee shall provide an official transcript documenting successful completion of the course.</p>	<p>Five hours of continuing education are granted for each academic credit hour passed.</p> <p>Three hours of continuing education are granted for each academic term or quarter credit hour passed.</p> <p>A maximum of 20 hours of continuing education are allowed for this activity in each renewal period.</p>
(d)	<p>Attendance at a continuing education program approved under R 338.12.</p> <p>If audited, the licensee shall provide 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 the program was held or activity completed.</p>	<p>One continuing education hour is granted for each 50 to 60 minutes of program attendance.</p> <p>A maximum of 20 hours of continuing education are allowed for this activity in each renewal period.</p>
(e)	<p>Attendance at a continuing education program approved by another state board of audiology.</p> <p>If audited, the licensee shall provide 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 the program was held or activity completed.</p>	<p>One continuing education hour is granted for each 50 to 60 minutes of program attendance.</p> <p>A maximum of 20 hours of continuing education are allowed for this activity in each renewal period.</p>
(f)	<p>Initial publication of an article related to the practice of audiology in a non-peer-reviewed journal or newsletter.</p> <p>If audited, the licensee shall provide a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>One hour of continuing education is granted for each article.</p> <p>A maximum of 5 hours of continuing education are allowed for this activity in each renewal period.</p> <p>Under subrule (2)(b) of this rule, credit for publication is granted once per renewal period.</p>
(g)	<p>Initial publication of a chapter related to the practice of audiology in either of the following:</p> <ul style="list-style-type: none"> <li>- A professional or healthcare textbook.</li> <li>- A peer-reviewed journal.</li> </ul> <p>If audited, the licensee shall provide a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>Five hours of continuing education are granted for serving as the primary author.</p> <p>Two hours of continuing education are granted for serving as the secondary author.</p> <p>Under subrule (2)(b) of this rule, credit for publication is granted once per renewal period.</p>
(h)	Reading an audiology professional journal and	One hour of continuing education is



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	<p>successfully completing an evaluation created for continuing education credit in audiology practice education.</p> <p>If audited, the licensee shall provide a copy of the publication and the evaluation created for continuing education credit in audiology practice education.</p>	<p>granted for each 50 to 60 minutes of this activity.</p> <p>A maximum of 5 hours of continuing education are allowed for this activity in each renewal period.</p>
(i)	<p>Attendance at a program approved for continuing education by the board of medicine or the board of osteopathic medicine related to audiology practice.</p> <p>If audited, the licensee shall provide 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 the program was held or activity completed.</p>	<p>One continuing education hour is granted for each 50 to 60 minutes of program attendance.</p> <p>A maximum of 5 hours of continuing education are allowed for this activity in each renewal period.</p>
(j)	<p>Participating on a state or national committee, board, council, or association related to the field of audiology. A committee, board, council, or association shall enhance the participant's knowledge and understanding of the field of audiology.</p> <p>If audited, the licensee shall provide documentation verifying the licensee's participation in not less than 50% of the regularly scheduled meetings of the committee, board, council, or association.</p>	<p>Two hours of continuing education are granted for each committee, board, council, or association.</p> <p>A maximum of 2 hours of continuing education are allowed for this activity in each renewal period.</p>

History: 2005 AACs; 2019 AACs; 2021 AACs; 2022 AACs; 2023 MR 6, Eff. March 29, 2023.

**R 338.12 Continuing audiology education providers and programs; methods of approval.**

Rule 12. (1) Any continuing education provider or program approved by ASHA is approved. The standards for continuing education providers developed and adopted by the American Speech-Language-Hearing Association Continuing Education Board (ASHA-CEB), 2200 Research Boulevard, Rockville, Maryland 20850-3289, in the publication titled "American Speech-Language-Hearing Association Continuing Education Board Manual," updated January 2022, which are available at no cost on the association's website at <https://www.asha.org>, are approved and adopted by reference.

(2) Any continuing education provider or program approved by the American Academy of Audiology is approved. The standards for continuing education programs developed and adopted by the American Academy of Audiology, 11480 Commerce Park Drive, Suite 220, Reston, Virginia 20191, in the publication titled "CE Provider Course Application Requirements and Guidelines," revised October 1, 2020, which are available at no cost on the academy's website at <https://www.audiology.org>, are approved and adopted by reference.

(3) Any continuing education provider or program approved by the board is approved. Providers or programs that need to be reviewed and preapproved must provide 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 maintained that include the number of participants in attendance, the date of the program,

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the program's location, the credentials of the presenters, rosters of the individuals who attended, and the continuing education time awarded to each participant.

(h) A participant shall receive a certificate or written proof of attendance at a program that shows 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.

(4) Copy of the standards in this rule are 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.

History: 2005 AACS; 2019 AACS; 2021 AACS; 2022 AACS; 2023 MR 6, Eff. March 29, 2023.

**R 338.13**

**Source:** 2022 AACS.

**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**

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**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**

**Source:** 2021 AACS.

**R 338.113**

**Source:** 2021 AACS.

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**R 338.114 Telehealth.**

Rule 14. (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 maintain proof of consent for telehealth treatment in the patient's up-to-date medical record and satisfy 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 the licensee's practice and in compliance with section 16285 of the code, MCL 333.16285, and if the licensee does both of the following:

(a) Refers the patient to a provider that is geographically accessible to the patient, if medically necessary.

(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 AACS; 2023 MR 6, Eff. March 22, 2023.

**R 338.115 Code of ethics.**

Rule 15. (1) The standards of the American Osteopathic Association, 142 E. Ontario Street, Chicago, IL 60611-2864 set forth in the "Code of Ethics," dated July 24, 2016, which are available at no cost on the association's website at <https://osteopathic.org>, are approved and adopted by reference.

(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 AACS; 2023 MR 6, Eff. March 22, 2023.

**R 338.117**

**Source:** 2021 AACS.

**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, except for a nurse anesthetist, if the delegating physician establishes a written authorization that has all 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 after 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 satisfies subrules (1) to (4) of this rule.

(6) A delegating physician may authorize a nurse practitioner, a nurse midwife, or a clinical nurse specialist to issue 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 AACS; 2023 MR 6, Eff. March 22, 2023.

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

Rule 20. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure or that is 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.

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- (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 under these rules 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-reviewed 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 an individual and request documentation of proof of completion of training. If audited by the department, the 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 the 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 the article, author, publication name of the peer-review journal, health care journal, or professional or scientific journal, and the 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 beginning December 20, 2021.
- History: 2016 AACS; 2021 AACS; 2023 MR 6, Eff. March 22, 2023.

**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 standards for accrediting osteopathic medical schools developed and adopted by the American Osteopathic Association Commission on Osteopathic College Accreditation, 142 E. Ontario Street, Chicago, Illinois 60611-2864, set forth in the publication entitled "Accreditation of Colleges of Osteopathic Medicine: COM Accreditation Standards," effective July 1, 2019, which are available at no cost on the association's website at <https://osteopathic.org>, are approved and adopted by reference. Any osteopathic school of medicine accredited by the Commission on Osteopathic College Accreditation is approved.
- (2) The standards of the American Osteopathic Association Council on Postdoctoral Training, 142 E. Ontario Street, Chicago, Illinois 60611-2864, set forth in the publication entitled "The Basic Documents for Postdoctoral Training," effective July 1, 2020, which are available at no cost on the association's website at <https://osteopathic.org>, are approved and adopted by reference. Any osteopathic postgraduate training program accredited by the American Osteopathic Association Council on Postdoctoral Training is approved.
- (3) The standards of the American Osteopathic Association Council on Osteopathic Postdoctoral Training Institutions, 142 E. Ontario Street, Chicago, Illinois 60611-2864, set forth in the publication entitled "OPTI Accreditation Handbook," effective March 2014, which are available at no cost on the association's website at <https://osteopathic.org>, are approved and adopted by reference. Any osteopathic institution accredited by the American Osteopathic Association Council on Osteopathic Postdoctoral Training Institutions is approved.
- (4) The standards for approval of a postgraduate training program developed and adopted by the Accreditation Council for Graduate Medical Education, 401 North Michigan Avenue, Suite 2000, Chicago, Illinois 60611, set forth in the publication entitled "ACGME Common Program Requirements," effective July 1, 2021, which are available at no cost on the council's website at <https://www.acgme.org>, are approved and adopted by reference. Any medical postgraduate training program accredited by the Accreditation Council for Graduate Medical Education is approved.

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(5) Copies of the standards 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 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.

History: 2016 AACCS; 2021 AACCS; 2023 MR 6, Eff. March 22, 2023.

**R 338.123 Licensure by examination.**

Rule 23. An applicant for a doctor of osteopathic medicine and surgery license shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof verifying completion of a degree from a school of osteopathic medicine that satisfies the standards under R 338.121(1).
- (c) Provide proof verifying passing scores on all levels of the Comprehensive Osteopathic Medical Licensing Examination of the United States (COMLEX-USA) adopted under R 338.129 and provide proof verifying satisfaction of all the requirements under R 338.129.
- (d) Provide proof verifying completion of 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 under R 338.121(2) at a training institution that satisfies the requirements under R 338.121(3).
  - (ii) A postgraduate training program approved under R 338.121(4).
- (e) Provide 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 AACCS; 2021 AACCS; 2023 MR 6, Eff. March 22, 2023.

**R 338.125 Licensure by endorsement.**

Rule 25. (1) An applicant for a doctor of osteopathic medicine and surgery license by endorsement shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof verifying the holding of a current and full doctor of osteopathic medicine and surgery license in another state or in a province of Canada.
- (c) If the applicant is licensed as a doctor of osteopathic medicine and surgery in a province in Canada, provide proof verifying that the applicant completed the educational requirements in Canada or in the United States at a school of osteopathic medicine that satisfies the standards under R 338.121(1) for licensure as a doctor of osteopathic medicine and surgery in Canada or in the United States.
- (d) Provide proof verifying passing scores on all levels of the COMLEX-USA adopted under R 338.129 and provide proof verifying satisfaction of all the requirements under R 338.129 for a doctor of osteopathic medicine and surgery license in another state or in a province of Canada to obtain licensure as a doctor of osteopathic medicine and surgery in another state or in a province of Canada.
- (e) Provide proof verifying completion of 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 under R 338.121(2) at a training institution that satisfies the requirements under R 338.121(3).
  - (ii) A postgraduate training program approved under R 338.121(4).

(2) An applicant who provides proof verifying a current and full license in good standing as a doctor of osteopathic medicine and surgery in another state or in a province of Canada for not less than the last 5 years before the date of filing the application for a doctor of osteopathic medicine and surgery license by endorsement, and who provides proof verifying completion of the educational requirements in Canada or in the United States at a school of osteopathic medicine that satisfies the standards under R 338.121(1), is presumed to satisfy the requirements of subrule (1)(d) and (e) of this rule.

(3) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another 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, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and, except as otherwise provided under section 17511(2) of the code, MCL 333.17511, 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: 2016 AACCS; 2021 AACCS; 2023 MR 6, Eff. March 22, 2023.

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**R 338.127 Educational limited license.**

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

(2) An applicant for an educational limited license shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof verifying that the applicant has graduated or is expected to graduate within 3 months after the date of the application from an osteopathic medical school that satisfies the requirements under R 338.121(1).
- (c) Provide proof verifying that the applicant has been accepted into a postgraduate training program that satisfies the requirements under R 338.121(2) or (4).
- (3) Under section 17512(2) of the code, MCL 333.17512, an educational limited license may be renewed not more than 5 years.

History: 2016 AACCS; 2021 AACCS; 2023 MR 6, Eff. March 22, 2023.

**R 338.129 Examination; adoption; passing scores; limitation on attempts; time limitations.**

Rule 29. (1) The COMLEX-USA, developed and administered by the National Board of Osteopathic Medical Examiners (NBOME), is approved and adopted, and consists of the following levels:

- (a) COMLEX-USA Level 1.
- (b) COMLEX-USA Level 2-Cognitive Evaluation (Level 2-CE).
- (c) COMLEX-USA Level 2-Performance Evaluation (Level 2-PE) or a temporary eligibility pathway approved by the NBOME.
- (d) COMLEX-USA Level 3.
- (2) The passing score for each level of the COMLEX-USA accepted for licensure is the passing score established by the NBOME.

(3) An applicant cannot make more than 6 attempts to pass any level of the COMLEX-USA.

(4) An applicant shall successfully pass all levels of the COMLEX-USA within 7 years after the date that the applicant first passed any level of the COMLEX-USA. An applicant may request consideration of a variance of the 7-year requirement by providing, at a minimum, proof verifying both of the following requirements to the board:

- (a) That the applicant passed all levels of the COMLEX-USA, but that the time taken to pass all levels 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 osteopathic medical school.
  - (ii) Completion of a residency or fellowship program with demonstrated consistent participation in the program.

History: 2016 AACCS; 2021 AACCS; 2023 MR 6, Eff. March 22, 2023.

**R 338.131**

**Source:** 2021 AACCS.

**R 338.133 Relicensure.**

Rule 33. (1) An applicant whose doctor of 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 the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provides the required fee and a completed application on a form provided by the department.
- (b) Provides proof verifying the completion of not less than 150 hours of continuing education that satisfies the requirements under R 338.141 during the 3 years immediately preceding the date of the application for relicensure.
- (c) Establishes good moral character as that term is defined in, and determined 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 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 when applying.
  - (iii) A previously held license was not surrendered or allowed to lapse to avoid discipline.

(2) An applicant whose doctor of 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 provides 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) Provides proof verifying that the applicant is currently licensed and in good standing as a doctor of osteopathic medicine

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and surgery in another state or in a province of Canada.

(b) Provides proof verifying completion of 1 of the following during the 3 years immediately preceding the date of the application for relicensure:

(i) Successfully passed 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 completed a postgraduate training program that satisfies the requirements under R 338.121(2) or (4).

(iii) Successfully completed a physician re-entry program that is an organizational member of the Coalition for Physician Enhancement (CPE).

(iv) Successfully completed a physician re-entry program affiliated with an osteopathic medical school that satisfies the requirements under R 338.121(1).

(3) An applicant whose doctor of 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 provides 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) Provides proof verifying that the applicant is currently licensed and in good standing as a doctor of osteopathic medicine and surgery in another state or in a province of Canada.

(b) Provides proof verifying completion of both of the following during the 3 years immediately preceding the date of the application for relicensure:

(i) Successfully passed the COMVEX offered by the NBOME. The passing score is the passing score established by the NBOME.

(ii) Successfully completed 1 of the following training options:

(A) A postgraduate training program that satisfies the requirements under R 338.121(2) or (4).

(B) A physician re-entry program that is an organizational member of the CPE.

(C) A physician re-entry program affiliated with an osteopathic medical school that satisfies the requirements under R 338.121(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, if the applicant satisfies subrule (1) of this rule and R 338.127.

(6) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another 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, including 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: 2016 AACS; 2021 AACS; 2023 MR 6, Eff. March 22, 2023.

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

#### **R 338.141 License renewals.**

Rule 41. (1) An applicant for renewal shall satisfy the requirements of the code and the rules promulgated under the code.

(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 credit in activities approved 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 maintain documentation of satisfying the requirements of this rule for 4 years after 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 provide documentation as specified in R 338.143.

History: 2016 AACS; 2021 AACS; 2023 MR 6, Eff. March 22, 2023.

#### **R 338.143 Acceptable continuing education; requirements; limitations.**

Rule 43. (1) The 150 hours of continuing education credits 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 equivalent to a program or activity for which the licensee has already earned credit during the renewal period cannot be granted.



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- (b) A minimum of 1 hour of continuing education credit must be earned in medical ethics.
- (c) For license renewals filed December 20, 2017 or later, a minimum of 3 hours of continuing education credit must be earned in 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/Allowed for the Activity
(a)	<p>Attendance at or participating in a continuing education program or activity related to the practice of osteopathic medicine, including, but is not limited to, live, in-person programs, journal articles with a self-study component, interactive or monitored teleconferences, audio conferences, web-based programs, or online programs approved or offered by any of the following organizations:</p> <ul style="list-style-type: none"> <li>- American Osteopathic Association.</li> <li>- Michigan Osteopathic Association.</li> </ul> <p>If audited, a licensee shall provide a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program or activity was completed.</p>	<p>The number of continuing education hours for a specific program or activity is the number of hours assigned by the sponsoring organization for the specific program or activity. A minimum of 40 hours of continuing education credit must be earned in this activity. A maximum of 150 hours of continuing education credit may be earned for this activity in each renewal period.</p>
(b)	<p>Attendance at or participating in a continuing education program or activity related to the practice of osteopathic medicine including, but not limited to, live, in-person programs, journal articles with a self-study component, interactive or monitored teleconferences, audio conferences, web-based programs, or online programs approved or offered by any of the following organizations:</p> <ul style="list-style-type: none"> <li>- American Medical Association.</li> <li>- Accreditation Council for Continuing Medical Education.</li> <li>- Michigan State Medical Society.</li> </ul> <p>If audited, the licensee shall provide a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the</p>	<p>The number of continuing education hours for a specific program or activity is the number of hours assigned by the sponsoring organization for the specific program or activity. A maximum of 110 hours of continuing education credit may be earned for this activity in a renewal period.</p>

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	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)	<p>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.</p> <p>If audited, the licensee shall provide proof from the specialty board of the successful passing of the examination.</p>	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)	<p>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 (b) of this subrule.</p> <p>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.</p>	One hour of continuing education credit is granted for every 60 minutes spent on the activity. A maximum of 30 hours of continuing education credit may be earned for this activity in each renewal period.
(e)	<p>Serving as a teacher, lecturer, preceptor, or moderator-participant in a medical education or training program that satisfies the standards adopted under R 338.121.</p> <p>If audited, the licensee shall provide 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.</p>	Two hours of continuing education credit is 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 credit may be earned for this activity in each renewal period.
(f)	<p>Conducting a formal inspection of an osteopathic medical education or training program that satisfies the standards adopted under R 338.121 or conducting clinical examinations of osteopathic specialty boards recognized by the American Osteopathic Association.</p> <p>If audited, the licensee shall provide documentation from the accrediting organization verifying the licensee's role and participation in the inspection.</p>	Five hours of continuing education credit is granted per inspection. A maximum of 90 hours of continuing education credit may be earned for this activity in each renewal period.
(g)	<p>Participating in any of the following committees:</p> <ul style="list-style-type: none"> <li>- A peer-review committee dealing with quality patient care as it relates to the practice of osteopathic medicine and surgery.</li> <li>- A committee dealing with utilization review as it relates to the practice of osteopathic medicine.</li> <li>- A health care organization committee with patient care issues related to the practice of osteopathic medicine.</li> <li>- A national or state committee, board, council, or association related to the practice of osteopathic medicine.</li> </ul> <p>A committee, board, council, or association is</p>	Fifteen hours for each committee per year is granted. A maximum of 90 hours of continuing education credit may be earned for this activity in each renewal period.

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	considered acceptable under these rules if it enhances the participant's knowledge and understanding of the practice of osteopathic medicine. If audited, the licensee shall provide a letter from an organization official verifying the licensee's participation in not less than 50% of the regularly scheduled meetings.	
(h)	<p>Providing individual supervision for a disciplinary limited doctor of osteopathic medicine and surgery.</p> <p>If audited, the licensee shall provide an affidavit from the disciplinary limited doctor of osteopathic medicine and surgery who received the supervision. The affidavit must attest to the licensee's role as supervisor and the number of hours spent providing supervision to the disciplinary limited doctor of osteopathic medicine and surgery.</p>	One hour of continuing education credit is granted for each 60 minutes spent consulting or reviewing the disciplined licensee's work. A maximum of 50 hours of continuing education credit may be earned for this activity per renewal period.
(i)	<p>Participating in a postgraduate training program that satisfies the requirements under R 338.121(2) or (4). To receive credit the licensee shall enroll in the program a minimum of 5 months per year.</p> <p>If audited, the licensee shall provide a letter from the program director verifying the dates that the licensee was enrolled in the program.</p>	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)	<p>Publication of a scientific article relating to the practice of osteopathic medicine in a peer-reviewed journal or periodical.</p> <p>If audited, the licensee shall provide a copy of the publication that identifies the licensee as the author or a publication acceptance letter and documentation</p>	Ten hours of continuing education credit is granted for serving as the primary author. Five hours of continuing education credit is 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 credit may be earned for this activity in a renewal period.
(k)	<p>Initial publication of a chapter or a portion of a chapter related to the practice of osteopathic medicine in either of the following textbooks:</p> <ul style="list-style-type: none"> <li>- A professional health care textbook.</li> <li>- A peer-reviewed textbook.</li> </ul> <p>If audited, the licensee shall provide a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	Ten hours of continuing education credit is granted for serving as the primary author. Five hours of continuing education credit is granted for serving as a secondary author. 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 publication is granted once per renewal period.

(3) The board considers initial presentation of a scientific exhibit, poster, or paper to a professional osteopathic medicine organization as acceptable category 2 continuing education. Ten hours of continuing education credit is granted for each presentation. No additional credit is granted for preparation of the presentation. 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 a presentation is granted once per renewal period. If audited, the licensee shall provide a copy of the document presented with proof of the presentation or a letter from the program sponsor verifying the date of presentation.

History: 2016 AACs; 2021 AACs; 2023 MR 6, Eff. March 22, 2023.

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**BUREAU OF PROFESSIONAL LICENSING**

**A STANDING ORDER FOR DISPENSING OPIOID ANTAGONISTS**

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**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.

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**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**

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**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 Definitions.**

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

- (a) "AAO" means the American Academy of Optometry.
- (b) "ACOE" means the Accreditation Council on Optometric Education.
- (c) "Adverse drug reaction" means an adverse physical or psychological reaction experienced by an individual resulting from a diagnostic therapeutic agent administered by an optometrist that occurs within 24 hours after the therapeutic agent was administered. An adverse drug reaction includes any of the following:
  - (i) Red eye.
  - (ii) Painful eye.
  - (iii) Decrease in vision.
  - (iv) Pale or red swelling of the periocular or periorbital tissues.
  - (v) Nausea.
  - (vi) Vomiting.
  - (vii) Fainting.
  - (viii) Mental confusion.
  - (ix) Cessation of respiration.
- (d) "AOA" means the American Optometric Association.

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- (e) "Board" means the Michigan board of optometry.
- (f) "Classroom hour," for the purpose of determining whether a course of study meets the requirements of section 17412(2)(a) or 17435(2)(b) of the code, MCL 333.17412 and 333.17435, means a 50 to 60 minute period of lecture, group discussion, or laboratory directly associated with a course in pharmacology. Time spent working in a clinic other than as part of a laboratory directly associated with a course in pharmacology does not qualify as a "classroom hour."
- (g) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
- (h) "COPE" means the Council on Optometric Practitioner Education.
- (i) "Course of study in general and clinical pharmacology" means a course of study that is completed in a board-approved school or college, in general and clinical pharmacology as it relates to optometry, with the characteristics described in section 17412(2)(a) of the code, MCL 333.17412. Not less than 30 of the 60 classroom hours of the course of study must be allocated to ocular pharmacology and must emphasize the systemic effects of, and reactions to, topical ocular diagnostic pharmaceutical agents, including the emergency management and referral of any adverse reactions that may occur.
- (j) "Course of study relating to the didactic and clinical use of therapeutic pharmaceutical agents" means a course of study that is comprised of a minimum of 10 quarter hours or 7 semester hours of credit or 100 classroom hours of study, is completed in a board-approved school or college, and is in subjects relating to the didactic and clinical use of therapeutic pharmaceutical agents related to optometry.
- (k) "CPDO" means the Continued Professional Development in Optometry.
- (l) "CPR" means cardiopulmonary resuscitation.
- (m) "Department" means the department of licensing and regulatory affairs.
- (n) "Established patient" means an individual who has received a professional service from a provider within the optometrist's practice group within the preceding 3 years and 1 day.
- (o) "Informed consent for an established patient" means consent by a patient or a patient's legal representative for treatment, medication, or services after there has been full disclosure of the facts needed for the patient or the patient's legal representative to make a voluntary decision based on the elements of knowledge, comprehension, and willingness to receive the treatment, medication, or service.
- (p) "Informed consent for a new patient" means a written agreement or documentation of a verbal agreement by a patient or a patient's legal representative for treatment, medication, or services after there has been full disclosure of the facts needed for the patient or the patient's legal representative to make a voluntary decision based on the elements of knowledge, comprehension, and willingness to receive the treatment, medication, or service.
- (q) "MOA" means the Michigan Optometric Association.
- (r) "NBEO" means the National Board of Examiners in Optometry.
- (s) "New patient" means a patient who has not received a professional service from a provider in the optometrist's practice group within the preceding 3 years and 1 day.
- (t) "TMOD" means Treatment and Management of Ocular Disease.
- (2) A term defined in the code has the same meaning when used in these rules.  
History: 2016 AACs; 2019 AACs; 2023 MR 10, Eff. May 19, 2023.

**R 338.302 Rescinded.**

History: 2019 AACs; 2023 MR 10, Eff. May 19, 2023.

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

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

- (a) Training content that covers all of the following:
  - (i) Understanding the types and venues of human trafficking in this state or the United States.
  - (ii) Identifying victims of human trafficking in healthcare settings.
  - (iii) Identifying the warning signs of human trafficking in healthcare 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-reviewed journal, healthcare journal, or professional or scientific journal.
- (c) Acceptable modalities of training may include any of the following:

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- (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 the individual. The certification statement must include the individual's name and 1 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-reviewed journal, healthcare journal, or professional or scientific journal, and the date, volume, and issue of publication, as applicable.
- History: 2016 AACCS; 2019 AACCS; 2023 MR 10, Eff. May 19, 2023.

**R 338.304**

**Source:** 2021 AACCS.

**R 338.305 Rescinded.**

History: 2016 AACCS; 2019 AACCS; 2021 AACCS; 2023 MR 10, Eff. May 19, 2023.

**R 338.306 Telehealth services; requirements.**

- Rule 6. (1) An optometrist who provides telehealth services shall obtain informed consent for an established patient or a new patient before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.
- (2) An optometrist who provides a telehealth service shall maintain evidence of the informed consent in the patient record in compliance with section 16213 of the code, MCL 333.16213.
- (3) An optometrist who provides a telehealth service shall comply with section 16285 of the code, MCL 333.16285.
- (4) An optometrist providing a telehealth service may prescribe a drug if the optometrist is a prescriber acting within the scope of the optometrist's practice and in compliance with section 16285 the code, MCL 333.16285, if the optometrist does both of the following:
- (a) If medically necessary, refers the patient to a provider that is geographically accessible to the patient.
  - (b) Makes himself or herself available to provide follow-up care services to the patient or to refer the patient to another provider for follow-up care.
- (5) An optometrist may provide a telehealth service only when the optometrist complies with all of the following:
- (a) Part 174 of the code, MCL 333.17401 to 333.17437.
  - (b) The eye care consumer protection law, part 55A of the code, MCL 333.5551 to 333.5571, including the duty to perform an examination and evaluation, under sections 5551 to 5559 of the code, MCL 333.5551 to 333.5559.
- (6) An optometrist who provides a telehealth service shall exercise the same standard of care applicable to a traditional, face-to-face healthcare service, including any necessary face-to-face appointments with a patient to assess, reassess, and update the patient's medical condition and the effectiveness of treatment modalities.

History: 2019 AACCS; 2023 MR 10, Eff. May 19, 2023.

**R 338.307 Rescinded.**

History: 2016 AACCS; 2023 MR 10, Eff. May 19, 2023.

**R 338.309 Rescinded.**

History: 2016 AACCS; 2019 AACCS; 2021 AACCS; 2023 MR 10, Eff. May 19, 2023.

**R 338.311 Rescinded.**

History: 2016 AACCS; 2021 AACCS; 2023 MR 10, Eff. May 19, 2023.

**R 338.313 Rescinded.**

History: 2016 AACCS; 2019 AACCS; 2021 AACCS; 2023 MR 10, Eff. May 19, 2023.



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**R 338.315 Rescinded.**

History: 2016 AACs; 2021 AACs; 2023 MR 10, Eff. May 19, 2023.

**R 338.317 Rescinded.**

History: 2016 AACs; 2021 AACs; 2023 MR 10, Eff. May 19, 2023.

**R 338.319 Rescinded.**

History: 2016 AACs; 2019 AACs; 2021 AACs; 2023 MR 10, Eff. May 19, 2023.

**R 338.320 Rescinded.**

History: 2019 AACs; 2021 AACs; 2023 MR 10, Eff. May 19, 2023.

**PART 2. EDUCATIONAL PROGRAMS, EXAMINATIONS,  
LICENSES AND CERTIFICATIONS**

**R 338.321 Professional optometric degree program; approval standards.**

Rule 21. (1) The board approves and adopts by reference the standards of ACOE set forth in the publication entitled, "Accreditation Council on Optometric Education Policy and Procedure Manual," published June 2022, which provides for the accreditation of professional optometric degree programs. A copy of the Accreditation Manual of ACOE is available free of charge from the AOA's website at [https://www.aoa.org/AOA/Documents/Education/ACOE/ACOE\\_Policy\\_and\\_Procedure\\_Manual\\_07\\_2021.pdf](https://www.aoa.org/AOA/Documents/Education/ACOE/ACOE_Policy_and_Procedure_Manual_07_2021.pdf). 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 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(2) A professional optometric degree program accredited by ACOE is considered approved by the board.

History: 2016 AACs; 2019 AACs; 2021 AACs; 2023 MR 10, Eff. May 19, 2023.

**R 338.322 Examination approval and adoption; limitations; passing score.**

Rule 22. (1) The board approves and adopts the NBEO examinations developed, administered, and scored by the NBEO or its successor.

(2) An applicant applying for licensure shall have achieved a passing score on all of the following parts of the NBEO examinations:

(a) Part I.

(b) Part II, including a passing score on the TMOD examination imbedded in Part II.

(c) Part III.

(3) An applicant for licensure is limited to attempting to achieve a passing score on the NBEO examination to no more than 6 attempts. A licensee shall not sponsor an applicant for licensure that is attempting to achieve a passing score on the NBEO examination if the applicant has previously attempted to pass the examination 6 or more times.

(4) The accepted passing score for each part of the NBEO examination for licensure is the passing scores established by the NBEO or its successor.

History: 2023 MR 10, Eff. May 19, 2023.

**R 338.323 Initial licensure by examination.**

Rule 23. An applicant for initial licensure by examination shall submit a completed application on the form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated under the code, an applicant shall satisfy all of the following requirements:

(a) Have graduated from a professional optometric degree program approved by the board under R 338.321, and hold the doctor of optometry degree.

(b) Have achieved a passing score on parts I, II, and III of the NBEO examinations approved under R 338.322, including a passing score on the TMOD examination imbedded in part II.

(c) Have achieved a minimum scaled score of 75 on the optometry jurisprudence examination developed and administered by the department or an entity approved by the department.

History: 2016 AACs; 2019 AACs; 2023 MR 10, Eff. May 19, 2023.

**R 338.325 Licensure by endorsement.**

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Rule 25. 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) For an applicant who is licensed in another state:		Licensed for less than 3 years.	Licensed 3 years or more.
(i)	Establish that the applicant is of good moral character as defined in, and determined 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 under R 338.321.	√	
(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 optometry jurisprudence examination 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 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 another	√	√

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	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, including 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 is licensed in a province of Canada:		Licensed less than 10 years.	Licensed 10 years or more.
(i)	Establish that the applicant is of good moral character as defined in, and determined 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 under R 338.321.	√	√
(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 optometry jurisprudence examination of 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	√	√

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	institution comparable to those identified in subparagraphs (A) to (C) of this paragraph.		
(viii)	<p>Comply with both of the following:</p> <p>(A) Disclose each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country on the application form.</p> <p>(B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including 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.</p>	√	√

History: 2023 MR 10, Eff. May 19, 2023.

**R 338.327 Limited licenses.**

Rule 27. (1) The board may issue an educational limited license, under section 16182(2)(a) of the code, MCL 333.16182, to an individual that meets the requirements of the code and the administrative rules promulgated under the code and who meets both of the following:

(a) 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.

(b) 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 an institution approved by the ACOE.

(2) The board may issue a clinical academic limited license, under 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 on 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 under R 338.321.

(c) Submit proof of appointment to either of the following:

(i) A postgraduate course of study or a residency program, under subrule (1) of this rule.

(ii) A faculty position at a board-approved professional optometric degree program, under subrule (2) of this rule.

(4) A limited license may be renewed 1 time. When applying for renewal, the limited licensee shall submit evidence of having completed 10 hours of board-approved continuing education in pharmacological management of ocular conditions.

History: 2023 MR 10, Eff. May 19, 2023.

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**R 338.328 Relicensure.**

Rule 28. (1) An applicant whose 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) For 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 the applicant is of good moral character as defined in, and determined 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 338.331, that 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 338.331(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 under R 338.331(2), and the applicant shall hold a current CPR certificate.	√	√	√
(v)	Achieve a minimum scaled score of 75 on the optometry jurisprudence examination 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 CPDO examination given by NBEO or its successor organization.			√

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(vii)	An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by another 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, including 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 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 the applicant is of good moral character as defined in, and determined 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 338.331, that 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 338.331(3). (B) If certified to administer therapeutic pharmaceutical agents, at least 20 of the 40 hours of continuing education	√	√	√

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	must be in pharmacological management of ocular conditions, as provided under R 338.331(2), and the applicant shall hold a current CPR certificate.			
(v)	Achieve a minimum scaled score of 75 on the optometry jurisprudence examination 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 another 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, including 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: 2023 MR 10, Eff. May 19, 2023.

**R 338.329 Certification to administer topical ocular diagnostic pharmaceutical agents; application; qualifications; adoption of standards; prohibitions.**

Rule 29. (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 the applicant 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 plan, under 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 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.

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- (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: 2023 MR 10, Eff. May 19, 2023.

**R 338.330 Certification to administer and prescribe therapeutic pharmaceutical agents; application; qualifications.**

Rule 30. (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: 2023 MR 10, Eff. May 19, 2023.

**PART 3. CONTINUING EDUCATION AND LICENSE RENEWAL**

**R 338.331 License renewal; continuing education, requirements, limitations.**

Rule 31. (1) An applicant for license renewal shall satisfy the requirements of the R 338.7001 to R 338.7005 and accumulate not less than 40 continuing education hours approved by the board under R 338.332 or R 338.333 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 COPE categories listed in R 338.332(7)(n)(iii)(A) to (I) 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 COPE categories listed in R 338.332(6)(n)(iv)(A) to (C) 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 and 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.



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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 COPE categories listed in R 338.332(6)(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.

(7) An optometrist shall retain documentation of meeting the requirements of this rule for a period of 4 years after the date of applying for license renewal. The licensee's documentation must show the licensee's name, number of credits earned per program or activity, the sponsor's name or the name of the organization that approved the program or activity, and the date that the program was held or activity was completed. 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.

(8) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department at least 30 days before the last regularly scheduled board meeting before the expiration date of the license.

History: 2023 MR 10, Eff. May 19, 2023.

**R 338.332 Adoption of standards and criteria by reference; board approval of continuing education programs.**

Rule 32. (1) The board approves and adopts by reference the standards and criteria of COPE for accreditation of an activity or qualification of a course that are set forth in the publications entitled "Activity Accreditation Manual," revised July 2022, and "Course Qualification Manual," revised July 2022. 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 West 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 course or continuing education program related to the practice of optometry offered by a college or university program approved by the board under R 338.321 is considered approved by the board.

(4) A continuing education program related to the practice of optometry that has been approved or sponsored by the AAO, the AOA, or the MOA is considered approved by the board.

(5) A continuing education program related to the practice of optometry that has been approved by another state board of optometry is considered approved by the board.

(6) A continuing education program that is not approved by the board under subrules (1) to (5) of this rule, or as provided in R 338.333, 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. An application received less than 90 days before the program presentation will be denied as untimely.

(7) An application 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 date of the next scheduled program.

(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, that 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 ensure 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 ensure a proper learning environment.

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

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

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- (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) Surgery procedures (Optometric) (SP).  
 (F) Treatment and management of ocular disease (TD).  
 (G) Neuro-optometry (NO).  
 (H) Pharmacology (PH).  
 (I) Systemic diseases (SD).  
 (iv) The number of hours related to pain management, which may include any of the following COPE categories:  
 (A) Pharmacology (PH).  
 (B) Treatment and management of ocular disease (TD).  
 (C) Functional vision/pediatrics (FV).  
 History: 2023 MR 10, Eff. May 19, 2023.

**R 338.333 Approved continuing education activities; limitations; documentation.**

Rule 33. The board approves all of the following as continuing education if the subject matter falls within an approved COPE category as listed in R 338.331(7)(n):

	Activity and Proof of Completion	Number of Continuing Education Hours Granted or Permitted for Activity
(a)	<p>Attendance at a continuing education program related to optometric topics approved for category 1 continuing education by the Michigan board of medicine or the Michigan board of osteopathic medicine and surgery.</p> <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates that the program was held or activity completed.</p>	One continuing education hour in clinical optometry is earned for each 50 to 60 minutes of program attendance. A maximum of 8 continuing education hours may be earned for this activity in each renewal period.
(b)	<p>Attendance at a continuing education program related to optometric pharmacological topics approved for continuing education by the Michigan board of pharmacy.</p> <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates that the program was held or activity completed.</p>	One continuing education hour in pharmacological management is earned for each 50 to 60 minutes of program attendance. A maximum of 8 continuing education hours may be earned for this activity in each 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 continuing education hours without limitation.
(c)	Initial presentation of or at a continuing education	One continuing education hour in the appropriate

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	<p>program approved by the board.</p> <p>If audited, a licensee shall submit a letter from the program's sponsor, verifying the licensee's presentation of educational materials and lecture at the continuing education program.</p>	COPE category is earned for each 50 to 60 minutes of program presentation, without limitation.
(d)	<p>Initial presentation of a scientific exhibit, poster, or paper to a professional optometric organization.</p> <p>If audited, the licensee shall submit a copy of the document presented with evidence of presentation or a letter from the program sponsor verifying the date of the presentation.</p>	Two hours of continuing education in clinical optometry are earned for each presentation. No additional credit is granted for preparation of the presentation.
(e)	<p>Initial publication of either of the following:</p> <p>(i) A scientific article relating to the practice of optometry in a peer-reviewed journal or periodical.</p> <p>(ii) A chapter or a portion of a chapter related to the practice of optometry in either a professional healthcare textbook or peer-reviewed textbook.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter and documentation of the peer-review process.</p>	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.
(f)	<p>Participating on either of the following:</p> <p>(i) A peer review committee dealing with quality of patient care as it relates to the practice of optometry.</p> <p>(ii) A national or state committee, board, council, or association related to the practice of optometry.</p> <p>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.</p> <p>If audited, the licensee shall submit a letter from an organization official verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.</p>	Six hours of continuing education in clinical optometry are earned for participating on a committee. A maximum of 6 continuing education hours may be earned for this activity in each renewal period.
(g)	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: 2023 MR 10, Eff. May 19, 2023.

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**R 338.341**

**Source:** 1997 AACs.

**R 338.342**

**Source:** 1997 AACs.

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**R 338.343**  
Source: 1997 AACs.

**R 338.344**  
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**R 338.363**  
Source: 1997 AACS.

**R 338.364**  
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**R 338.365**  
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**R 338.367**  
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**R 338.368**  
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**R 338.381**  
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**R 338.382**  
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**R 338.383**  
**Source:** 1997 AACS.

**R 338.384**  
**Source:** 1997 AACS.

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**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**  
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**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.

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**R 338.477b**  
Source: 2020 AACS.

**R 338.477c**  
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**R 338.479**  
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**R 338.479a**  
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**R 338.479b**  
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**R 338.479c**  
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**R 338.480**  
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**R 338.480a**  
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**R 338.481**  
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**R 338.482**  
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**R 338.483**  
Source: 1997 AACS.

**R 338.484**  
Source: 1979 AC.

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**R 338.485**  
Source: 1997 AACS.

**R 338.485a**  
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**R 338.485e**  
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**R 338.485f**  
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**R 338.485g**  
**Source:** 1997 AACCS.

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**R 338.485q**  
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**R 338.485r**  
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**R 338.485s**  
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**R 338.485t**  
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**R 338.485u**  
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**Source:** 1997 AACS.

**R 338.485x**

**Source:** 1997 AACS.

**R 338.485y**

**Source:** 1997 AACS.

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**Source:** 2020 AACS.

**R 338.488**

**Source:** 2013 AACS.

**R 338.489**

**Source:** 2020 AACS.

**R 338.490**

**Source:** 2020 AACS.

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**Source:** 2020 AACS.

**R 338.493b**

**Source:** 2020 AACS.

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**Source:** 2020 AACS.

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**Source:** 2020 AACS.

**R 338.493e**

**Source:** 1998-2000 AACS.

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**Source:** 2020 AACS.

**R 338.493g**

**Source:** 2020 AACS.

**R 338.493h**

**Source:** 1997 AACS.

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**Source:** 1997 AACS.

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**Source:** 1998-2000 AACS.

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**Source:** 1998-2000 AACS.

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**Source:** 2014 AACS.

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**R 338.500**  
**Source:** 2020 AACS.

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**R 338.525**  
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**Source:** 2022 AACS.

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**Source:** 2022 AACS.

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**Source:** 2022 AACS.

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**Source:** 2022 AACS.

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**Source:** 2022 AACS.

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**Source:** 2020 AACS.

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**Source:** 2022 AACS.

**PART 5. WHOLESALE DISTRIBUTOR AND  
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**Source:** 2022 AACS.

**R 338.563**

**Source:** 2022 AACS.

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**Source:** 2020 AACS.

**R 338.567**

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**Source:** 2022 AACS.

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**R 338.575**  
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**PART 6. PRACTICE OF PHARMACY**

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**R 338.583**  
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**R 338.583a**  
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**R 338.589**  
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**R 338.590**  
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**R 338.602**  
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**Source:** 2021 AACS.

**R 338.605**

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**R 338.607**

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**R 338.609**

**Source:** 2016 AACS.

**R 338.611**

**Source:** 2021 AACS.

**R 338.613**

**Source:** 2021 AACS.

**R 338.615**

**Source:** 2021 AACS.

**R 338.617**

**Source:** 2021 AACS.

**R 338.619**

**Source:** 2021 AACS.

**R 338.621**

**Source:** 2021 AACS.

**R 338.623**

**Source:** 2021 AACS.

**R 338.625**

**Source:** 2016 AACS.

**R 338.627**

**Source:** 2021 AACS.

**R 338.629**

**Source:** 2021 AACS.

**R 338.641**

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**R 338.649**

**Source:** 2021 AACS.

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**R 338.705**  
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**R 338.707**  
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**R 338.719**  
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**R 338.721**  
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**PART 2. EDUCATION**

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**R 338.722a**  
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**R 338.723**  
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**R 338.724**  
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**R 338.725**  
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**R 338.726**  
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**R 338.727**  
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**R 338.731**  
Source: 2019 AACS.

**R 338.732**  
Source: 2022 AACS.

**R 338.733**  
Source: 2019 AACS.

**R 338.734**  
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**R 338.735**  
Source: 2022 AACS.

**R 338.736**  
Source: 2022 AACS.

**R 338.737**  
Source: 2022 AACS.

**R 338.738**  
Source: 2022 AACS.

**R 338.739**  
Source: 2022 AACS.

**PART 4. CONTINUING EDUCATION**

**R 338.741**  
Source: 2021 AACS.

**PART 5. PROFESSIONAL ETHICS**

**R 338.751**  
Source: 2021 AACS.

**R 338.752**  
Source: 2021 AACS.

**BOARD OF EXAMINERS IN MORTUARY SCIENCE**  
**GENERAL RULES**

**R 338.863**  
Source: 1997 AACS.

**R 338.864**  
Source: 1997 AACS.

**R 338.865**  
Source: 1997 AACS.

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**R 338.866**  
Source: 1997 AACS.

**R 338.867**  
Source: 1997 AACS.

**R 338.868**  
Source: 1997 AACS.

**R 338.869**  
Source: 1997 AACS.

**HEARINGS**

**R 338.881**  
Source: 1997 AACS.

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**BUREAU OF CONSTRUCTION CODES**

**BOARD OF MECHANICAL RULES**

**LICENSE EXAMINATION PROCEDURES**

**R 338.901 Rescinded.**  
History: 1986 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.902 Rescinded.**  
History: 1986 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.903 Rescinded.**  
History: 1986 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.904 Rescinded.**  
History: 1986 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.905 Rescinded.**  
History: 1986 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.906 Rescinded.**  
History: 1986 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.907 Rescinded.**  
History: 1986 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.908 Rescinded.**  
History: 1986 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.909 Rescinded.**  
History: 1986 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.910**  
Source: 2014 AACS.



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**R 338.911 Rescinded.**

History: 1986 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.912**

Source: 2014 AACS.

**R 338.913**

Source: 2014 AACS.

**R 338.914**

Source: 2014 AACS.

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**BUREAU OF CONSTRUCTION CODES**

**STATE PLUMBING BOARD**

**LICENSES**

**R 338.921 Rescinded.**

History: 1954 AC; 1979 AC; 1985 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.921a Rescinded.**

History: 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.922 Rescinded.**

History: 1954 AC; 1979 AC; 1985 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.923 Rescinded.**

History: 1954 AC; 1979 AC; 1985 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.924 Rescinded.**

History: 1954 AC; 1979 AC; 1985 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.924a Rescinded.**

History: 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.924b Rescinded.**

History: 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.925 Rescinded.**

History: 1954 AC; 1979 AC; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.926 Rescinded.**

History: 1954 AC; 1979 AC; 1985 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.927 Rescinded.**

History: 1954 AC; 1979 AC; 1985 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.928 Rescinded.**

History: 1954 AC; 1979 AC; 1985 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.929 Rescinded.**

History: 1954 AC; 1979 AC; 1985 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

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**R 338.930 Rescinded.**

History: 1954 AC; 1979 AC; 1985 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.931 Rescinded.**

History: 1954 AC; 1979 AC; 1985 AACS; 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.931a Rescinded.**

History: 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.931b Rescinded.**

History: 2014 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.932 Rescinded.**

History: 1954 AC; 1979 AC; 2023 MR 8, Eff. May 3, 2023.

**REFUND OF FEES**

**R 338.941**

Source: 2014 AACS.

**R 338.942**

Source: 2014 AACS.

**R 338.943**

Source: 2014 AACS.

**R 338.944**

Source: 2014 AACS.

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

**R 338.951**

Source: 2007 AACS.

**R 338.952**

Source: 2007 AACS.

**R 338.953**

Source: 2007 AACS.

**R 338.954**

Source: 2007 AACS.

**R 338.955**

Source: 2007 AACS.

**R 338.956**

Source: 2007 AACS.

**R 338.957**

Source: 2007 AACS.

**R 338.958**

Source: 2007 AACS.

**R 338.959**

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**Source:** 2007 AACs.

**R 338.960**

**Source:** 2007 AACs.

**R 338.961**

**Source:** 2007 AACs.

**R 338.962**

**Source:** 2007 AACs.

**R 338.963**

**Source:** 2007 AACs.

**R 338.964**

**Source:** 2007 AACs.

**R 338.965**

**Source:** 2007 AACs.

**R 338.966**

**Source:** 2007 AACs.

**R 338.967**

**Source:** 2007 AACs.

**R 338.968**

**Source:** 2007 AACs.

**R 338.969**

**Source:** 2007 AACs.

**R 338.970**

**Source:** 2007 AACs.

**R 338.971**

**Source:** 2007 AACs.

**R 338.972**

**Source:** 2007 AACs.

**R 338.973**

**Source:** 2007 AACs.

**R 338.974**

**Source:** 2007 AACs.

**R 338.975**

**Source:** 2007 AACs.

**R 338.976**

**Source:** 2007 AACs.

**R 338.977**

**Source:** 2007 AACs.

**R 338.978**

**Source:** 2007 AACs.

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**R 338.979**  
Source: 2007 AACS.

**R 338.980**  
Source: 2007 AACS.

**R 338.981**  
Source: 2007 AACS.

**R 338.982**  
Source: 2007 AACS.

**R 338.983**  
Source: 2007 AACS.

**R 338.984**  
Source: 2007 AACS.

**R 338.985**  
Source: 2007 AACS.

**R 338.986**  
Source: 2007 AACS.

**R 338.987**  
Source: 2007 AACS.

**R 338.988**  
Source: 2007 AACS.

**R 338.989**  
Source: 2007 AACS.

**R 338.990**  
Source: 2007 AACS.

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**BUREAU OF CONSTRUCTION CODES**

**ELECTRICAL ADMINISTRATIVE BOARD**

**GENERAL RULES**

**R 338.1001**  
Source: 1997 AACS.

**R 338.1001a Rescinded.**  
History: 1994 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1002**  
Source: 1997 AACS.

**R 338.1002a Rescinded.**  
History: 1994 AACS; 2023 MR 8, Eff. May 3, 2023.

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**R 338.1003**

**Source:** 1997 AACS.

**R 338.1003a Rescinded.**

History: 1994 AACS; 1996 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1004**

**Source:** 1997 AACS.

**R 338.1004a Rescinded.**

History: 1994 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1005**

**Source:** 1997 AACS.

**R 338.1005a Rescinded.**

History: 1994 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1005b Rescinded.**

History: 1996 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1005c Rescinded.**

History: 1996 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1005d Rescinded.**

History: 1996 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1006**

**Source:** 1997 AACS.

**R 338.1006a Rescinded.**

History: 1994 AACS; 1996 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1006b Rescinded.**

History: 1996 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1007**

**Source:** 1997 AACS.

**R 338.1007a Rescinded.**

History: 1994 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1008**

**Source:** 1997 AACS.

**R 338.1008a Rescinded.**

History: 1994 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1009**

**Source:** 1997 AACS.

**R 338.1009a Rescinded.**

History: 1994 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1010a Rescinded.**

History: 1994 AACS; 2023 MR 8, Eff. May 3, 2023.

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**R 338.1011**

**Source:** 1997 AACS.

**R 338.1011a Rescinded.**

History: 1994 AACS; 1996 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1012**

**Source:** 1997 AACS.

**R 338.1012a Rescinded.**

History: 1994 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1013**

**Source:** 1997 AACS.

**R 338.1013a Rescinded.**

History: 1994 AACS; 1996 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1014**

**Source:** 1997 AACS.

**R 338.1014a Rescinded.**

History: 1994 AACS; 1996 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1015**

**Source:** 1997 AACS.

**R 338.1015a Rescinded.**

History: 1994 AACS; 1996 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1016**

**Source:** 1997 AACS.

**R 338.1016a Rescinded.**

History: 1994 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1017**

**Source:** 1997 AACS.

**R 338.1017a Rescinded.**

History: 1994 AACS; 1996 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1018**

**Source:** 1997 AACS.

**R 338.1018a Rescinded.**

History: 1994 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1019**

**Source:** 1997 AACS.

**R 338.1020**

**Source:** 1997 AACS.

**R 338.1021**

**Source:** 1997 AACS.

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**R 338.1022**

**Source:** 1997 AACS.

**R 338.1022a Rescinded.**

History: 1994 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1023**

**Source:** 1997 AACS.

**R 338.1023a Rescinded.**

History: 1994 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1024**

**Source:** 1997 AACS.

**R 338.1027a Rescinded.**

History: 1994 AACS; 1996 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1031**

**Source:** 1997 AACS.

**R 338.1032**

**Source:** 1997 AACS.

**R 338.1033**

**Source:** 1997 AACS.

**R 338.1035a Rescinded.**

History: 1994 AACS; 2023 MR 8, Eff. May 3, 2023.

**R 338.1037a Rescinded.**

History: 1994 AACS; 2023 MR 15, Eff. August 18, 2023.

**R 338.1039a**

**Source:** 1994 AACS.

**R 338.1041**

**Source:** 1997 AACS.

**R 338.1042**

**Source:** 1997 AACS.

**R 338.1043**

**Source:** 1997 AACS.

**R 338.1044**

**Source:** 1997 AACS.

**R 338.1045**

**Source:** 1997 AACS.

**R 338.1046**

**Source:** 1997 AACS.

**R 338.1051**

**Source:** 1997 AACS.

**R 338.1052**

**Source:** 1997 AACS.

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**R 338.1053**  
Source: 1997 AACS.

**R 338.1054**  
Source: 1997 AACS.

**R 338.1055**  
Source: 1997 AACS.

**R 338.1056**  
Source: 1997 AACS.

**R 338.1057**  
Source: 1997 AACS.

**R 338.1058**  
Source: 1997 AACS.

**R 338.1059**  
Source: 1997 AACS.

**R 338.1060**  
Source: 1997 AACS.

**R 338.1061**  
Source: 1997 AACS.

**R 338.1062**  
Source: 1997 AACS.

**R 338.1063**  
Source: 1997 AACS.

**R 338.1071**  
Source: 1997 AACS.

**R 338.1072**  
Source: 1997 AACS.

**R 338.1073**  
Source: 1997 AACS.

**R 338.1074**  
Source: 1997 AACS.

**R 338.1075**  
Source: 1997 AACS.

**R 338.1076**  
Source: 1997 AACS.

**R 338.1077**  
Source: 1997 AACS.

**R 338.1081**  
Source: 1997 AACS.

**R 338.1082**  
Source: 1997 AACS.



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**R 338.1083**  
Source: 1997 AACS.

**R 338.1084**  
Source: 1997 AACS.

**R 338.1085**  
Source: 1997 AACS.

**R 338.1086**  
Source: 1997 AACS.

**R 338.1087**  
Source: 1997 AACS.

**R 338.1088**  
Source: 1997 AACS.

**R 338.1099a Rescinded.**  
History: 1994 AACS; 2023 MR 8, Eff. May 3, 2023.

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

**R 338.1131**  
Source: 1997 AACS.

**R 338.1132**  
Source: 1997 AACS.

**R 338.1133**  
Source: 1997 AACS.

**R 338.1134**  
Source: 1997 AACS.

**R 338.1135**  
Source: 1997 AACS.

**R 338.1136**  
Source: 1997 AACS.

**R 338.1137**  
Source: 1997 AACS.

**R 338.1138**  
Source: 1997 AACS.

**R 338.1139**  
Source: 1997 AACS.

**R 338.1140**  
Source: 1997 AACS.

**R 338.1141**  
Source: 1997 AACS.

**R 338.1142**

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**Source:** 1997 AACS.

**R 338.1143**

**Source:** 1997 AACS.

**R 338.1144**

**Source:** 1997 AACS.

**R 338.1145**

**Source:** 1997 AACS.

**R 338.1146**

**Source:** 1997 AACS.

**R 338.1147**

**Source:** 1997 AACS.

**R 338.1148**

**Source:** 1997 AACS.

**R 338.1149**

**Source:** 1997 AACS.

**R 338.1150**

**Source:** 1997 AACS.

**R 338.1151**

**Source:** 1997 AACS.

**DIRECTOR'S OFFICE**

**PHYSICAL THERAPY**

**PART 3. ADMINISTRATIVE HEARINGS**

**R 338.1161**

**Source:** 1997 AACS.

**R 338.1162**

**Source:** 1997 AACS.

**R 338.1163**

**Source:** 1997 AACS.

**R 338.1164**

**Source:** 1997 AACS.

**R 338.1165**

**Source:** 1997 AACS.

**R 338.1166**

**Source:** 1997 AACS.

**R 338.1167**

**Source:** 1997 AACS.

**R 338.1168**

**Source:** 1997 AACS.

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**R 338.1169**  
Source: 1997 AACS.

**R 338.1170**  
Source: 1997 AACS.

**R 338.1171**  
Source: 1997 AACS.

**R 338.1172**  
Source: 1997 AACS.

**R 338.1173**  
Source: 1997 AACS.

**R 338.1174**  
Source: 1997 AACS.

**R 338.1175**  
Source: 1997 AACS.

**R 338.1176**  
Source: 1997 AACS.

**R 338.1177**  
Source: 1997 AACS.

**R 338.1178**  
Source: 1997 AACS.

**R 338.1176**  
Source: 1997 AACS.

**R 338.1177**  
Source: 1997 AACS.

**R 338.1178**  
Source: 1997 AACS.

**R 338.1179**  
Source: 1997 AACS.

**R 338.1180**  
Source: 1997 AACS.

**R 338.1181**  
Source: 1997 AACS.

**R 338.1182**  
Source: 1997 AACS.

**R 338.1183**  
Source: 1997 AACS.

**R 338.1184**  
Source: 1997 AACS.

**R 338.1185**  
Source: 1997 AACS.

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**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**DIRECTOR'S OFFICE**

**OCCUPATIONAL THERAPISTS – GENERAL RULES**

**R 338.1191**

Source: 2014 AACCS.

**R 338.1192**

Source: 2014 AACCS.

**R 338.1194**

Source: 2014 AACCS.

**R 338.1196**

Source: 2014 AACCS.

**R 338.1197**

Source: 2014 AACCS.

**R 338.1197a**

Source: 2014 AACCS.

**R 338.1198**

Source: 2014 AACCS.

**R 338.1200**

Source: 2014 AACCS.

**PART 1. GENERAL PROVISIONS**

**R 338.1211 Definitions.**

Rule 11. (1) As used in these rules:

- (a) "ACOTE" means Accreditation Council for Occupational Therapy Education.
- (b) "AOTA" means American Occupational Therapy Association.
- (c) "Board" means the board of occupational therapists.
- (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.
- (f) "Direct supervision" means that the occupational therapist is physically present or present via telemedicine with the individual being supervised or immediately available for direction and onsite supervision when the limited assessment, task, intervention, or interaction with the client is performed.
- (g) "General supervision" means that the occupational therapist is not required to be physically present on site or present during a telemedicine visit but is continuously available when the limited assessment, task, intervention, or interaction with the client is performed. Continuously available includes availability by telecommunication or another electronic device.
- (h) "NBCOT" means National Board for Certification in Occupational Therapy.
- (i) "WFOT" means World Federation of Occupational Therapists.

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

History: 2014 AACCS; 2021 AACCS; 2023 MR 8, Eff. April 26, 2023.

**PART 2. GENERAL PROVISIONS**

**R 338.1212**

Source: 2021 AACCS.

**R 338.1213**

**Source:** 2021 AACCS.

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

Rule 15. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure or that is licensed shall have completed 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 healthcare settings.
    - (iii) Identifying the warning signs of human trafficking in healthcare settings for adults and minors.
    - (iv) Identifying resources for reporting suspected victims of human trafficking.
  - (b) Acceptable providers or methods of training including any of the following:
    - (i) Training offered by a nationally recognized or state-recognized, health-related organization.
    - (ii) Training offered by, or in conjunction with, a state or federal agency.
    - (iii) Training in an educational program that has been approved by the advisory committee for initial license or registration, or by a college or university.
    - (iv) Reading an article related to the identification of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer-review journal, healthcare journal, or professional or scientific article.
  - (c) Acceptable modalities of training including any of the following:
    - (i) Teleconference or webinar.
    - (ii) Online presentation.
    - (iii) Live presentation.
    - (iv) Printed or electronic media.
- (2) The department may select and audit an individual and request documentation of proof of completion of training. If audited by the department, the 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 the individual's name.
  - (b) A self-certification statement by the individual. The certification statement must include the individual's name and 1 of the following:
    - (i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
    - (ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of the article, author, publication name of the peer-review journal, healthcare journal, or professional or scientific journal, and the date, volume, and issue of publication, as applicable.

History: 2017 AACCS; 2023 MR 8, Eff. April 26, 2023.

**PART 3. OCCUPATIONAL THERAPISTS**

**R 338.1221 Educational program standards; occupational therapist; adoption by reference.**

Rule 21. (1) The board approves and adopts by reference 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 ACOTE, which were effective July 31, 2020. Copies of these standards are available at no cost from the ACOTE website at <https://acoteonline.org/accreditation-explained/standards/>. 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 West 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 the standards in the document entitled "Minimum Standards for the Education of Occupational Therapists, Revised 2016" published by the WFOT. Copies of these standards are available at no cost on the WFOT website at <http://www.wfot.org>. The standards are also available for inspection at 10 cents per page from the Michigan Board of Occupational Therapists, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(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

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accredited by the ACOTE or approved by the WFOT qualifies as an occupational therapist educational program approved by the board.

History: 2014 AACCS; 2023 MR 8, Eff. April 26, 2023.

**R 338.1222 Rescinded.**

History: 2014 AACCS; 2021 AACCS; 2023 MR 8, Eff. April 26, 2023.

**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, R 338.7001 to R 338.7005, any other rules promulgated under the code, and section 16174 of the code, MCL 333.16174, an applicant shall 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 that meets the standards adopted by the board under R 338.1222 or meets the requirements of R 338.1225.
- (b) Within 3 years before 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 before 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.
- (d) Disclose on the application form each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country.
- (e) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including 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: 2014 AACCS; 2017 AACCS; 2021 AACCS; 2023 MR 8, Eff. April 26, 2023.

**R 338.1223a Rescinded**

History: 2014 AACCS; 2017 AACCS; 2023 MR 8, Eff. April 26, 2023.

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

Rule 24. (1) The board approves and adopts the certification examination for occupational therapists that was developed, administered, and scored by the NBCOT as the licensure examination for occupational therapists in this state. The board shall adopt the passing score recommended by the NBCOT for the certification examination.

(2) The board approves the examination on laws and rules related to the practice of occupational therapy in this state 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 that fails to achieve a passing score on the examination required in subrule (2) of this rule may retake the examination without limitation.

History: 2014 AACCS; 2017 AACCS; 2023 MR 8, Eff. April 26, 2023.

**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, R 338.7001 to R 338.7005, any other rules promulgated under the code, and section 16174 of the code, MCL 333.16174, 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 before the application for licensure and not more than 2 years after the application for licensure.
- (c) Within 3 years before 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.

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- (d) Disclose on the application form each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country.
- (e) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including 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: 2014 AACs; 2021 AACs; 2023 MR 8, Eff. April 26, 2023.

**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. An applicant meets the requirements of section 16186 of the code, MCL 333.16186, if the applicant meets the requirements of the code, R 338.7001 to R 338.7005, any other rules promulgated under the code, and section 16174 of the code, MCL 333.16174, and satisfies the following requirements, as applicable.

(2) If an applicant is actively registered or licensed as an occupational therapist in another state for 5 years or more and is in good standing within 30 days before 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 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 for less than 5 years and is in good standing within 30 days before filing an application for an occupational therapist license in this state, then the applicant shall comply with both 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 that meets the standards adopted by the board in R 338.1222.

(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 shall meet both of the following requirements:

(a) Disclose on the application form each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country.

(b) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including 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: 2014 AACs; 2017 AACs; 2021 AACs; 2023 MR 8, Eff. April 26, 2023.

**R 338.1227 Requirements for relicensure; occupational therapist.**

Rule 27. (1) An applicant for relicensure as an occupational therapist, who has let his or her license or registration from this state lapse, 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 (√):

For an occupational therapist who has let his or her registration or license from this state lapse:	Registered in this state before January 1, 2009, with lapsed registration, and did not apply for licensure before June 11, 2015.	Licensed less than 3 years.	Licensed 3 years or more.
(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 as defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.	√	√	√

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(c) Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.	√		√
(d) Submit proof of having completed the continuing education required under R 338.1252, which was earned within the 3-year period immediately before the application for relicensure. If the continuing education hours submitted with the application are deficient, the applicant has 2 years after the date of the application to complete the deficient hours. The application must be held, and the license may not be issued until the continuing education requirements are met.	√	√	√
(e) Maintain certification as an occupational therapist by NBCOT after the registration lapsed and graduated from an occupational therapist education program that is accredited by ACOTE or approved by WFOT, or their predecessor organizations that meets the standards adopted by the board under R 338.1222 or meets the requirements of R 338.1225.	√		
(f) Complete a 1-time training in identifying victims of human trafficking that meets the standards in R 338.1215.	√	√	√
(g) Meet the English language requirement under R 338.7002b and the implicit bias training required in R 338.7004.	√	√	√
(h) Within 3 years preceding the application for relicensure and not more than 2 years after the application for relicensure, 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.	√		√
(i) Satisfy 1 of the following: (i) Within 3 years preceding the application for relicensure and not more than 2 years after the application for relicensure, take and pass the NBCOT certification examination for occupational therapists, with a score adopted by the board under R 338.1224(1), and complete supervised practice experience pursuant to subrule (2) of this rule. (ii) Present evidence to the department that the applicant was actively registered or licensed as an occupational therapist in another state during the 3-year period and in good standing within 30 days, before filing the application for relicensure.	√		√
(j) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country, shall do both of the following: (i) Disclose on the application form each license, registration, or certification. (ii) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including 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) An applicant that has had a lapsed registration or license for 3 years or more and meets the requirements of subrule (1)(i)(i) of this rule shall complete a supervised practice experience that meets the requirements of R 338.1228. The applicant shall have a limited license from the department while participating in the supervised practice experience. The duration of the experience must be as follows:



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- (a) If the applicant's license has lapsed for not less than 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.
  - (3) For purposes of meeting the requirements of subrule (2) of this rule, the department may grant an applicant a limited license to complete the supervised practice experience.
  - (4) A limited license granted under subrule (3) of this rule is valid for 1 year and may be renewed 1 time.
- History: 2014 AACs; 2017 AACs; 2021 AACs; 2023 MR 8, Eff. April 26, 2023.

**R 338.1228**

**Source:** 2021 AACs.

**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 limited assessments, tasks, or interventions to an occupational therapy assistant as allowed 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) Before an occupational therapist delegates limited assessments, tasks, or interventions to an occupational therapy assistant, the occupational therapist shall evaluate the qualifications of the occupational therapy assistant, 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. The level of supervision must be either general supervision or direct supervision.

(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 of the patient or client 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 are delegated.
  - (d) Provide predetermined procedures and protocols for limited assessments, tasks, or interventions that are delegated.
  - (e) Monitor an occupational therapy assistant's practice 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 accomplish all of the following:
    - (i) Evaluate the occupational therapy assistant's performance.
    - (ii) Review the patient or client.
    - (iii) Educate the occupational therapy assistant on the limited assessments, tasks, or interventions that have been delegated to facilitate professional growth and development.
  - (h) The occupational therapist shall maintain documentation of the meeting, which must be signed by both the occupational therapist and occupational therapist assistant. Compliance with this subdivision must 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 AACs; 2023 MR 8, Eff. April 26, 2023.

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

Rule 29a. (1) An occupational therapist who delegates the performance of selected tasks to an unlicensed individual as allowed 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 another 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.

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

(a) Before delegating a task, the occupational therapist shall evaluate 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) Provide predetermined procedures and protocols for tasks that are delegated.

(d) Maintain a record of the unlicensed individuals to whom tasks have been delegated, under section 16213 of the code, MCL 333.16213.

(e) Monitor an unlicensed individual’s practice 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 any of the to an unlicensed individual:

(a) An occupational therapy intervention.

(b) An assessment.

(c) An evaluation.

(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 AACCS; 2021 AACCS; 2023 MR 8, Eff. April 26, 2023.

**PART 4. OCCUPATIONAL THERAPY ASSISTANTS**

**R 338.1231 Educational program standards; occupational therapy assistant; adoption by reference.**

Rule 31. (1) The board approves and adopts by reference 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/accreditation-explained/standards/>. 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 West 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 AACCS; 2023 MR 8, Eff. April 26, 2023.

**R 338.1232 Rescinded.**

History: 2014 AACCS; 2021 AACCS; 2023 MR 8, Eff. April 26, 2023.

**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, R 338.7001 to R 338.7005, any other rules promulgated under the code, and section 16174 of the code, MCL 333.16174, 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 before the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass the occupational therapy assistant licensure examination in R 338.1234.

(c) Within 3 years before 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

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developed and administered by the department, or an entity approved by the department.

(d) Disclose on the application form each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country.

(e) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including 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: 2014 AACS; 2017 AACS; 2021 AACS; 2023 MR 8, Eff. April 26, 2023.

**R 338.1233a Rescinded.**

History: 2014 AACS; 2017 AACS; 2021 AACS; 2023 MR 8, Eff. April 26, 2023.

**R 338.1234**

**Source:** 2021 AACS.

**R 338.1234a Graduate of non-accredited postsecondary institution; occupational therapy assistant; equivalency of education; NBCOT examination.**

Rule 34a. 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, R 338.7001 to R 338.7005, any other rules promulgated under the code, and section 16174 of the code, MCL 333.16174, 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 before the application for licensure and not more than 2 years after the application for licensure.

(c) Within 3 years before 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.

(d) Disclose on the application form each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country.

(e) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including 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: 2021 AACS; 2023 MR 8, Eff. April 26, 2023.

**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. An applicant meets the requirements of section 16186 of the code, MCL 333.16186, if the applicant satisfies all the requirements of the code, R 338.7001 to R 338.7005, any other rules promulgated under the code, and satisfies the following requirements, as applicable.

(2) If an applicant is actively registered or licensed in another state for 5 years or more and is in good standing as an occupational therapy assistant within 30 days before filing an application for 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 for less than 5 years and is in good standing within 30 days before filing an application for an occupational therapy assistant license in this state, then the applicant shall comply with both 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.

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(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant shall meet both of the following requirements:

- (a) Disclose on the application form each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country.
- (b) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including 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: 2014 AACCS; 2017 AACCS; 2021 AACCS; 2023 MR 8, Eff. April 26, 2023.

**R 338.1236 Requirements for relicensure; occupational therapy assistant.**

Rule 36. (1) An applicant for relicensure as an occupational therapy assistant, who has let his or her license or registration from this state lapse, 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 (√):

For an occupational therapy assistant who has let his or her registration or license from this state lapse:	Registered in this state before January 1, 2009, with lapsed registration, and did not apply for licensure before June 11, 2015.	Licensed less than 3 years.	Licensed less than 3 years or more.
(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 as defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(c) Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.	√		√
(d) Submit proof of having completed the continuing education required under R 338.1252, which was earned within the 3-year period immediately before the application for relicensure. If the continuing education hours submitted with the application are deficient, the applicant has 2 years after the date of the application to complete the deficient hours. The application must be held, and the license may not be issued until the continuing education requirements are met.	√	√	√
(e) Maintain certification as an occupational therapy assistant by the NBCOT after the registration lapsed and graduated from an accredited occupational therapy assistant educational program that meets the standards adopted by the board under R 338.1232 or meets the requirements of R 338.1234a.	√		
(f) Complete a 1-time training in identifying victims of human trafficking that meets the standards in R 338.1215.	√	√	√
(g) Meet the English language requirement under R 338.7002b and the implicit bias training required in R 338.7004.	√	√	√
(h) Within 3 years preceding the application for relicensure and not more than 2 years after the application for relicensure, 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.	√		√

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<p>(i) Satisfy 1 of the following:</p> <p>(i) Within 3 years preceding the application for relicensure and not more than 2 years after the application for relicensure, the applicant shall take and pass the NBCOT certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1), and after passing the examination complete supervised practice experience pursuant to subrule (2) of this rule.</p> <p>(ii) Present evidence to the department that the applicant was actively registered or licensed as an occupational therapy assistant in another state during the 3-year period and in good standing within 30 days before filing the application for relicensure.</p>	√		√
<p>(j) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country, shall do both of the following:</p> <p>(i) Disclose on the application form each license, registration, or certification.</p> <p>(ii) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including 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.</p>	√	√	√

(2) An applicant that has a lapsed registration or license for 3 years or more and meets the requirements of subrule (1)(i)(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 3 years or more 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.
  - (3) For purposes of meeting the requirements of subrule (2) of this rule, the department may grant an applicant a limited license to complete the supervised practice experience.
  - (4) A limited license granted under subrule (3) of this rule is valid for 1 year and may be renewed 1 time.
- History: 2014 AACS; 2017 AACS; 2021 AACS; 2023 MR 8, Eff. April 26, 2023.

**R 338.1237**

**Source:** 2021 AACS.

**R 338.1238**

**Source:** 2017 AACS.

**PART 4. TELEHEALTH**

**R 338.1241 Definitions.**

Rule 41. As used in this part:

- (a) "Telehealth" means the use of electronic information and telecommunication technologies to support or promote long-distance clinical healthcare, patient and professional health-related education, public health, or health administration. Telehealth may include, but is not limited to, telemedicine.
- (b) "Telehealth service" means a healthcare service that is provided through telehealth.
- (c) "Telemedicine" means the use of electronic media to link patients with healthcare professionals in different locations. To be considered telemedicine, the telemedicine services must be provided by a healthcare professional who is licensed, registered, or otherwise authorized to engage in his or her healthcare profession in the state where the patient is located.

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History: 2023 MR 8, Eff. April 26, 2023.

**R 338.1243 Consent; scope of practice; standard of care.**

Rule 43. (1) The licensee shall obtain informed consent for treatment before providing a telehealth service under section 16284 of the code, MCL 333.16284. Informed consent requires all of the following:

- (a) The licensee shall ensure that the patient understands that treatment is provided remotely using telehealth.
- (b) At the inception of care, any licensee who has contact with the patient shall identify himself or herself to the patient as an occupational therapist, occupational therapy assistant, or unlicensed individual.
- (c) The licensee shall ensure that the patient is mentally capable of giving informed consent for diagnosis, care, or treatment.
- (d) The licensee shall explain the alternatives, capabilities, and limitations of telemedicine and that the patient may decline to receive telehealth services.
- (2) If the patient is less than 18 years of age, or under the care of a legal guardian, a parent or legal guardian shall provide informed consent for the patient.
- (3) The licensee shall keep proof of consent for a telehealth service in the patient's up-to-date medical record and satisfy section 16213 of the code, MCL 333.16213.
- (4) A licensee who provides telehealth services shall comply with 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 healthcare service.
  - (c) Verify that telemedicine is appropriate to evaluate, diagnose, and treat the patient based on his or her unique presentation.
- (5) The licensee shall be able to examine the patient via a health insurance portability and accountability act (HIPAA) of 1996, Public Law 104-191, compliant, secure interactive audio or video, or both, telecommunications system, or through the use of store and forward online messaging.
- (6) Telehealth must be secure and comply with federal and state security and privacy regulations.

History: 2023 MR 8, Eff. April 26, 2023.

**PART 5. CONTINUING EDUCATION**

**R 338.1251 License renewal; occupational therapist; occupational therapy assistant; requirements.**

Rule 51. (1) This rule applies to an application for the renewal of an occupational therapist license, occupational therapy assistant license, and special retired volunteer license under sections 16184 and 16201 of the code, MCL 333.16184 and 333.16201.

- (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) The licensee shall retain documentation of meeting the requirements of this rule for a period of 4 years after 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 for the board's consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license. The public notice for the board meetings can be found at: <https://www.michigan.gov/lara/bureau-list/bpl/health/hp-lic-health-prof/dental>.

History: 2017 AACs; 2021 AACs; 2023 MR 8, Eff. April 26, 2023.

**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 online or electronic media, such as videos, internet web-based seminars, video conferences, online continuing education programs, and online journal articles that are asynchronous and not interactive.
- (b) Except for the 1-time training in human trafficking, which may be used to comply with the requirement for the 1-time training and continuing education requirements, 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

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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, either in-person or virtual, that provide for the opportunity for direct interaction during the course or program, between faculty and participants, including, but not limited to, lectures, symposia, live teleconferences, and workshops. The remaining continuing education contact hours may be completed in another format.

(3) The following are acceptable continuing education activities:

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES		
(a)	<p>Completion of an approved continuing education program or activity related to the practice of occupational therapy. A continuing education program or activity is approved if it is approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> <li>• AOTA.</li> <li>• International Association for Continuing Education and Training authorized providers.</li> <li>• Michigan Occupational Therapy Association.</li> <li>• NBCOT.</li> <li>• Another state or provincial board of occupational therapy.</li> <li>• An occupational therapy education program approved by the board in R 338.1222.</li> <li>• Employer-provided work-place training.</li> <li>• Third-party presentation that contributes to professional growth, development, and competency of occupational therapy practitioners.</li> </ul> <p>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 the program was held or activity completed.</p>	<p>The number of hours approved by the sponsor or the approving organization may be earned in each renewal period.</p> <p>If the activity was not approved for a set number of hours, then 1 hour of continuing education for each 60 minutes of participation may be earned.</p> <p>Credit in this category may be earned without limitation.</p>
(b)	<p>Completion of academic courses related to the practice of occupational therapy offered in an occupational therapy education program approved by the board pursuant to R 338.1222.</p> <p>If audited, an applicant shall submit an official transcript that reflects completion of the academic course and number of semester or quarter credit hours earned.</p>	<p>Five hours of continuing education may be earned for each semester credit hour earned.</p> <p>Three hours of continuing education may be earned for each quarter credit hour earned.</p> <p>Credit in this category may be earned without limitation.</p>
(c)	<p>Initial publication of a chapter or an article related to the practice of occupational therapy in any of the following:</p> <ul style="list-style-type: none"> <li>• A peer-reviewed textbook.</li> <li>• A professional healthcare textbook.</li> <li>• A peer-reviewed journal or periodical.</li> <li>• A practice area related article in a lay</li> </ul>	<p>A maximum of 10 hours of continuing education may be earned in each renewal period.</p> <p>Ten hours of continuing education may be earned for publishing a peer-reviewed textbook, professional healthcare textbook,</p>

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	<p>publication (community newspaper or newsletter).</p> <ul style="list-style-type: none"> <li>• A non-peer-reviewed professional publication (such as <i>OT Practice</i>, <i>SIS Quarterly</i> and <i>Advance</i>).</li> </ul> <p>If audited, an applicant shall submit a copy of the publication that identifies the applicant as the author of the publication or a publication acceptance letter.</p>	<p>or a peer-reviewed journal or periodical.</p> <p>Two hours of continuing education may be earned for publishing a practice related article in a lay publication.</p> <p>Five hours of continuing education may be earned for publishing a non peer-reviewed professional publication.</p>
(d)	<p>Independent reading of peer-reviewed articles or viewing or listening to media related to the practice of occupational therapy that does not include a self-assessment part.</p> <p>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.</p>	<p>One hour of continuing education may be earned for each 60 minutes of participation.</p> <p>A maximum of 5 hours of continuing education may be earned in each renewal period.</p>
(e)	<p>Initial presentation of an academic or continuing education program that is not a part of the applicant's regular job description.</p> <p>If audited, an applicant shall submit a copy of the curriculum and a letter from the program sponsor verifying the length and date of the presentation.</p>	<p>Three hours of continuing education may be earned for each 60 minutes of presentation.</p> <p>A maximum of 10 hours of continuing education may be earned in each renewal period.</p>
(f)	<p>Fieldwork supervision that is not part of the applicant's primary job description.</p> <p>If audited, an applicant shall submit a copy of a letter of verification or certificate from school including dates of fieldwork and name of fieldwork student.</p>	<p>Level I: One hour of continuing education, for all supervision activities, may be earned per student.</p> <p>Level II: One hour of continuing education may be earned for each week of supervision per student supervised.</p> <p>A maximum of 12 hours of continuing education may be earned in each renewal period.</p>
(g)	<p>Participating on a state or national board, board of a local chapter, association, or-committee, or volunteering if the activity enhances the participant's knowledge and understanding of the field of occupational therapy.</p> <p>If audited, an applicant shall submit documentation verifying the licensee's participation in not less than 50% of the regularly scheduled meetings of the board.</p>	<p>A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</p> <p>Attendance at a meeting equals 1 credit hour of continuing education.</p> <p>Attendance at a volunteering activity equals 1 credit hour of continuing education.</p>
(h)	<p>Primary or co-primary investigator in research activities or outcome studies, or externally funded service training projects associated with grants or post-graduation studies related to the field of occupational therapy.</p> <p>If audited, an applicant shall submit documentation verifying the licensee's participation as a primary or</p>	<p>A maximum of 10 hours of continuing education may be earned in each renewal period.</p>



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	co-primary investigator or in externally funded service training projects associated with grants or post-graduation studies related to the field of occupational therapy.	
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History: 2017 AACCS;2021 AACCS;2023 MR 8, Eff. April 26, 2023.

**R 338.1253**

Source: 1997 AACCS.

**R 338.1254**

Source: 1997 AACCS.

**R 338.1255**

Source: 1997 AACCS.

**R 338.1256**

Source: 1997 AACCS.

**R 338.1257**

Source: 1997 AACCS.

**R 338.1258**

Source: 1997 AACCS.

**R 338.1259**

Source: 1997 AACCS.

**R 338.1260**

Source: 1997 AACCS.

**R 338.1261**

Source: 1997 AACCS.

**R 338.1262**

Source: 1997 AACCS.

**R 338.1263**

Source: 1997 AACCS.

**R 338.1264**

Source: 1997 AACCS.

**R 338.1265**

Source: 1997 AACCS.

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**DIRECTOR'S OFFICE**

**ATHLETIC TRAINING - GENERAL RULES**

**PART 1. GENERAL PROVISIONS**

**R 338.1301 Definitions.**

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

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- (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.
- (2) Terms defined in the code have the same meanings when used in these rules.
- History: 2010 AACCS; 2017 AACCS; 2019 AACCS; 2021 AACCS; 2023 MR 6, Eff. March 23, 2023.

**R 338.1302**

**Source:** 2021 AACCS.

**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 have completed 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 this state or the United States.
    - (ii) Identifying victims of human trafficking in health care settings.
    - (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
    - (iv) Resources for reporting the suspected victims of human trafficking.
  - (b) Acceptable providers or methods of training include any of the following:
    - (i) Training offered by a nationally recognized or state-recognized, health-related organization.
    - (ii) Training offered by, or in conjunction with, a state or federal agency.
    - (iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
    - (iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
  - (c) Acceptable modalities of training 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.

History: 2016 AACCS; 2019 AACCS; 2021 AACCS; 2023 MR 6, Eff. March 23, 2023.

**R 338.1305**

**Source:** 2017 AACCS.

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

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- (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 AACS; 2023 MR 6, Eff. March 23, 2023.

**R 338.1313**

**Source:** 2017 AACS.

**R 338.1317 Licensure by endorsement.**

Rule 17. 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 and the rules promulgated under 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 or licensed in a province of Canada immediately preceding the application for licensure.
- (b) Provide verification that he or she holds a current, valid BOC certification, which includes verification from the BOC showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.
- (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.
- (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 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.

History: 2010 AACS; 2017 AACS; 2019 AACS; 2021 AACS; 2023 MR 6, Eff. March 23, 2023.

**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 submit a completed application on a form provided by the department with the requisite fee, and in addition to satisfying the requirements of the code and the rules promulgated under the code, satisfy all of the following requirements:

- (a) Provide verification that the applicant holds a national licensure, registration, certification, or other athletic training professional endorsement recognized by the BOC, which includes verification from the BOC showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.
  - (b) Pass 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.
  - (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 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.
- (2) If an applicant holds current certification in good standing by the BOC, the applicant is presumed to have satisfied the requirements of subrules (1)(a) and (1)(b) of this rule. The applicant's certification must be verified by the BOC. Verification from the BOC must show that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.

History: 2010 AACS; 2017 AACS; 2019 AACS; 2021 AACS; 2023 MR 6, Eff. March 23, 2023.

**R 338.1321a**

**Source:** 2021 AACS.

**R 338.1325**

**Source:** 2021 AACS.

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**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. (1) 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 requirements of the code, the rules promulgated and under code, and the following requirements as noted by (√):

		Lapsed less than 3 years	Lapsed 3 years or more
(a) 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:			
(i)	Submit a completed application on a form provided by the department, together with the requisite fee.	√	√
(ii)	Establish that he or she is of good moral character.	√	√
(iii)	Submit fingerprints as required in section 16174(3) of the code, MCL 333.16174.		√
(iv)	Establish that he or she holds a current, valid BOC certification.	√	√
(v)	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.	√	√
(vi)	Have completed 75 hours of approved CE credits, as provided under R 338.1357, during the 3 years immediately preceding relicensure.	√	√
(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 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.	√	√
(b) 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

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certification in another state of the United States, province of Canada, or other country:			
(i)	Submit a completed application on a form provided by the department, together with the requisite fee.	√	√
(ii)	Establish that he or she is of good moral character.	√	√
(iii)	Submit fingerprints as required in section 16174(3) of the code, MCL 333.16174.		√
(iv)	Establish that he or she holds a current, valid BOC certification.	√	√
(v)	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.	√	√
(vi)	Have completed 75 hours of approved CE credits, as provided under R 338.1357, during the 3 years immediately preceding relicensure.	√	√
(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 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.	√	√

(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: 2010 AACS; 2017 AACS; 2019 AACS; 2021 AACS; 2023 MR 6, Eff. March 23, 2023.

**R 338.1349 License renewal requirements; adoption of BOC continuing education standards.**

Rule 49. (1) Until the end of the applicant's current renewal cycle, an applicant for license renewal shall satisfy the requirements of R 338.7001 to R 338.7005 and 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) Beginning with the licensee's first renewal cycle following promulgation of these rules, an applicant for license renewal shall satisfy the requirements of R 338.7001 to R 338.7005 and both of the following:

(a) The continuing education standards established by the BOC in the publication titled Certification Maintenance Requirements for Certified Athletic Trainers, Reporting Period Ending December 31, 2021, which are adopted by reference in these rules as required under section 17905(2) of the code, MCL 333.17905. This document is available free of charge from the BOC at <https://bocatc.org/athletic-trainers/maintain-certification/continuing-education/continuing-education> or at a cost of 10 cents per page from the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing at 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.

(b) As a part of the continuing education required under subpart (a) of this subrule, complete a minimum of 3 hours of continuing education in pain and symptom management, as required under section 16204 of the code, MCL 333.16204.

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

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- (4) The board may require the licensee to submit evidence to demonstrate compliance with this rule.
- (5) 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.
- (6) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.

History: 2010 AACS; 2017 AACS; 2019 AACS; 2021 AACS; 2023 MR 6, Eff. March 23, 2023.

**R 338.1353**

Source: 2017 AACS.

**PART 3. EDUCATIONAL AND TRAINING AND CERTIFICATION PROGRAMS**

**R 338.1354**

Source: 2021 AACS.

**R 338.1355**

Source: 2021 AACS.

**PART 4. CONTINUING EDUCATION**

**R 338.1357 Limitations for accumulating continuing education; approved continuing education.**

Rule 57. (1) Until the end of the applicant's current renewal cycle, 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 for activities listed in subrule (5)(b) to (g) of this rule.
- (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) or R 338.1349(2)(b), as applicable, 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) Until the end of the applicant's current renewal cycle, the board approves and adopts by reference the standards of the BOC set forth in the publication titled "Practice Analysis, 7<sup>th</sup> Edition, Outline: Domains and Tasks," effective for April 2017 exam and January 1, 2018 continuing education. This document is available free of charge from the BOC at [https://bocarc.org/system/document\\_versions/versions/24/original/boc-pa7-content-outline-20170612.pdf?1497279231](https://bocarc.org/system/document_versions/versions/24/original/boc-pa7-content-outline-20170612.pdf?1497279231) or at a cost of 10 cents per page from the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing at 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.
- (4) Until the end of the applicant's current renewal cycle, any continuing education program approved by the BOC is considered approved by the board.
- (5) Until the end of the applicant's current renewal cycle, 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 during each year of the renewal cycle.  If audited, the licensee shall provide evidence from the BOC that the licensee held a valid BOC certification during each year of the renewal cycle.	Seventy five hours of continuing education are 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	The number of continuing education hours earned for a specific program or activity is the number of hours approved by the sponsor or the approving

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	<p>person programs; interactive or monitored teleconference, audio-conference, or web-based programs; online programs; and journal articles or other self-study programs approved or offered by any of the following:</p> <p>The BOC.          Another state or provincial board of athletic trainers.          A state or provincial board related to the practice of medicine, osteopathic medicine and surgery, or physical therapy.</p> <p>If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or other activity for which the continuing education credit was given, and the date on which the program or activity was completed.</p>	organization for the specific program or activity.
(c)	<p>Initial presentation of continuing education program related to the practice of athletic trainer to a state, regional, national, or international athletic training organization.</p> <p>To receive credit, the presentation 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:</p> <p>Another state or provincial board of athletic trainers.          A state or provincial board related to the practice of medicine, osteopathic medicine and surgery, or physical therapy.</p> <p>If audited, the licensee shall submit a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter, and the name of the organization that approved or offered the presentation for continuing education credit.</p>	Ten hours of continuing education credit are earned for each 50 to 60 minutes of presentation. No additional credit is earned for preparation of a presentation. A maximum of 50 hours of continuing education may be earned for this activity in each renewal cycle.
(d)	<p>Initial presentation of a scientific exhibit, poster, scientific paper, or clinical demonstration to an athletic training organization.</p> <p>To receive credit, the presentation must not be part of the licensee's regular job description or performed in the normal course of the licensee's employment.</p> <p>If audited, the licensee shall submit a copy of the document presented with evidence of presentation or a letter from the program sponsor verifying the length and date of the presentation.</p>	Ten hours of continuing education are earned for serving as a primary presenter. Five hours of continuing education are earned 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)	<p>Initial publication of an article related to the practice of athletic training in a peer-reviewed journal.</p> <p>If audited, the licensee shall submit a copy of the</p>	Fifteen hours of continuing education are earned for serving as a primary author. Ten hours of continuing education are earned for serving as a secondary author. The maximum number of credit

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	publication that identifies the licensee as the author of the publication or an acceptance letter.	hours permitted per renewal cycle for this activity is subject to subrule (1)(d) of this rule.
(f)	<p>Initial publication of a chapter related to the practice of athletic training in any of the following:</p> <p>A professional or health care textbook. A peer-reviewed textbook. A book related to the practice of athletic training.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	Ten hours of continuing education are earned 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)	<p>Passing an academic course or residency program related to the practice of athletic training that is offered by either of the following:</p> <p>An athletic training program that satisfies the standards adopted in R 338.1354(1). A higher education institution accredited by an organization that satisfies the standards of R 338.1354(2).</p> <p>If audited, a licensee shall submit a copy of the transcript showing credit hours of the academic course related to athletic training.</p>	Ten hours of continuing education are earned for each course. A maximum of 50 hours per renewal cycle may be earned for this activity.

(6) Beginning with the licensee's first renewal cycle following promulgation of these rules, an applicant for license renewal shall comply with all BOC continuing education standards adopted by reference in R 338.1349(2)(a). If audited, the licensee shall provide evidence of 1 of the following:

- (a) Verification from the BOC that the renewal applicant held a valid BOC certification during each year of the renewal cycle.
- (b) Proof that during the 3-year license renewal cycle the renewal applicant completed the BOC continuing education standards for the renewal of a 2-year certification and the BOC requirements for the renewal of a 1-year certification. The proof must be a copy of the letter or certificate issued by the BOC-approved continuing education provider, which must include all of the following:
  - (i) The participant's name.
  - (ii) The number of continuing education hours earned.
  - (iii) The sponsor's name and BOC approval number.
  - (iv) The date or dates the licensee participated in the program or activity.

History: 2010 AACCS; 2017 AACCS; 2019 AACCS; 2021 AACCS; 2023 MR 6, Eff. March 23, 2023.

**R 338.1361**

**Source:** 2014 AACCS.

**R 338.1365**

**Source:** 2017 AACCS.

**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) The licensee shall provide direct supervision if the licensee delegates an act, task, or function related to the practice of athletic training to a delegatee who is unlicensed or licensed and the act, task, or function does not fall within the delegatee's licensed scope of practice. As used in this subrule, "direct supervision" means the licensee is physically present and



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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 AACS; 2023 MR 6, Eff. March 23, 2023.

**R 338.1373**

Source: 2017 AACS.

**R 338.1377**

Source: 2017 AACS.

**R 338.1378**

Source: 2021 AACS.

**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**

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**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**

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**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.

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**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**  
Source: 2021 AACS.

**R 338.1601b**  
Source: 2022 AACS.

**R 338.1602a**  
Source: 2022 AACS.

**R 338.1602a**  
Source: 2021 AACS.

**PART 2. HISTORICAL RECORDS**

**R 338.1603**  
Source: 2021 AACS.

**PART 3. INVESTIGATIONS**

**R 338.1604**  
Source: 2022 AACS.

**R 338.1605**  
Source: 2021 AACS.

**R 338.1606**  
Source: 2021 AACS.

**R 338.1607**  
Source: 2021 AACS.

**PART 4. PLEADINGS**

**R 338.1607a**  
Source: 2022 AACS.

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

**R 338.1608**  
Source: 2021 AACS.

**R 338.1609**  
Source: 2021 AACS.

**R 338.1610**  
Source: 2022 AACS.

**R 338.1611**  
Source: 2015 AACS.

**R 338.1612**  
Source: 2021 AACS.

**R 338.1614**  
Source: 2015 AACS.

**R 338.1615**  
Source: 2021 AACS.

**R 338.1616**  
Source: 2015 AACS.

**R 338.1617**  
Source: 2015 AACS.

**R 338.1618**  
Source: 2015 AACS.

**R 338.1619**  
Source: 2015 AACS.

**R 338.1620**  
Source: 2015 AACS.

**R 338.1621**  
Source: 2015 AACS.

**R 338.1622**  
Source: 2015 AACS.

**R 338.1623**  
Source: 2015 AACS.

**R 338.1624**  
Source: 2015 AACS.

**R 338.1625**  
Source: 2015 AACS.

**R 338.1626**  
Source: 2015 AACS.

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**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**  
**Source:** 2022 AACS.

**R 338.1631**  
**Source:** 2021 AACS.

**R 338.1632**  
**Source:** 2021 AACS.

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

**R 338.1632a**  
**Source:** 2021 AACS.

**R 338.1633**  
**Source:** 2015 AACS.

**R 338.1634**  
**Source:** 2015 AACS.

**R 338.1635**  
**Source:** 2015 AACS.

**R 338.1636**  
**Source:** 2015 AACS.

**R 338.1637**  
**Source:** 2015 AACS.

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**DIRECTOR'S OFFICE**

**COUNSELING - GENERAL RULES**

**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) "CACREP" means the Council for Accreditation of Counseling and Related Educational Programs.

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- (c) "CCE" means the Center for Credentialing and Education, Inc.
  - (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.
  - (f) "Supervisor" means a licensed professional counselor that received training in the function of counseling supervision, as specified in R 338.1781.
  - (g) "Under the supervision of a licensed professional counselor" means under the ongoing supervision of a professional counselor licensed in this state that satisfies the requirements of a supervisor or under the ongoing supervision of an individual in another state that substantially satisfies 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 AACs; 2023 MR 8, Eff. April 26, 2023.

**R 338.1751a**

**Source:** 2021 AACs.

**R 338.1752**

**Source:** 2021 AACs.

**R 338.1752a**

**Source:** 2021 AACs.

**R 338.1753**

**Source:** 2021 AACs.

**R 338.1753a**

**Source:** 2021 AACs.

**R 338.1753b**

**Source:** 2021 AACs.

**R 338.1753c**

**Source:** 2021 AACs.

**R 338.1754**

**Source:** 2021 AACs.

**R 338.1755**

**Source:** 2021 AACs.

**R 338.1756**

**Source:** 2012 AACs.

**R 338.1757**

**Source:** 2021 AACs. **R 338.1758 Telehealth.**

Rule 58. (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 maintain proof of consent for telehealth treatment in the patient's up-to-date medical record and satisfy 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 healthcare service.

History: 2023 MR 8, Eff. April 26, 2023.

**PART 2. EDUCATION**

**R 338.1761 Accreditation standards; higher education institutions; adoption by reference.**

Rule 61. (1) The standards for recognition of accrediting organizations developed and adopted by the Council for Higher

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Education Accreditation (CHEA), One Dupont Circle NW, Suite 510, Washington, District of Columbia 20036, in the publication titled “CHEA Standards and Procedures for Recognition,” effective October 4, 2021, which are available at no cost on the council’s website at <https://www.chea.org>, are approved and adopted by reference.

(2) The criteria for recognition and process for the secretary’s recognition of accrediting agencies of the United States Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Washington, District of Columbia 20202, in 34 CFR 602.10 to 602.39, effective July 1, 2020, which are available at no cost on the department’s website at <https://www2.ed.gov/about/offices/list/oep/index.html>, are approved and adopted by reference.

(3) The procedures and standards for counsellor education programs at the master’s level developed and adopted by the Canadian Counselling and Psychotherapy Association’s (CCPA) Council on Accreditation of Counsellor Education Programs, 202-245 Menten Place, Ottawa, Ontario, K2H 9E8, in the publication titled “CCPA Accreditation Procedures and Standards for Counsellor Education Programs at the Master’s Level,” approved May 2002, which are available at no cost on the association’s website at <https://www.ccpa-accp.ca>, are approved and adopted by reference.

(4) Copies of the standards in this rule are available for inspection and distribution at a cost of 10 cents per page from the Board of Counseling, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, Lansing, Michigan 48909.

History: 2021 AACCS; 2023 MR 8, Eff. April 26, 2023.

**R 338.1763 Accreditation standards; counselor training programs; adoption by reference.**

Rule 63. (1) The standards for accrediting master’s-level counseling degree programs and doctoral-level counseling or counselor education and supervision programs developed and adopted by CACREP, 500 Montgomery Street, Suite 350, Alexandria, Virginia 22314, in the publication titled “Council for Accreditation of Counseling and Related Educational Programs (CACREP), 2016 Standards,” which are available at no cost on the council’s website at <https://www.cacrep.org>, are approved and adopted by reference.

(2) The standards for accrediting master’s-level counseling degree programs and doctoral-level counseling or counselor education and supervision programs developed and adopted by CACREP, 500 Montgomery Street, Suite 350, Alexandria, Virginia 22314, in the publication titled “Council for Accreditation of Counseling and Related Educational Programs (CACREP), 2009 Standards,” which are available at no cost on the council’s website at <https://www.cacrep.org>, are approved and adopted by reference.

(3) Copies of the standards in this rule are available for inspection and distribution at a cost of 10 cents per page from the Board of Counseling, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, Lansing, Michigan 48909.

History: 2021 AACCS; 2023 MR 8, Eff. April 26, 2023.

**R 338.1765 Counselor educational training requirements.**

Rule 65. A counselor educational training program must be conducted at an accredited higher education institution and the educational institution or accrediting institution must satisfy 1 of the standards approved and adopted under R 338.1761. The counselor educational training program must also satisfy 1 of the following requirements:

(a) The program holds CACREP accreditation 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 that 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 the applicant’s educational program and any supplemental coursework 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, found at the website <https://cce-global.org>.

(B) A credential evaluation organization that is a current member organization of the National Association of Credential Evaluation Services (NACES), found at the website <https://www.naces.org>.

(ii) For applicants that 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 the applicant’s educational program and any supplemental coursework 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, found at the website <https://cce-global.org>.



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(B) A credential evaluation organization that is a current member organization of NACES, found at the website <https://www.naces.org>.

History: 2021 AACCS; 2023 MR 8, Eff. April 26, 2023.

**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 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 healthcare settings.
- (iii) Identifying the warning signs of human trafficking in healthcare 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 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-reviewed journal, healthcare 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-reviewed journal, healthcare 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 AACCS; 2023 MR 8, Eff. April 26, 2023.

**R 338.1772 Application requirements; limited licenses; disclosure of supervision requirement.**

Rule 72. An applicant for a limited licensed counselor license shall satisfy the requirements of the code, the rules promulgated under the code, and all the following requirements:

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

(b) Provide proof, as directed by the department, verifying completion of a master's or doctoral degree in a program that satisfies the requirements under R 338.1765.

(c) Provide 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 counselor's professional disclosure statement, when provided to the client, must state that the limited licensed counselor shall practice under the supervision of a licensed professional counselor in this state in good standing. In addition to the requirements under section 18113 of the code, MCL 333.18113, the disclosure statement must identify the licensed professional counselor in this state that is supervising the limited licensed counselor's practice.

(d) In addition to the professional disclosure statement required under section 18113(3) of the code, MCL 333.18113, and subrule (c) of this rule, the applicant shall provide a separate statement to the department identifying the licensed professional counselor in this state that is supervising the limited licensed counselor's practice and the licensed professional counselor's

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supervising qualifications, including how the supervising licensed professional counselor in this state satisfies the requirements in R 338.1781(1) and (2). Any changes to the statement must be filed with the department within 30 days after the changes are made. The requirements under this subrule are effective 90 days after the promulgation of this revised rule.

History: 2021 AACCS; 2023 MR 8, Eff. April 26, 2023.

**R 338.1773**

**Source:** 2021 AACCS.

**R 338.1774 Application requirements; licensure by examination.**

Rule 74. (1) An applicant for a professional counselor license shall satisfy the requirements of the code, the rules promulgated under the code, and all the following requirements:

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

(b) Provide proof, as directed by the department, verifying completion of a master's or doctoral degree in a program that satisfies the requirements under R 338.1765.

(c) Provide proof, as directed by the department, verifying the engagement in the practice of counseling under section 18101(d) of the code, MCL 333.18101, that involved an opportunity to work with a broad range of the population and 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 that 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 or 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 on the issuance of the limited license and continues until the licensed professional counselor license is issued.

(ii) For an applicant that 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 or 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 on the issuance of the limited license and continues until the licensed professional counselor license is issued.

(d) Provide proof, as directed by the department, verifying a passing score on an examination approved and adopted under either R 338.1773(1), (2), or (3).

(e) Provide a professional disclosure statement with the application for licensure, as required under section 18113(3) of the code, MCL 333.18113.

(2) For practice experience gained in this state, an applicant shall have held a limited license under R 338.1772, while accruing the experience, and the limited licensed counselor shall have practiced under the supervision of a licensed professional counselor in this state in good standing throughout the period of supervision.

History: 2021 AACCS; 2023 MR 8, Eff. April 26, 2023.

**R 338.1775 Application requirements; licensure by endorsement.**

Rule 75. (1) An applicant for a professional counselor license by endorsement shall satisfy the requirements of the code, the rules promulgated under the code, and all the following requirements:

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

(b) Provide proof, as directed by the department, verifying a current and full professional counselor license in another state or in a province of Canada.

(c) Provide proof, as directed by the department, verifying completion of a master's or doctoral degree in a program that satisfies the requirements under R 338.1765.

(d) Provide proof, as directed by the department, verifying a passing score on an examination approved and adopted under either R 338.1773(1), (2), or (3) for a professional counselor license in another state or in a province of Canada to obtain licensure as a professional counselor in another state or in a province of Canada.

(e) Provide a professional disclosure statement with the application for licensure, as required under section 18113(3) of the code, MCL 333.18113.

(2) An applicant that provides proof, as directed by the department, verifying a current and full license in good standing as a licensed professional counselor in another state for not less than the last 5 years before the date of filing the application for a professional counselor license by endorsement is presumed to satisfy the requirements of subrule (1)(b), (c), and (d) of this rule.

(3) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country shall disclose that fact on the application form. The

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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 AACCS; 2023 MR 8, Eff. April 26, 2023.

**R 338.1776 Relicensure; examination equivalency.**

Rule 76. Pursuant to section 18114(2)(a)(iii) of the code, MCL 333.18114, retaking and passing the examination under R 338.1773(3) is equivalent to retaking and passing an examination described in section 18114(2)(a)(i) or (ii) of the code, MCL 333.18114.

History: 2021 AACCS; 2023 MR 8, Eff. April 26, 2023.

**R 338.1777 License renewal; requirements.**

Rule 77. (1) An applicant for renewal shall satisfy the requirements of the code and the rules promulgated under the code.

(2) An applicant for license renewal that has been licensed for the 3-year period immediately preceding the application for renewal shall provide the required fee and a completed application on a form provided by the department.

(3) Effective January 1, 2012, a limited license may be renewed annually, but for no more than 10 years. Relicensure of the limited license is considered the same as renewal for the purposes of this subrule.

(4) In cases of hardship, the department, in consultation with the board, may consider a request for an extension of the 10-year period under subrule (3) of this rule. A maximum of three 1-year extension requests will be considered from an individual. The department shall receive a request for an extension for the board's consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license. A request must include, at a minimum, the following information:

(a) A description of the hardship and how it impacted the limited licensed counselor's ability to fulfill the requirements for full licensure.

(b) A description of the cause for the hardship.

(c) A description of measures taken to remedy the hardship.

(d) Whether the hardship still exists.

(e) The number of supervised hours currently completed.

(f) The number of supervised hours left to complete.

(g) The names and contact information for all licensed professional counselors in this state that have supervised the limited licensed counselor and the periods of supervision during the time that the limited licensed counselor has held the limited license.

(h) The names, contact information, periods of employment, and nature of work performed during the time that the limited licensed counselor has held the limited license.

(i) The dates tried and the number of attempts to pass any of the examinations under R 338.1773.

(j) Whether the limited licensed counselor made a prior hardship request and, if so, the decision on the prior request.

History: 2023 MR 8, Eff. April 26, 2023.

**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) Provided supervision for the first time on or before January 1, 2013, completed training in the function of counseling supervision, and acquired not less than 3 years post-master's practice in counseling.

(b) Provided supervision for the first time after January 1, 2013, and before March 5, 2022, completed training in the function of counseling supervision that satisfies the requirements of subrule (2) of this rule, and acquired not less than 3 years of post-master's practice in counseling.

(c) Provided supervision for the first time on or after May 5, 2022, completed training in the function of counseling supervision that satisfies the requirements of subrule (2) of this rule, and acquired not less than 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.

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- (ii) Thirty contact hours of workshop training in counseling supervision.
  - (b) The specialized training specified in subdivision (a) of this subrule must include studies in all 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 satisfies the requirements in subrules (1) and (2) of this rule.
  - (4) A licensee that 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 AACS; 2023 MR 8, Eff. April 26, 2023.

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**DIRECTOR'S OFFICE**

**BEHAVIOR ANALYSTS - GENERAL RULES**

**PART 1. GENERAL PROVISIONS**

**R 338.1801**

Source: 2021 AACS.

**PART 2. LICENSURE**

**R 338.1821**

Source: 2021 AACS.

**R 338.1823**

Source: 2021 AACS.

**R 338.1824**

Source: 2021 AACS.

**R 338.1825**

Source: 2021 AACS.

**R 338.1827**

Source: 2021 AACS.

**PART 3. STANDARDS OF PRACTICE**

**R 338.1831**

Source: 2021 AACS.

**R 338.1832**

Source: 2021 AACS.

**R 338.1833**

Source: 2021 AACS.

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**R 338.1835**  
**Source:** 2021 AACS.

**MARRIAGE COUNSELORS**

**R 390.1801**  
**Source:** 2003 AACS.

**PART 1. ORGANIZATION OF BOARD**

**R 338.1811**  
**Source:** 1997 AACS.

**R 338.1812**  
**Source:** 1997 AACS.

**R 338.1813**  
**Source:** 1997 AACS.

**R 338.1814**  
**Source:** 1997 AACS.

**R 338.1815**  
**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**

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**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.

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**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.

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**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**  
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**R 338.2026**  
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**R 338.2027**  
Source: 1997 AACS.

**R 338.2028**  
Source: 1997 AACS.



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**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 338.2034**  
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**R 338.2043**  
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**R 338.2044**  
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**R 338.2045**  
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**R 338.2046**  
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**R 338.2047**  
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**R 338.2048**

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**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.

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**DIRECTOR'S OFFICE**

**COSMETOLOGY – GENERAL RULES**

**PART 1. GENERAL PROVISIONS**

**R 338.2101**

**Source:** 2021 AACS.

**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**

**Source:** 2021 AACS.

**R 338.2121b**

**Source:** 2021 AACS.

**R 338.2121c**

**Source:** 2021 AACS.

**R 338.2122**

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**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**

**Source:** 2021 AACS.

**R 338.2127**

**Source:** 2021 AACS.

**R 338.2128**

**Source:** 1979 AC.

**PART 3. GENERAL TRAINING ADMINISTRATION**

**R 338.2131**

**Source:** 2021 AACS.

**R 338.2132**

**Source:** 2021 AACS.

**R 338.2132a**

**Source:** 1998-2000 AACS.

**R 338.2133**

**Source:** 2021 AACS.

**R 338.2134**

**Source:** 2021 AACS.

**R 338.2135**

**Source:** 2014 AACS.

**R 338.2136**

**Source:** 2021 AACS.

**R 338.2137**

**Source:** 2021 AACS.

**R 338.2138**

**Source:** 2021 AACS.

**R 338.2139**

**Source:** 2021 AACS.

**R 338.2139a**

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**Source:** 2014 AACCS.

**PART 4. SCHOOL TRAINING PROGRAMS**

**R 338.2141**

**Source:** 2014 AACCS.

**R 338.2142**

**Source:** 2014 AACCS.

**R 338.2143**

**Source:** 2014 AACCS.

**R 338.2144**

**Source:** 2014 AACCS.

**R 338.2145**

**Source:** 2014 AACCS.

**R 338.2146**

**Source:** 1998-2000 AACCS.

**R 338.2147**

**Source:** 1997 AACCS.

**R 338.2148**

**Source:** 1998-2000 AACCS.

**R 338.2149**

**Source:** 1998-2000 AACCS.

**PART 5. APPRENTICE TRAINING PROGRAMS**

**R 338.2151**

**Source:** 2021 AACCS.

**R 338.2151a**

**Source:** 1998-2000 AACCS.

**R 338.2152**

**Source:** 1998-2000 AACCS.

**R 338.2153**

**Source:** 2021 AACCS.

**R 338.2155**

**Source:** 1997 AACCS.

**R 338.2156**

**Source:** 1998-2000 AACCS.

**PART 4. CURRICULUM**

**R 338.2158**

**Source:** 2021 AACCS.

**R 338.2161**

**Source:** 2021 AACCS.

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**R 338.2161a**  
Source: 2021 AACS.

**R 338.2161b**  
Source: 2021 AACS.

**R 338.2162**  
Source: 2021 AACS.

**R 338.2162a**  
Source: 2021 AACS.

**R 338.2163**  
Source: 2021 AACS.

**R 338.2163a**  
Source: 2021 AACS.

**R 338.2163b**  
Source: 2021 AACS.

**R 338.2163c**  
Source: 2021 AACS.

**R 338.2164**  
Source: 1981 AACS.

**R 338.2165**  
Source: 1981 AACS.

**R 338.2166**  
Source: 2021 AACS.

**R 338.2167**  
Source: 2021 AACS.

**R 338.2168**  
Source: 2021 AACS.

**R 338.2169**  
Source: 2021 AACS.

**R 338.2169a**  
Source: 2021 AACS.

**R 338.2169b**  
Source: 2021 AACS.

**PART 5. HEALTH AND SAFETY**

**R 338.2171**  
Source: 2021 AACS.

**R 338.2171a**  
Source: 2021 AACS.

**R 338.2171b**  
Source: 2021 AACS.

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**R 338.2171c**  
Source: 2021 AACS.

**R 338.2172**  
Source: 1998-2000 AACS.

**R 338.2173**  
Source: 2021 AACS.

**R 338.2174**  
Source: 1998-2000 AACS.

**R 338.2175**  
Source: 1998-2000 AACS.

**R 338.2176**  
Source: 2021 AACS.

**R 338.2178**  
Source: 2021 AACS.

**R 338.2179**  
Source: 2021 AACS.

**R 338.2179a**  
Source: 2021 AACS.

**R 338.2179b**  
Source: 2021 AACS.

**R 338.2179c**  
Source: 2021 AACS.

**R 338.2179d**  
Source: 2021 AACS.

**R 338.2179e**  
Source: 2004 AACS.

**R 338.2179f**  
Source: 2021 AACS.

**R 338.2179g**  
Source: 2021 AACS.

**R 338.2179h**  
Source: 2021 AACS.

**PART 6. OPERATION OF MOBILE SALON**

**R 338.2180**  
Source: 2021 AACS.

**R 338.2181**  
Source: 1998-2000 AACS.

**R 338.2182**

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**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**

**Source:** 2021 AACS.

**R 338.2188**

**Source:** 2021 AACS.

**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.
- (2) Terms defined in the code have the same meanings when used in these rules.

History: 2006 AACS; 2019 AACS; 2021 AACS; 2023 MR 6, Eff. March 22, 2023.

**R 338.2201a Training standards for identifying victims of human trafficking; requirements.**

Rule 2201a. (1) Under section 16148 of the code, MCL 333.16148, an individual licensed or seeking licensure shall have completed 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 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.

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- (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 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-reviewed 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 an individual and request documentation of proof of completion of training. If audited by the department, the 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 the 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 the article, author, publication name of the peer-reviewed journal, health care journal, or professional or scientific journal, and the date, volume, and issue of publication, as applicable.

History: 2016 AACS; 2019 AACS; 2021 AACS; 2023 MR 6, Eff. March 22, 2023.

**R 338.2201b**

Source: 2021 AACS.

**PART 2. LICENSURE**

**R 338.2202**

Source: 2019 AACS.

**R 338.2202a. Applicant trained outside the United States or Canada; education evaluated.**

Rule 2202a. Under section 16174(1)(c) of the code, MCL 333.16174, an applicant who was trained outside the United States or Canada shall have his or her education evaluated by an organization accredited by the National Association of Credential Evaluation Services (NACES) to determine if the applicant satisfies the requirements of R 338.2202.

History: 2019 AACS; 2023 MR 6, Eff. March 22, 2023.

**R 338.2202b**

Source: 2021 AACS.

**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 who has been licensed or registered in another state or licensed in a province of Canada for 5 years or more, in addition to meeting the requirements of the code and the rules promulgated under the code, shall comply with all of the following:

- (a) Submit a completed application on a form provided by the department, with the requisite fee.
- (b) Hold an active license or registration in good standing from another state or license in good standing from a province of Canada immediately preceding the date of filing an application for licensure by endorsement.



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(c) Be of good moral character.

(2) In addition to complying with the requirements of subrule (1) of this rule, if the applicant has been licensed or registered in another state or licensed in a province of Canada for less than 5 years immediately preceding the date of the application, he or she shall comply with both 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.

(3) An applicant for licensure by endorsement shall comply with both of the following:

(a) Disclose each license, registration, or certification in a health profession or specialty issued by another 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, including 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: 2006 AACs; 2019 AACs; 2021 AACs; 2023 MR 6, Eff. March 22, 2023.

**R 338.2205a Relicensure.**

Rule 2205a. (1) 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 (✓):

(a) 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, the applicant must do all of the following:	Lapsed Years or less	3 Lapsed more than 3 Years
(i) Submit a completed application on a form provided by the department, with the requisite fee.	✓	✓
(ii) Establish that the applicant is of good moral character.		✓
(iii) Submit fingerprints as set forth in section 16174(3) of the code, MCL 333.16174.		✓
(iv) Provide to the department documentation that the applicant passed the NBRC examination required under R 338.2202 within the 2 years immediately preceding relicensure.		✓
(v) An applicant for relicensure shall comply with both of the following: Disclose each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country on the application form. Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including 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 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 the applicant must do all of the following:		

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(i) Submit a completed application on a form provided by the department, with the requisite fee.	√	√
(ii) Establish that the applicant is of good moral character.		√
(iii) Submit fingerprints as set forth in section 16174(3) of the code, MCL 333.16174.		√
(iv) An applicant for relicensure shall comply with both of the following: Disclose each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country on the application form. Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including 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: 2023 MR 6, Eff. March 22, 2023.

### PART 3. EDUCATION

**R 338.2206 Accreditation standards; adoption by reference.**

Rule 2206. (1) The following standards for accrediting respiratory therapist educational programs from the Commission on Accreditation for Respiratory Care (CoARC) are approved and adopted by reference:

- (a) "Accreditation Policies and Procedures Manual," effective March 13, 2021.
- (b) "Accreditation Standards for Entry into Respiratory Care Professional Practice," effective July 1, 2020, clarifications March 13, 2021.
- (c) "Accreditation Standards for Degree Advancement Programs in Respiratory Care," effective January 1, 2018, clarifications December 12, 2020.
- (2) Copies of the CoARC's accreditation standards may be obtained at cost from CoARC, 264 Precision Blvd., Telford, Tennessee 37690, or at no cost from the CoARC website, [www.coarc.com](http://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.
- (3) Any respiratory therapist educational program that is accredited by the CoARC is a respiratory therapist educational program approved by the department in consultation with the board.
- (4) The procedures for recognizing accrediting organizations of the Council of Higher Education Accreditation (CHEA), approved September 24, 2018, and the procedures for recognizing accrediting agencies of the United States Department of Education, revised July 1, 2020, as contained in 34 CFR part 602, are approved and adopted by reference. 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](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: [CFR-2020-title34-vol3.pdf \(govinfo.gov\)](https://www.govinfo.gov/cfr/title34/vol3). Copies of the standards 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 AACs; 2023 MR 6, Eff. March 22, 2023.

### PART 4. RELICENSURE

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**R 338.2207 Rescinded.**

History: 2006 AACS; 2019 AACS; 2021 AACS; 2023 MR 6, Eff. March 22, 2023.

**CHIROPRACTIC**

**R 338.2208**

Source: 1997 AACS.

**R 338.2209**

Source: 1997 AACS.

**R 338.2210**

Source: 1997 AACS.

**R 338.2211**

Source: 1997 AACS.

**R 338.2212**

Source: 1997 AACS.

**R 338.2213**

Source: 1997 AACS.

**R 338.2214**

Source: 1997 AACS.

**R 338.2215**

Source: 1997 AACS.

**R 338.2216**

Source: 1997 AACS.

**R 338.2217**

Source: 1997 AACS.

**R 338.2218**

Source: 1997 AACS.

**R 338.2219**

Source: 1997 AACS.

**R 338.2220**

Source: 1997 AACS.

**R 338.2221**

Source: 1997 AACS.

**R 338.2222**

Source: 1997 AACS.

**R 338.2223**

Source: 1997 AACS.

**R 338.2224**

Source: 1997 AACS.

**R 338.2225**

Source: 1997 AACS.

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**R 338.2226**  
Source: 1997 AACS.

**R 338.2227**  
Source: 1997 AACS.

**R 338.2228**  
Source: 1997 AACS.

**R 338.2229**  
Source: 1997 AACS.

**R 338.2230**  
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**R 338.2231**  
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**R 338.2232**  
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**R 338.2233**  
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**R 338.2234**  
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**R 338.2235**  
Source: 1997 AACS.

**R 338.2236**  
Source: 1997 AACS.

**R 338.2237**  
Source: 1997 AACS.

**R 338.2238**  
Source: 1997 AACS.

**R 338.2239**  
Source: 1997 AACS.

**R 338.2240**  
Source: 1997 AACS.

**R 338.2241**  
Source: 1997 AACS.

**R 338.2242**  
Source: 1997 AACS.

**R 338.2243**  
Source: 1997 AACS.

**R 338.2244**  
Source: 1997 AACS.

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**R 338.2245**  
Source: 1997 AACS.

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

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**MEDICINE - GENERAL RULES**

**R 338.2301**  
Source: 2016 AACS.

**R 338.2302**  
Source: 2016 AACS.

**R 338.2303**  
Source: 2013 AACS.

**R 338.2304**  
Source: 2016 AACS.

**R 338.2305**  
Source: 2016 AACS.

**R 338.2308**  
Source: 2016 AACS.

**R 338.2309**  
Source: 1979 AC.

**PART 2. LICENSES**

**R 338.2311**  
Source: 1997 AACS.

**R 338.2312**  
Source: 1997 AACS.

**R 338.2313**  
Source: 2016 AACS.

**R 338.2314**  
Source: 2016 AACS.

**R 338.2315**  
Source: 1997 AACS.

**R 338.2316**  
Source: 2016 AACS.

**R 338.2317**  
Source: 2016 AACS.

**R 338.2318**  
Source: 2016 AACS.

**R 338.2319**

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**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**

**Source:** 1997 AACS.

**R 338.2335**

**Source:** 1997 AACS.

**R 338.2336**

**Source:** 1997 AACS.

**R 338.2337**

**Source:** 1997 AACS.

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**R 338.2338**  
Source: 1997 AACS.

**R 338.2339**  
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**R 338.2340**  
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**R 338.2342**  
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**R 338.2345**  
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**R 338.2346**  
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**R 338.2347**  
Source: 1997 AACS.

**R 338.2348**  
Source: 1997 AACS.

**R 338.2349**  
Source: 1997 AACS.

**R 338.2350**  
Source: 1997 AACS.

**R 338.2351**  
Source: 1997 AACS.

**R 338.2352**  
Source: 1997 AACS.

**R 338.2353**  
Source: 1997 AACS.

**R 338.2354**  
Source: 1997 AACS.

**R 338.2355**  
Source: 1997 AACS.

**R 338.2371**  
Source: 2016 AACS.

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**R 338.2372**

Source: 2016 AACS.

**R 338.2373**

Source: 2016 AACS.

**R 338.2374**

Source: 2016 AACS.

**R 338.2375**

Source: 2016 AACS.

**R 338.2376**

Source: 2016 AACS.

**R 338.2377**

Source: 2016 AACS.

**R 338.2378**

Source: 2016 AACS.

**R 338.2379**

Source: 2016 AACS.

**R 338.2380**

Source: 2016 AACS.

**R 338.2381**

Source: 2016 AACS.

**R 338.2382**

Source: 2016 AACS.

**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) "CK" means clinical knowledge.
  - (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) "ECFMG" means the Educational Commission for Foreign Medical Graduates.
  - (f) "FSMB" means the Federation of State Medical Boards.
  - (g) "USMLE" means the United States Medical Licensing Examination.
- (2) A term defined in the code has the same meaning when used in these rules.

History: 2016 AACS; 2021 AACS; 2023 MR 6, Eff. March 22, 2023.

**R 338.2403**

Source: 2021 AACS.



**R 338.2405**

**Source:** 2021 AACs.

**R 338.2407 Telehealth.**

Rule 107. (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 satisfy 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 the licensee's practice and in compliance with section 16285 of the code, MCL 333.16285, and if the licensee does both of the following:

(a) If medically necessary, refers the patient to a provider who is geographically accessible to the patient.

(b) Makes the licensee 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 a 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 AACs; 2023 MR 6, Eff. March 22, 2023.

**R 338.2409**

**Source:** 2021 AACs.

**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, except for a nurse anesthetist, if the delegating physician establishes a written authorization that has all 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 keep 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 satisfies 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 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 AACs; 2023 MR 6, Eff. March 22, 2023.

**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 who is 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 this state or the United States.

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

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

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

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

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

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

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

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(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 AACs; 2023 MR 6, Eff. March 22, 2023.

**PART 2. LICENSES**

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

Rule 121. (1) 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 Structure of a Medical School," March 2021 edition, which are available at no cost on the committee's website at <https://lcme.org> are approved and adopted by reference. A medical school accredited by the Liaison Committee on Medical Education is approved.

(2) 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, set forth in the publication entitled "ACGME Common Program Requirements," effective July 1, 2021, which are available at no cost on the council's website at <https://www.acgme.org> are approved and adopted by reference. A medical postgraduate training program accredited by the Accreditation Council for Graduate Medical Education is approved.

(3) 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 "Standards of Accreditation for Residency Programs in Family Medicine," July 2020 version, which are available at no cost on the college's website at <https://www.cfpc.ca/en/home> are approved and adopted by reference. A residency program accredited by the College of Family Physicians of Canada is approved.

(4) 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 for Residency Programs," July 2020 edition, which are available at no cost on the college's website at <https://www.royalcollege.ca/rcsite/home-e> are approved and adopted by reference. A residency program accredited by the Royal College of Physicians and Surgeons is approved.

(5) Copies of the standards adopted by reference in subrules (1), (2), (3), and (4) 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 AACs; 2023 MR 6, Eff. March 22, 2023.

**R 338.2423 Doctor of medicine; license requirements; United States and Canadian graduates.**

Rule 123. An applicant for a doctor of medicine license who graduated from a medical school inside the United States or Canada shall satisfy the requirements of the code and the administrative rules promulgated under the code, as well as all the following requirements:

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

(b) Provide proof verifying completion of a degree from a medical school that satisfies the standards under R 338.2421(1).

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- (c) Provide proof verifying passing scores on all steps of the USMLE adopted under R 338.2431 and proof verifying satisfaction of all the requirements under R 338.2431.
  - (d) Provide proof verifying completion of a minimum of 1 year of postgraduate clinical training in a program that satisfies the requirements under R 338.2421(2), (3), or (4).
  - (e) Provide 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 AACS; 2023 MR 6, Eff. March 22, 2023.

**R 338.2425 Doctor of medicine; license requirements; foreign graduates.**

Rule 125. An applicant for a doctor of medicine license who graduated from a medical school outside the United States or Canada shall satisfy the requirements of the code and the administrative rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof verifying certification from the ECFMG that the applicant has graduated from a medical school listed in the World Directory of Medical Schools.
- (c) Provide proof verifying passing scores on all steps of the USMLE adopted under R 338.2431 and proof verifying satisfaction of all the requirements under R 338.2431.
- (d) Provide proof verifying completion of a minimum of 1 year of postgraduate clinical training in a program that satisfies the requirements under R 338.2421(2), (3), or (4).
- (e) Provide 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 AACS; 2023 MR 6, Eff. March 22, 2023.

**R 338.2427 Licensure by endorsement.**

Rule 127. (1) An applicant for a doctor of medicine license by endorsement shall satisfy the requirements of the code and the administrative rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof verifying a current and full doctor of medicine license in another state or in a province of Canada.
- (c) If the applicant is licensed as a doctor of medicine in a province in Canada, provide proof verifying that the applicant completed the educational requirements in Canada or in the United States for licensure as a doctor of medicine in Canada or in the United States.
- (d) Provide proof verifying passing scores on either of the following examinations for a doctor of medicine license in another state or in a province of Canada to obtain licensure as a doctor of medicine in another state or in a province of Canada:
  - (i) All steps of the USMLE adopted under R 338.2431 and provide proof verifying satisfaction of all the requirements under R 338.2431.
  - (ii) Part I of the Medical Council of Canada Qualifying Examination (MCCQE).
- (e) Provide proof verifying completion of a minimum of 1 year of postgraduate clinical training in a program that satisfies the requirements under R 338.2421(2), (3), or (4).

(2) An applicant who provides proof verifying a current and full license in good standing as a doctor of medicine in another state or in a province of Canada for not less than 10 years before the date of filing the application for a doctor of medicine license by endorsement is presumed to satisfy the requirements of subrule (1)(c), (d), and (e) of this rule.

(3) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by another 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, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and, except as otherwise provided under section 17011(4) of the code, MCL 333.17011, sanctions are not in force when the application is submitted. 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: 2016 AACS; 2021 AACS; 2023 MR 6, Eff. March 22, 2023.

**R 338.2429 Educational limited license.**

Rule 129. (1) An individual not eligible for a doctor of medicine 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 inside the United States or Canada shall satisfy the requirements of the code and the administrative rules promulgated under the code, as well as all the following requirements:

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- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof verifying that the applicant has graduated or is expected to graduate within 3 months of the date of the application from a medical school that satisfies the requirements under R 338.2421(1).
- (c) Provide proof verifying that the applicant has been accepted into a postgraduate training program that satisfies the requirements under R 338.2421(2).
- (3) An applicant for an educational limited license who is from a medical school outside the United States or Canada shall satisfy the requirements of the code and the administrative rules promulgated under the code, as well as all the following requirements:
  - (a) Provide the required fee and a completed application on a form provided by the department.
  - (b) Provide proof verifying certification from the ECFMG and 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) Received passing scores on step 1 and step 2 CK of the USMLE adopted under R 338.2431.
  - (c) Provide proof verifying that the applicant has been accepted into a postgraduate training program that satisfies the requirements under R 338.2421(2).
  - (4) Under section 17012(2) of the code, MCL 333.17012, an educational limited license is not renewable for more than 5 years.

History: 2016 AACs; 2021 AACs; 2023 MR 6, Eff. March 22, 2023.

**R 338.2431 Examination; adoption; passing scores; limitation on attempts; time limitations.**

Rule 131. (1) The USMLE, developed and administered by the FSMB, is approved and adopted, which consists of the following steps:

- (a) USMLE Step 1.
- (b) USMLE Step 2 CK.
- (c) USMLE Step 3.
- (2) The passing score for each step of the USMLE accepted for licensure is the passing score established by the FSMB.
- (3) An applicant shall not make more than 4 attempts to pass any step of the USMLE.
- (4) An applicant shall successfully pass all steps of the USMLE within 7 years after the date that the applicant first passed a step of the USMLE. An applicant may request consideration of a variance of the 7-year requirement by providing, at a minimum, proof verifying both of the following requirements to the board:
  - (a) That the applicant has already passed all steps of the USMLE, but that the time taken to pass all steps 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 AACs; 2023 MR 6, Eff. March 22, 2023.

**R 338.2433**

**Source:** 2021 AACs.

**R 338.2435 Clinical academic limited license.**

Rule 135. An applicant for a clinical academic limited license shall satisfy the requirements of the code and the administrative rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof verifying that the applicant has been appointed to a position in an academic institution, as that term is defined in section 17001 of the code, MCL 333.17001.
- (c) Provide proof verifying 1 of the following:
  - (i) The applicant has graduated from a medical school that satisfies the requirements under R 338.2421(1).
  - (ii) Certification from the ECFMG 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) Received passing scores on step 1 and step 2 CK of the USMLE adopted under R 338.2431.

History: 2016 AACs; 2021 AACs; 2023 MR 6, Eff. March 22, 2023.

**R 338.2437 Relicensure.**

Rule 137. (1) An applicant whose doctor of medicine 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 the requirements of the code and the administrative rules promulgated under the code, as well as all the following

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requirements:

- (a) Provides the required fee and a completed application on a form provided by the department.
- (b) Provides proof verifying the completion of 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 good moral character, as that term is defined and determined 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 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 when the application is submitted.
  - (iii) A previously held license was not surrendered or allowed to lapse to avoid discipline.
- (2) An applicant whose doctor of medicine 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 provides 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) Provides proof verifying that the applicant is currently licensed and in good standing as a doctor of medicine in another state or in a province of Canada.
  - (b) Provides proof verifying completion of 1 of the following during the 3 years immediately preceding the date of the application for relicensure:
    - (i) Successfully passed the Special Purpose Examination (SPEX) offered by the FSMB. The passing score is the passing score established by the FSMB.
    - (ii) Successfully completed a postgraduate training program that satisfies the requirements under R 338.2421(2), (3), or (4).
    - (iii) Successfully completed a physician re-entry program that is an organizational member of the Coalition for Physician Enhancement (CPE).
    - (iv) Successfully completed a physician re-entry program affiliated with a medical school that satisfies the requirements under R 338.2421(1).
- (3) An applicant whose doctor of medicine 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 provides 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) Provides proof verifying that the applicant is currently licensed and in good standing as a doctor of medicine in another state or in a province of Canada.
  - (b) Provides proof verifying completion of both of the following during the 3 years immediately preceding the date of the application for relicensure:
    - (i) Successfully passed the SPEX offered by the FSMB. The passing score is the passing score established by the FSMB.
    - (ii) Successfully completed 1 of the following training options:
      - (A) A postgraduate training program that satisfies the requirements under R 338.2421(2), (3), or (4).
      - (B) A physician re-entry program that is an organizational member of the CPE.
      - (C) A physician re-entry program affiliated with a medical school that satisfies the requirements under 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, if the applicant satisfies subrule (1) of this rule and R 338.2429.
- (6) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by another 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 when the application is submitted. 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: 2016 AACS; 2021 AACS; 2023 MR 6, Eff. March 22, 2023.

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

#### **R 338.2441 License renewals.**

- Rule 141. (1) An applicant for renewal shall satisfy the requirements of the code and the administrative rules promulgated under the code.
- (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 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

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this rule. The licensee shall keep documentation of satisfying the requirements of this rule for 4 years after 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 provide documentation as specified in R 338.2443.

History: 2016 AACS; 2021 AACS; 2023 MR 6, Eff. March 22, 2023.

**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 equivalent 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 medical ethics.

(c) For license renewals filed on December 6, 2017, or later, a minimum of 3 hours of continuing education must be earned in pain and symptom management under section 17033(2) of the code, MCL 333.17033. 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 following activities are acceptable category 1 continuing education:

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

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	<p>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.</p> <p>If audited, the licensee shall provide proof from the specialty board of the successful passing of the examination.</p>	<p>examination successfully passed during the renewal period is granted 50 hours of continuing education. A maximum of 50 hours of continuing education may be earned for this activity in each renewal period.</p>
(c)	<p>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.</p> <p>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.</p>	<p>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.</p>
(d)	<p>Participation in a clinical training program that satisfies any of the requirements of R 338.2421(2), (3), or (4) 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.</p> <p>If audited, the licensee shall provide a letter from the program director verifying the licensee took part in the program.</p>	<p>Fifty hours of continuing education per year may be granted for this activity. A maximum of 150 hours of continuing education may be earned per renewal period.</p>

(3) The following activities are acceptable category 2 continuing education:

	Activity and Proof of Completion	Number of Continuing Education Hours granted/permitted for the activity
(a)	<p>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), or (4).</p> <p>To receive credit, the clinical instructorship must not be the licensee's primary employment function.</p> <p>If audited, the licensee shall provide proof of scheduled instructional hours and a letter from the program director verifying the licensee's role.</p>	<p>Two hours of continuing education is granted for each 50 to 60 minutes 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.</p>
(b)	<p>Initial presentation of a scientific exhibit, poster, or paper to a professional medical organization.</p> <p>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 date of the presentation.</p>	<p>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.</p>
(c)	<p>Publication of a scientific article relating to the practice of medicine in a peer-reviewed journal or periodical.</p>	<p>Six hours of continuing education is granted for serving as the primary author. Three hours of continuing education</p>

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	If audited, the licensee shall provide a copy of the publication that identifies the licensee as the author or a publication acceptance letter and documentation of the peer-review process.	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)	<p>Initial publication of a chapter or a part of a chapter related to the practice of medicine in either of the following textbooks:</p> <ul style="list-style-type: none"> <li>- A professional health care textbook.</li> <li>- A peer-reviewed textbook.</li> </ul> <p>If audited, the licensee shall provide a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	Five hours of continuing education is granted for serving as the primary author. Two hours of continuing education is granted for serving as a secondary author. A maximum of 24 hours of continuing education may be earned for this activity in each renewal period. Under R 338.2443(1)(a), credit for publication is granted once per renewal period.
(e)	<p>Participating on any of the following committees:</p> <ul style="list-style-type: none"> <li>- A peer review committee dealing with quality of patient care as it relates to the practice of medicine.</li> <li>- A committee dealing with utilization review as it relates to the practice of medicine.</li> <li>- A health care organization committee dealing with patient care issues related to the practice of medicine.</li> <li>- A national or state committee, board, council, or association related to the practice of medicine.</li> </ul> <p>Participation in a committee, board, council, or association is considered acceptable if it enhances the participant's knowledge and understanding of the field of medicine. If audited, the licensee shall provide a letter from an organization official verifying the licensee's participation in not less than 50% of the regularly scheduled meetings of the committee, board, council, or association.</p>	Eighteen hours of continuing education is granted for taking part on a committee. A maximum of 18 hours of continuing education may be earned for this activity in each renewal period.

History: 2016 AACs; 2021 AACs; 2023 MR 6, Eff. March 22, 2023.

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**DIRECTOR'S OFFICE**

**GENETIC COUNSELING – GENERAL RULES**

**PART 1. GENERAL PROVISIONS**

**R 338.2451**

**Source:** 2021 AACs.

**R 338.2455 Telehealth.**

Rule 155. (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 maintain proof of consent in the patient's up-to-date medical record and satisfy 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 the licensee's practice and in compliance with section 16285 of the code, MCL 333.16285, and if the licensee does both of the



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following:

- (a) Refers the patient to a provider that is geographically accessible to the patient, if medically necessary.
- (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 AACs; 2023 MR 6, Eff. March 23, 2023.

**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 that is licensed shall complete training in identifying victims of human trafficking that satisfies all 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) Providing 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 under these rules 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-reviewed 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 the 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 the article, author, publication name of the peer-review journal, health care journal, or professional or scientific journal, and the 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 2025 renewal cycle and for initial licenses beginning April 15, 2026.

History: 2021 AACs; 2023 MR 6, Eff. March 23, 2023.

**PART 2. LICENSURE**

**R 338.2461 Application for license; qualifications.**

Rule 161. (1) An applicant for a genetic counselor license shall satisfy the requirements of the code and the rules promulgated under the code, as well as both of the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof verifying current certification in good standing from the ABGC or the ABMGG.
- (2) An applicant for a temporary-licensed genetic counselor license shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:
  - (a) Provide the required fee and a completed application on a form provided by the department.
  - (b) Provide proof verifying active candidate status from the ABGC or the ABMGG.

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(c) Provide proof verifying that the applicant will be supervised by a qualified supervisor in this state.

History: 2021 AACs; 2023 MR 6, Eff. March 23, 2023.

**R 338.2462 Application for license by endorsement; qualifications.**

Rule 162. (1) An applicant for a genetic counselor license by endorsement shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

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

(b) Provide proof verifying the holding of a current and full genetic counselor license in another state or in a province of Canada.

(c) Provide proof verifying current certification in good standing from the ABGC or the ABMGG.

(2) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another 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, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force when applying. 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: 2023 MR 6, Eff. March 23, 2023.

**R 338.2463 Application for relicensure; qualifications.**

Rule 163. (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 the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

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

(b) Provides proof verifying 1 of the following, as applicable:

(i) If applying for relicensure as a genetic counselor, current certification in good standing from the ABGC or the ABMGG.

(ii) If applying for relicensure as a temporary-licensed genetic counselor, active candidate status from the ABGC or the ABMGG.

(c) Establishes good moral character as that term is defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.

(d) If applying for relicensure as a temporary-licensed genetic counselor, provides proof verifying that the applicant will be supervised by a qualified supervisor in this state.

(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 the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

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

(b) Provides proof verifying 1 of the following, as applicable:

(i) If applying for relicensure as a genetic counselor, current certification in good standing from the ABGC or the ABMGG.

(ii) If applying for relicensure as a temporary-licensed genetic counselor, active candidate status from the ABGC or the ABMGG.

(c) Establishes good moral character as that term is defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.

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

(e) If applying for relicensure as a temporary-licensed genetic counselor, provides proof verifying that the applicant will be supervised by a qualified supervisor in this state.

(3) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another 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, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force when applying. 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 AACs; 2023 MR 6, Eff. March 23, 2023.

**R 338.2465 Application for renewal of license; qualifications.**

Rule 165. (1) An applicant for renewal of a genetic counselor license shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

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

(b) Provide proof verifying current certification in good standing from the ABGC or the ABMGG.

(c) Satisfy the requirements under R 338.2471, as applicable.

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(2) An applicant for renewal of a temporary-licensed genetic counselor license shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
  - (b) Provide proof verifying active candidate status from the ABGC or the ABMGG.
  - (c) Provide proof verifying that the licensee will be supervised by a qualified supervisor in this state.
- (3) A temporary-licensed genetic counselor license may be renewed 4 times.

History: 2021 AACs; 2023 MR 6, Eff. March 23, 2023.

**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 333.17091.

(2) An applicant for license renewal that 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 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 after 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 that have renewed their license and request proof of compliance with subrule (2) of this rule. If audited, a licensee shall provide documentation as specified in R 338.2473.

History: 2021 AACs; 2023 MR 6, Eff. March 23, 2023.

**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 equivalent 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 medical ethics.
- (c) A minimum of 1 contact hour of continuing education must be earned in 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 following activities are acceptable continuing education:

	Activity and Proof of Completion	Number of Continuing Education Contact Hours Granted/Allowed 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.	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.

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	<p>American College of Medical Genetics and Genomics.  American College of Obstetricians and Gynecologists.  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.</p> <p>If audited, the licensee shall provide 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.</p>	<p>A minimum of 45 hours of continuing education credit must be earned in this activity in each renewal period.</p> <p>A maximum of 75 contact hours of continuing education credit may be earned for this activity in each renewal period.</p>
(b)	<p>Serving as a clinical supervisor for a student at a site used by an Accreditation Council for Genetic Counseling (ACGC) accredited program.</p> <p>To receive credit, the clinical supervision must not be the licensee’s primary employment function.</p> <p>If audited, the licensee shall provide the student’s initials, training program, dates supervision began and ended, and number of supervision hours provided per week.</p>	<p>Five contact hours of continuing education credit is granted for a minimum of 25 hours of direct clinical supervision.</p> <p>A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.</p>
(c)	<p>Publication of an article or chapter in a peer-reviewed journal or book related to practice-based competency.</p> <p>If audited, the licensee shall provide a copy of the publication that identifies the licensee as the author.</p>	<p>Ten contact hours of continuing education credit is granted for serving as the first, second, or senior author.</p> <p>Five contact hours of continuing education credit is granted for serving as any other author that is not first, second, or senior author.</p> <p>A maximum of 10 contact hours of continuing education credit may be earned per article or chapter.</p> <p>A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.</p>
(d)	<p>Service in a leadership position role as a board member, chair, or leader of a genetics-related organization.</p> <p>If audited, the licensee shall provide the organization name, contact information, dates of service, dated agenda, and meeting minutes documenting not less than 25 hours of service.</p>	<p>Five contact hours of continuing education credit is granted for 25 hours of service for each organization.</p> <p>A maximum of 30 contact hours of continuing education credit</p>

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		may be earned for this activity in each renewal period.
(e)	<p>Serving as an instructor for a graduate-level course in an area related to genetics competency.</p> <p>To receive credit, the instructorship must not be the licensee's primary employment function.</p> <p>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.</p>	<p>Five contact hours of continuing education credit is granted for a minimum of 5 hours of teaching.</p> <p>A maximum of 10 contact hours of continuing education credit may be earned for each course.</p> <p>A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.</p>
(f)	<p>Serving as a peer-reviewer of a manuscript by invitation for a scientific journal.</p> <p>If audited, a licensee shall provide copies of documentation inviting the licensee to complete the review and thanking them for completing the review.</p>	<p>Two contact hours of continuing education credit is granted for each manuscript reviewed.</p> <p>A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.</p>

History: 2021 AACS; 2023 MR 6, Eff. March 23, 2023.

**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. A licensee shall report to the department a change in active candidate status not later than 30 days after the change occurs.

History: 2021 AACS; 2023 MR 6, Eff. March 23, 2023.

**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**

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**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 Definitions.**

Rule 21. (1) As used in these rules:

- (a) "APA" means the American Psychological Association.
- (b) "ASPPB" means the Association of State and Provincial Psychology Boards.
- (c) "Board" means the Michigan board of psychology created under section 18221 of the code, MCL 333.18221.
- (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.
- (f) "EPPP" means the Examination for Professional Practice in Psychology.
- (g) "Extreme hardship" means economic, geographic, health, or other individual circumstances that impose an extraordinary level of hardship.

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- (h) "NACES" means the National Association of Credential Evaluation Services.
- (i) "National Register" means the National Register of Health Service Psychologists.
- (j) "Organized healthcare setting" means a clinic, hospital, institution, organization, organized governmental entity, nonprofit organization, or private agency engaged in the delivery of healthcare services that provides an opportunity for professional interaction and collaboration with other disciplines, an opportunity to utilize a variety of theories, and an opportunity to work with a broad range of populations and techniques.
- (k) "PCSAS" means the Psychological Clinical Science Accreditation System.
- (2) A term defined in the code has the same meaning when used in these rules.  
History: 2015 AACs; 2019 AACs; 2023 MR 11, Eff. June 8, 2023.

**R 338.2523**

**Source:** 2021 AACs.

**R 338.2525 Training standards for identifying victims of human trafficking; requirements.**

Rule 25. (1) Under section 16148 of the code, MCL 333.16148, the individual seeking licensure or that is licensed shall have completed 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 healthcare settings.
  - (iii) Identifying the warning signs of human trafficking in healthcare 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 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-reviewed journal, healthcare 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 an individual and request documentation of proof of completion of training. If audited by the department, the 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 the individual. The certification statement must include the individual's name and 1 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 the article, author, publication name of peer-reviewed journal, healthcare journal, or professional or scientific journal, and the 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 30, 2022.

History: 2015 AACs; 2019 AACs; 2021 AACs; 2023 MR 11, Eff. June 8, 2023.

**R 338.2526**

**Source:** 2021 AACs.

**R 338.2527**

**Source:** 2019 AACs.

**R 338.2529 Accreditation; standards; adoption by reference.**

Rule 29. (1) The standards for recognition of accrediting organizations developed and adopted by the Council for Higher

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Education Accreditation (CHEA), One Dupont Circle NW, Suite 510, Washington, D.C. 20036, in the publication titled "CHEA Standards and Procedures for Recognition," effective October 4, 2021, which are available at no cost on the council's website at <https://www.chea.org>, are approved and adopted by reference. If a higher education institution is accredited by the accrediting body of the region where the institution is located and the accrediting body satisfies the recognition standards of CHEA, the institution is approved.

(2) The criteria for recognition and the recognition process for the secretary's recognition of accrediting agencies of the United States Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Washington, D.C. 20202, in 34 CFR 602.10 to 602.39, effective July 1, 2020, which are available at no cost on the department's website at <https://www2.ed.gov/about/offices/list/ope/index.html>, are approved and adopted by reference. If a higher education institution is accredited by the accrediting body of the region where the institution is located and the accrediting body satisfies the recognition criteria and process of the United States Department of Education, the institution is approved.

(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 under subrule (1) or (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 AACCS; 2019 AACCS; 2021 AACCS; 2023 MR 11, Eff. June 8, 2023.

**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:

(a) The designation criteria of the ASPPB and the National Register set forth in the publication titled "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 APA as set forth in the publication titled "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 titled "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 PCSAS as set forth in the publication titled "Psychological Clinical Science Accreditation System Purpose, Organization, Policies, and Procedures," March 2022, 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 AACCS; 2019 AACCS; 2021 AACCS; 2023 MR 11, Eff. June 8, 2023.

**R 338.2543 Application for licensure; psychologist; requirements.**

Rule 43. Except as provided under R 338.2549, an applicant for licensure under section 18223(1) of the code, MCL 333.18223, shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

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

(b) Provide proof, as directed by the department, verifying completion of a doctoral degree in psychology or in a closely related field. The degree must satisfy both of the following requirements:

(i) Be from a regionally accredited college, university, or institution that satisfies the standards under R 338.2529(1) or (2).

(ii) Be from a designated or accredited educational program that satisfies the standards under R 338.2541(1)(a), (b), (c), or (d).

(c) Provide proof, as directed by the department, verifying the completion of an internship that was an integrated part of a



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doctoral degree program that satisfies the requirements under subdivision (b) of this rule or a substantially equivalent postdoctoral internship as determined by the board. A post-degree internship may be approved by the board if the internship is through an accredited institution that satisfies the standards adopted under R 338.2529(1) or (2) and was completed for academic graduate credit. The post-degree internship must not be implemented before the board has approved it. A written, narrative 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 program.
- (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>.
- (d) Provide proof, as directed by the department, verifying the completion of 1 year of postdoctoral degree experience in the practice of psychology that satisfies the requirements under R 338.2553(3).
- (e) Provide proof, as directed by the department, verifying a passing score on the examination adopted under R 338.2545(1).  
History: 2015 AACS; 2019 AACS; 2021 AACS; 2023 MR 11, Eff. June 8, 2023.

**R 338.2545 Examination; psychologist; approval and adoption; passing scores.**

Rule 45. (1) An applicant for licensure shall pass the approved and adopted Part 1 – Knowledge of the EPPP developed by the ASPPB. The passing score for the examination is the score recommended by the ASPPB for psychologists in independent practice. Part 2-Skills of the EPPP is optional, and a passing score is not required.

(2) A limited licensed psychologist that 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 under R 338.2543(e).

History: 2015 AACS; 2019 AACS; 2021 AACS; 2023 MR 11, Eff. June 8, 2023.

**R 338.2547 Psychologist examination; eligibility.**

Rule 47. Except as provided under R 338.2549, to establish eligibility for the examination required under R 338.2545(1), 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) Provide proof, as directed by the department, verifying that the applicant satisfies the educational requirements under R 338.2543(b).

History: 2015 AACS; 2019 AACS; 2021 AACS; 2023 MR 11, Eff. June 8, 2023.

**R 338.2549 Foreign graduate of non-accredited postsecondary institution; psychologist examination; eligibility.**

Rule 49. To establish eligibility for the examination required under R 338.2545(1), an applicant that graduated from a foreign, non-accredited postsecondary institution shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof, as directed by the department, verifying completion of a doctoral degree in psychology or a closely related field from an educational program that satisfies both of the following requirements:
  - (i) The degree was completed at an educational institution that is substantially equivalent to an accredited educational institution that satisfies the standards under R 338.2529(1) or (2).
  - (ii) The degree was completed in an educational program that is substantially equivalent to an accredited educational program that satisfies the standards under R 338.2541(1)(a), (b), (c), or (d).
- (c) Provide proof, as directed by the department, verifying the satisfaction of the requirements under subdivision (b) of this rule that includes an evaluation of the applicant's non-accredited education by a credential evaluation agency that is a member of NACES.

History: 2015 AACS; 2019 AACS; 2021 AACS; 2023 MR 11, Eff. June 8, 2023.

**R 338.2551 Licensure by endorsement.**

Rule 51. (1) An applicant for licensure by endorsement shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof, as directed by the department, verifying a current and full psychologist license to practice independently in another state or in a province of Canada.
- (c) If the applicant is licensed as a psychologist to practice independently in a province in Canada, provide proof, as directed by the department, verifying that the applicant completed the educational requirements in Canada or in the United States for licensure as a psychologist to practice independently in Canada or in the United States.

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(d) Provide proof, as directed by the department, verifying a passing score on the examination adopted under R 338.2545(1) to obtain licensure as a psychologist to practice independently in another state or in a province of Canada.

(2) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another 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, including 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 AACs; 2021 AACs; 2023 MR 11, Eff. June 8, 2023.

**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(d).

(2) An applicant for educational limited licensure, in addition to satisfying the requirements of the code and the rules promulgated under 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) Provide proof, as directed by the department, verifying the applicant satisfies the educational requirements under R 338.2543(b).

(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 healthcare setting, as defined under R 338.2521(1)(j).

(4) In cases of extreme hardship, a supervisee may request an alternative to the supervision arrangement specified under subrule (3) of this rule. 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 written, narrative request to the board for approval of an alternative to the supervision arrangement must include, at a minimum, the following information:

(a) The amount of clock hours currently completed.

(b) The amount of clock hours left to complete.

(c) Whether a previous hardship request was made and, if so, the decision on the request.

(d) The cause for the hardship.

(e) Measures taken to remedy the hardship.

(f) Whether the hardship still exists.

(g) The names and addresses of all fully licensed psychologists the licensee contacted or attempted to contact, including number of times or attempts, or both.

(h) The responses received from the fully licensed psychologists contacted.

(i) The qualifications and experience of the proposed alternative supervisor.

(5) An educational limited license must be issued for 1 year and may not be renewed more than 5 times.

History: 2015 AACs; 2019 AACs; 2021 AACs; 2023 MR 11, Eff. June 8, 2023.

**R 338.2555 Relicensure; psychologist; educational limited license; requirements.**

Rule 55. (1) An applicant whose psychologist license has lapsed 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 the requirements of the code and the rules promulgated under the code, as well as 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 that term is defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.

(c) Provides proof, as directed by the department, verifying the accumulation of not less than 30 hours of continuing education that satisfies the requirements under R 338.2581 and R 338.2583 during the 2 years immediately before the date of the application for relicensure.

(2) An applicant whose psychologist license has lapsed may be relicensed more than 3 years after the expiration date of the

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license under section 16201(4) of the code, MCL 333.16201, if the applicant satisfies the requirements under the code and the rules promulgated under the code, as well as 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 that term is defined in, and determined 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) Provides proof, as directed by the department, verifying the satisfaction of either of the following requirements:
  - (i) Successfully passing the examination required under R 338.2524(1) during the 2 years immediately before the date of the application for relicensure.
  - (ii) Verifying that the applicant was licensed as a psychologist to practice independently in another state or in a province of Canada during the 3-year period before the application for relicensure.
- (3) Except as provided under R 338.2553(5), 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 that is or has been licensed, registered, or certified in a health profession or specialty by another 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, including 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 AAC; 2019 AAC; 2021 AAC; 2023 MR 11, Eff. June 8, 2023.

**PART 3. LIMITED LICENSED PSYCHOLOGISTS**

**R 338.2561 Application for licensure; limited licensed psychologist; requirements.**

Rule 61. (1) Except as provided under R 338.2567, an applicant for limited licensure under section 18223(2) of the code, MCL 333.18223, shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof, as directed by the department, verifying completion of a master's degree in psychology from an accredited educational institution that satisfies the standards under R 338.2529(1) or (2). The degree required under this subdivision must satisfy all the following requirements:
  - (i) Be an integrated, organized sequence of study that includes not less than 1 course in assessment, 1 course in treatment, and 1 course in scientific and professional ethics and standards. Effective June 30, 2009, the course in scientific and professional ethics and standards must be not less than 3 semester hours or 15 hours of classroom instruction per semester hour. If an applicant graduated before June 30, 2009, and the master's degree included a graduate course in scientific and professional ethics of not less than 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 material it determines is necessary to demonstrate the psychological content of a course. To be determined psychological in content, a course must satisfy at least 1 of the following requirements:
    - (A) The subject of the material taught is psychological.
    - (B) The course is taught in a psychology department.
- (c) Provide proof, as directed by the department, verifying the completion of a practicum that satisfies all the following requirements:
  - (i) Was an integrated part of a master's degree program that satisfies the requirements under subdivision (b) of this subrule, or a substantially equivalent post master's degree practicum as determined by the board. A post-degree practicum may be approved by the board if the practicum is through an accredited institution that satisfies the standards adopted under R 338.2529(1) or (2) and completed for academic graduate credit. The post-degree practicum must not be implemented before the board has approved it. A written, narrative request to the board for approval of a post master's degree practicum must include, at a minimum, the following information:
    - (A) An explanation of the reason the practicum was not an integrated part of a master's degree program.
    - (B) Why a practicum is being pursued post-degree instead of as an integrated part of the master's degree program.
    - (C) The name and address of the accredited institution offering the proposed practicum.
    - (D) The responsibilities the practicum requires.
    - (E) When the practicum is to take place and the hourly time commitment.
    - (F) How the practicum is to be supervised and by whom.
    - (G) The demographic makeup of the geographic area where the practicum is to take place.

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(H) Whether others have utilized the practicum provider.

(ii) Required not less than 500 clock hours of psychological work.

(iii) The applicant was supervised by a psychologist that was 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 took place.

(iv) The applicant met in-person or via 2-way real-time audiovisual technology that allowed direct, contemporaneous interaction by sight and sound between the supervisor and the supervisee for a minimum of 2 hours a week during the practicum.

(d) Provide proof, as directed by the department, verifying the completion of 1 year of post master's degree experience in the practice of psychology that satisfies the requirements under R 338.2569(4).

(e) Provide proof, as directed by the department, verifying a passing score on the examination adopted 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 that satisfies the requirements under R 338.2567 satisfies the requirements under subrule (1)(b) and (c) of this rule.

History: 2015 AACs; 2019 AACs; 2021 AACs; 2023 MR 11, Eff. June 8, 2023.

**R 338.2563 Examination; limited licensed psychologist; approval and adoption; passing scores.**

Rule 63. An applicant for limited licensure under section 18223(2) of the code, MCL 333.18223, shall pass the approved and adopted Part 1-Knowledge of the EPPP developed by the ASPPB. The passing score for the examination is 350 for supervised practice. Part 2-Skills of the EPPP is optional, and a passing score is not required.

History: 2015 AACs; 2019 AACs; 2021 AACs; 2023 MR 11, Eff. June 8, 2023.

**R 338.2565 Limited licensed psychologist examination; eligibility.**

Rule 65. Except as provided under R 338.2567, to establish eligibility for the examination required under R 338.2563, an applicant for limited licensure under section 18223(2) of the code, MCL 333.18223, shall satisfy both of the following requirements:

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

(b) Provide proof, as directed by the department, verifying the applicant satisfies the requirements under R 338.2561(1)(b) and (c) or that the applicant satisfies the requirements under R 338.2561(2).

History: 2015 AACs; 2019 AACs; 2021 AACs; 2023 MR 11, Eff. June 8, 2023.

**R 338.2567 Foreign graduate of non-accredited postsecondary institution; limited licensed psychologist examination; eligibility.**

Rule 67. (1) To establish eligibility for the examination required under R 338.2563, an applicant that graduated from a foreign, non-accredited postsecondary institution shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

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

(b) Provide proof, as directed by the department, verifying completion of a master's degree in psychology from an educational program that satisfies both of the following requirements:

(i) Was completed at an educational institution that is substantially equivalent to an accredited educational institution that satisfies the standards under R 338.2529(1) or (2).

(ii) Was completed in an educational program that is substantially equivalent to the requirements under R 338.2561(1)(b) and (c).

(2) Proof, as directed by the department, verifying the satisfaction of the requirements under subrule (1)(b) of this rule must include an evaluation of the applicant's non-accredited education by a credential evaluation agency that is a member of NACES.

History: 2015 AACs; 2019 AACs; 2021 AACs; 2023 MR 11, Eff. June 8, 2023.

**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 under section 18223(2) of the code, MCL 333.18223, for the purpose of obtaining the 1 year of postgraduate experience described under that section and R 338.2561(1)(d).

(b) An individual that is enrolled in a doctoral degree program that satisfies the requirements under section 18223(1) of the code, MCL 333.18223, including both of the following requirements:

(i) Is offered in a regionally accredited college, university, or institution that satisfies the standards under R 338.2529(1) or (2).

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- (ii) Is a designated or accredited educational program that satisfies the standards under R 338.2541(1)(a), (b), (c), or (d).
  - (2) An applicant for temporary limited licensure shall satisfy the requirements of the code and the rules promulgated under the code, as well as both of the following requirements:
    - (a) Provide the required fee and a completed application on a form provided by the department.
    - (b) Provide proof, as directed by the department, 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 under R 338.2561(1)(b) and (c) or R 338.2567.
      - (ii) If applying under subrule (1)(b) of this rule, verification that the applicant's educational program satisfies the requirements under R 338.2529(1) or (2) and R 338.2541(1)(a), (b), (c), or (d).
  - (3) An applicant that 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 healthcare setting, as defined under R 338.2521(1)(j).
  - (5) In cases of extreme hardship, a supervisee may request an alternative to the supervision arrangement specified under subrule (4) of this rule. 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 written, narrative request to the board for approval of an alternative to the supervision arrangement must include, at a minimum, the following information:
    - (a) The amount of clock hours currently completed.
    - (b) The amount of clock hours left to complete.
    - (c) Whether a hardship request was made and, if so, the decision on the previous request.
    - (d) The cause for the hardship.
    - (e) Measures taken to remedy the hardship.
    - (f) Whether the hardship still exists.
    - (g) The names and addresses of all fully licensed psychologists the licensee contacted or attempted to contact, including number of times, or attempts, or both.
    - (h) The responses received from the fully licensed psychologists contacted.
    - (i) The qualifications and experience of the proposed alternative supervisor.
- History: 2015 AACs; 2019 AACs; 2021 AACs; 2023 MR 11, Eff. June 8, 2023.

**R 338.2571 Supervision requirements; reporting of supervision.**

- Rule 71. (1) An individual that 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 that 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 that 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.
- (2) A licensee that seeks a variance from the supervision requirement described in subrule (1) of this rule 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 written, narrative request to the board for approval of an alternative to the supervision arrangement must include, at a minimum, the following information:
- (a) The details of the variance, and the reason the variance is being requested.
  - (b) The underlying cause of the need for a variance.

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- (c) Whether a previous variance request was made and, if so, the previous decision.
  - (d) The demographic makeup of the surrounding geographic area.
  - (e) The number of fully licensed psychologists within a 50-mile radius from home and work.
  - (f) The names and addresses of all fully licensed psychologists the licensee contacted or attempted to contact, including number of times or attempts, or both.
  - (g) The responses received from the fully licensed psychologists contacted.
- History: 2015 AACs; 2019 AACs; 2021 AACs; 2023 MR 11, Eff. June 8, 2023.

**R 338.2573 Relicensure; limited licensed psychologist; requirements.**

Rule 73. (1) An applicant whose limited license has lapsed 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 the requirements of the code and the rules promulgated under the code, as well as 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 that term is defined in, and determined under, 1974 PA 381, MCL 338.41 to MCL 338.47.
- (c) Provides proof, as directed by the department, verifying the accumulation of not less than 30 hours of continuing education that satisfies the requirements under R 338.2581 and R 338.2583 during the 2 years immediately before the date of the application for relicensure.

(2) An applicant whose limited license has lapsed 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 the requirements under the code and the rules promulgated under the code, as well as 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 that term is defined in, and determined 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) Provides proof, as directed by the department, verifying the satisfaction of either of the following requirements:
  - (i) Successfully passing the examination required under R 338.2563 during the 2 years immediately before the date of the application for relicensure.
  - (ii) Verifying that the applicant was licensed as a psychologist in another state during the 3-year period before the application for relicensure.

(3) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another 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, including 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 AACs; 2021 AACs; 2023 MR 11, Eff. June 8, 2023.

**PART 4. CONTINUING EDUCATION**

**R 338.2581 License renewals; psychologist; limited licensed psychologist; requirements; applicability.**

Rule 81. (1) An applicant for license renewal shall satisfy the requirements of the code and the rules promulgated under the code.

(2) An applicant for license renewal that has been licensed in the 2-year period immediately before the application for renewal shall accumulate not less than 30 hours of continuing education in activities approved under these rules during the 2 years immediately before 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 keep documentation of satisfying the requirements of this rule for 4 years after 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.

(5) The department shall receive a request for a waiver of continuing education requirements for the board's consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license.

History: 2015 AACs; 2019 AACs; 2021 AACs; 2023 MR 11, Eff. June 8, 2023.

**R 338.2583 Acceptable continuing education; requirements; limitations.**

Rule 83. (1) The 30 hours of continuing education required under R 338.2581(2) for the renewal of a psychologist license and a psychologist limited license must satisfy the following requirements, as applicable:

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- (a) No more than 12 hours of continuing education 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 equivalent or substantially equivalent to a program or activity that the licensee has already earned credit for during the renewal period must not be granted.
- (d) Under section 18233(2) of the code, MCL 333.18233, not less than 2 hours of continuing education must be earned 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 interventions as they relate to professional practice.
- (e) Not less than 3 hours of continuing education must be earned in ethics.
- (2) Any of the following activities are considered acceptable continuing education:

Activity Code	Activity and Proof Required	Number of continuing education hours granted/allowed for activity
(a)	<p>Attendance at or participation in a continuing education program or activity related to the practice of psychology, or any non-clinical subject relevant to psychological practice, education, administration, management, or science 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 or other self-study programs approved or offered by any of the following organizations:</p> <ul style="list-style-type: none"> <li>- A statewide bar association.</li> <li>- A statewide psychological association affiliated with the APA.</li> <li>- The American Association of Group Psychotherapy.</li> <li>- The American Association of Marriage and Family Therapists.</li> <li>- The American Association of Psychotherapy.</li> <li>- The American Association of Sex Educators, Counselors, and Therapists.</li> <li>- The American Bar Association.</li> <li>- The American Board of Professional Neuropsychology.</li> <li>- The American Board of Professional Psychologists.</li> <li>- The American Counseling Association.</li> <li>- The American Medical Association.</li> <li>- The American Mental Health Counselor Association.</li> <li>- The American Nurses Association.</li> <li>- The American Psychiatric Association.</li> <li>- The American Psychotherapy Association.</li> <li>- The American Society of Addiction Medicine.</li> <li>- Another state or provincial board of psychology.</li> <li>- The APA.</li> <li>- The Association for Clinical Pastoral Education Psychotherapy Commission.</li> <li>- The Association for Psychological Science.</li> <li>- The Association of Black Psychologists.</li> <li>- The Association of State and Provincial Psychology Boards.</li> <li>- The Canadian Psychological Association.</li> <li>- The Michigan Certification Board for Addiction Professionals.</li> <li>- The Michigan Psychoanalytic Institute.</li> <li>- The Michigan Psychological Association.</li> <li>- The Michigan Society for Psychoanalytic Psychology.</li> <li>- The National Association of School Psychologists.</li> <li>- The National Association of Social Workers.</li> <li>- The National Board of Certified Counselors.</li> <li>- The National Latinx Psychological Association.</li> <li>- The National Register.</li> <li>- The Society for the Scientific Study of Sexuality.</li> <li>- Nationally or regionally accredited academic institutions.</li> </ul>	<p>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.</p>

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	<p>- Nationally or regionally accredited hospitals or mental health treatment centers.</p> <p>- State, provincial, and territorial psychological associations.</p> <p>If audited, the licensee shall 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 that the program was held, or activity completed.</p>	
(b)	<p>Passing a postgraduate academic course related to the practice of psychology offered in a regionally accredited educational program.</p> <p>If audited, the licensee shall provide an official transcript documenting successful completion of the course.</p>	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)	<p>Initial presentation of a continuing education program related to the practice of psychology provided to a state, regional, national, or international psychological organization.</p> <p>To receive credit, the presentation must not be a part of the licensee's regular job description and must be approved or offered for continuing education credit by any of the organizations listed under subdivision (a) of this subrule.</p> <p>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.</p>	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)	<p>Initial presentation of a scientific exhibit, poster, scientific paper, or clinical demonstration to a psychological organization.</p> <p>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.</p> <p>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.</p>	Two hours of continuing education are granted for each 50 to 60 minutes of presentation. No additional credit is granted for preparation of the presentation. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.
(e)	<p>Initial publication of an article related to the practice of psychology in a peer-reviewed journal.</p> <p>If audited, the licensee shall provide a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	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)	<p>Initial publication of an article related to the practice of psychology in a non-peer-reviewed journal, newsletter, or magazine.</p> <p>If audited, the licensee shall provide a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	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)	<p>Initial publication of a chapter related to the practice of psychology in either of the following textbooks:</p>	Five hours of continuing education are granted for serving as the primary author.



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	<p>- A professional or healthcare textbook. - A peer-reviewed textbook.</p> <p>If audited, the licensee shall provide a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	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)	<p>Initial publication of a book related to the practice of psychology.</p> <p>If audited, the licensee shall provide proof of publication that identifies the licensee as the author or a publication acceptance letter.</p>	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)	<p>Identifying, researching, and resolving an event or issue related to clinical or professional practice.</p> <p>If audited, the licensee shall provide a summary of activities, including hours spent, references if relevant, and a description of the event or issue involved in identifying, researching, and resolving the event or issue.</p>	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)	<p>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.</p> <p>If audited, the licensee shall provide documentation verifying the licensee's participation in not less than 50% of the regularly scheduled meetings of the committee, board, council, or association.</p>	Ten hours of continuing education are granted for each committee, board, council, or association. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.
(k)	<p>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(1) or (2).</p> <p>If audited, the licensee shall provide a letter from the program director verifying the licensee participated in the program.</p>	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)	<p>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:</p> <ul style="list-style-type: none"> <li>- The Commission on Accreditation.</li> <li>- The Joint Commission.</li> <li>- The Commission on Accreditation of Rehabilitation Facilities International.</li> <li>- The APA.</li> <li>- The PCSAS.</li> </ul> <p>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.</p>	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)	<p>Participating on any of the following committees:</p> <ul style="list-style-type: none"> <li>- A peer-review committee dealing with quality patient care as it relates to the practice of psychology.</li> <li>- A committee dealing with utilization review as it relates to the practice of psychology.</li> </ul>	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.

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	<p>- A healthcare organization committee dealing with patient care issues related to the practice of psychology.</p> <p>If audited, the licensee shall provide a letter from an organization official verifying the licensee's participation in not less than 50% of the regularly scheduled meetings of the committee.</p>	
(n)	<p>Serving as an instructor for the first time for any of the following programs:</p> <ul style="list-style-type: none"> <li>- 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(1) or (2).</li> <li>- 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(1) or (2).</li> </ul> <p>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 that the lecture or lectures was held.</p>	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.
(o)	<p>Providing clinical supervision for master's, doctoral, or postdoctoral level students.</p> <p>To receive credit, this activity must not be part of the licensee's regular job description.</p> <p>If audited, the licensee shall 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.</p>	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)	<p>Participating in peer supervision or consultation with professional colleagues.</p> <p>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.</p>	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)	<p>Participating in case conferences, including hospital grand rounds and multidisciplinary conferences, for training purposes.</p> <p>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.</p>	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)	<p>Providing individual supervision for a limited licensed psychologist beyond the hours of supervision required under R 338.2571(1)(a) or (1)(b). Supervision provided as part of a disciplinary sanction may be included under this activity.</p> <p>If audited, the licensee shall provide an affidavit from the limited licensed psychologist that received the supervision. The affidavit must attest to the licensee's role as a supervisor and the number of hours the licensee spent providing supervision to the limited licensed psychologist.</p>	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)	<p>Receiving individual supervision from a licensed psychologist beyond the hours of supervision required under R 338.2571(1)(a) or (1)(b). Supervision received as part of a disciplinary sanction</p>	One hour of continuing education is granted for each 50 to 60 minutes of supervision received beyond the hours of

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	<p>may not be included under this activity.</p> <p>If audited, the licensee shall provide an affidavit from the licensed psychologist that provided the supervision. The affidavit must attest to the licensee's role as a supervisee and the number of hours the licensee spent receiving supervision from the licensed psychologist.</p>	<p>supervision required per month. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</p>
(t)	<p>Participation in a panel discussion relevant to the practice of psychology in an approved continuing education program or an organized healthcare setting as defined under R 338.2521(1)(j).</p> <p>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.</p>	<p>One hour of continuing education is granted for each 50 to 60 minutes spent participating in the panel discussion. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.</p>
(u)	<p>Obtaining initial certification in a specialty area by 1 of the following organizations:</p> <ul style="list-style-type: none"> <li>- The American Board of Professional Psychology.</li> <li>- The Michigan Certification Board for Addiction Professionals.</li> </ul> <p>If audited, the licensee shall provide proof of certification.</p>	<p>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.</p>
(v)	<p>Participation in the development of a national examination for psychologists.</p> <p>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.</p>	<p>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.</p>

History: 2015 AACs; 2019 AACs; 2021 AACs; 2023 MR 11, Eff. June 8, 2023.

**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 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 subrule (2) of this rule. The application and supporting documentation must include all the following information:

- (a) A program schedule, including the 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 awarded for this program is determined.
- (g) A description of how participants are 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 used during the presentation.
- (j) A copy of the assessment instrument, if any, that is used for participant evaluation.
- (k) A description of how the assessment, if any, is administered, corrected, and returned to participants.
- (l) A description of how attendance is 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 approval number of this state, if assigned by the department.

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- (f) The signature and title of the individual responsible for attendance monitoring.  
(g) The number of hours attended and the amount of continuing education credits earned.  
History: 2019 AACCS; 2021 AACCS; 2023 MR 11, Eff. June 8, 2023.

**REAL ESTATE SCHOOLS**

**R 338.2601**  
Source: 1997 AACCS.

**R 338.2602**  
Source: 1997 AACCS.

**R 338.2603**  
Source: 1997 AACCS.

**R 338.2604**  
Source: 1997 AACCS.

**R 338.2605**  
Source: 1997 AACCS.

**R 338.2606**  
Source: 1997 AACCS.

**R 338.2607**  
Source: 1997 AACCS.

**R 338.2608**  
Source: 1997 AACCS.

**R 338.2609**  
Source: 1997 AACCS.

**R 338.2610**  
Source: 1997 AACCS.

**R 338.2611**  
Source: 1997 AACCS.

**R 338.2612**  
Source: 1997 AACCS.

**R 338.2613**  
Source: 1997 AACCS.

**R 338.2614**  
Source: 1997 AACCS.

**R 338.2615**  
Source: 1997 AACCS.

**R 338.2616**  
Source: 1997 AACCS.

**R 338.2617**  
Source: 1997 AACCS.

**R 338.2618**  
Source: 1997 AACCS.

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**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**  
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**R 338.2724**  
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**R 338.2725**  
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**R 338.2726**  
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**R 338.2730**  
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**R 338.2731**  
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**R 338.2732**  
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**R 338.2733**  
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**R 338.2734**  
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**R 338.2735**  
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**R 338.2736**  
Source: 1997 AACS.

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**R 338.2737**  
Source: 1997 AACS.

**R 338.2738**  
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**R 338.2739**  
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**R 338.2740**  
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**R 338.2741**  
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**R 338.2742**  
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**R 338.2746**  
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**R 338.2747**  
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**R 338.2748**  
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**R 338.2750**  
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**R 338.2752**  
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**R 338.2753**  
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**R 338.2754**  
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**R 338.2756**  
Source: 1997 AACS.

**R 338.2757**  
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**R 338.2758**  
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**R 338.2759**  
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**R 338.2760**  
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**R 338.2761**  
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**R 338.2762**  
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**R 338.2773**  
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**R 338.2774**  
Source: 1997 AACS.

**R 338.2775**

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**Source:** 1997 AACCS.

**R 338.2776**

**Source:** 1997 AACCS.

**R 338.2777**

**Source:** 1997 AACCS.

**R 338.2778**

**Source:** 1997 AACCS.

**R 338.2779**

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**R 338.2782**

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**R 338.2783**

**Source:** 1997 AACCS.

**R 338.2784**

**Source:** 1997 AACCS.

**R 338.2785**

**Source:** 1997 AACCS.

**R 338.2786**

**Source:** 1997 AACCS.

**NURSING HOME ADMINISTRATORS**

**R 338.2801**

**Source:** 1997 AACCS.

**R 338.2802**

**Source:** 1997 AACCS.

**R 338.2803**

**Source:** 1997 AACCS.

**R 338.2804**

**Source:** 1997 AACCS.

**R 338.2805**

**Source:** 1997 AACCS.

**R 338.2806**

**Source:** 1997 AACCS.

**R 338.2807**

**Source:** 1997 AACCS.



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**R 338.2808**  
Source: 1997 AACS.

**R 338.2809**  
Source: 1997 AACS.

**R 338.2810**  
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**R 338.2811**  
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**R 338.2812**  
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**R 338.2813**  
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**R 338.2814**  
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**R 338.2815**  
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**R 338.2816**  
Source: 1997 AACS.

**R 338.2817**  
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**R 338.2818**  
Source: 1997 AACS.

**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**  
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**R 338.2845**  
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**R 338.2846**  
Source: 1997 AACS.

**R 338.2847**  
Source: 1997 AACS.

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**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.

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**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**  
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**R 338.2913**  
Source: 1997 AACS.

**R 338.2914**  
Source: 1997 AACS.

**R 338.2915**  
Source: 1997 AACS.

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**DIRECTOR'S OFFICE**

**SOCIAL WORK - GENERAL RULES**

**PART 1. GENERAL PROVISIONS**

**R 338.2921**  
Source: 2022 AACS.

**R 338.2923**  
Source: 2022 AACS.

**R 338.2925**  
Source: 2021 AACS.

**R 338.2929**  
Source: 2022 AACS.

**R 338.2930**  
Source: 2021 AACS.

**PART 2. SOCIAL SERVICE TECHNICIAN REQUIREMENTS**

**R 338.2931**  
Source: 2022 AACS.

**R 338.2933**  
Source: 2022 AACS.

**R 338.2935**  
Source: 2022 AACS.

**R 338.2937**  
Source: 2022 AACS.

**PART 3. BACHELOR'S SOCIAL WORKER REQUIREMENTS**

**R 338.2939**  
Source: 2022 AACS.

**R 338.2941**  
Source: 2022 AACS.

**R 338.2943**  
Source: 2022 AACS.

**R 338.2945**  
Source: 2022 AACS.

**PART 4. MASTER'S SOCIAL WORKER REQUIREMENTS**

**R 338.2947**  
Source: 2022 AACS.

**R 338.2949**  
Source: 2022 AACS.

**R 338.2951**

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**Source:** 2022 AACS.

**R 338.2953**

**Source:** 2022 AACS.

**R 338.2955**

**Source:** 2022 AACS.

**R 338.2957**

**Source:** 2022 AACS.

**PART 5. CONTINUING EDUCATION**

**R 338.2961**

**Source:** 2022 AACS.

**R 338. 2963**

**Source:** 2022 AACS.

**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**

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

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**PHARMACY – PHARMACIST CONTINUING EDUCATION**

**R 338.3041 Definitions.**

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

- (a) “Board” means the Michigan board of pharmacy, created in section 17721 of the code, MCL 333.17721.
- (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.

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History: 1979 AC; 2007 AACS; 2020 AACS; 2023 MR 12, Eff. June 26, 2023.

**R 338.3042 License renewals; continuing education requirements; applicability.**

Rule 2. (1) These rules apply to applications for renewal of a pharmacist's license and a special retired volunteer pharmacist's license under sections 16201 and 16184 of the code, MCL 333.16201 and 333.16184. A licensee seeking renewal shall comply with all of the following:

- (a) Submit a completed application on a form provided by the department, together with the requisite fee.
- (b) Beginning with renewals on January 1, 2020, an applicant for license renewal shall have completed a 1-time training identifying victims of human trafficking as required in R 338.511 and section 16148 of the code, MCL 333.16148.
- (c) An applicant for license renewal, who also applies for a controlled substance license, shall have completed a 1-time training in opioids and other controlled substances awareness as required in R 338.3135.
- (d) The continuing education requirements apply to an applicant for license renewal, who has been licensed for the 2-year period immediately preceding the end of the license cycle.
- (e) An applicant for license renewal shall furnish the board with satisfactory evidence that the applicant completed not less than 30 hours of continuing education approved by the board, under R 338.3043 and R 338.3044, during the license cycle before the application for renewal. Continuing education that is earned during the 60-day grace period may be included up to the date the application for renewal is filed. An applicant for license renewal shall complete all of the following continuing education requirements:
  - (i) At least 1 hour of the 30 required hours of continuing education in pharmacy ethics and pharmacy law, which may be completed in 1 or more courses.
  - (ii) At least 10 hours of the 30 required hours of continuing education must be live, synchronous, courses or programs, in-person or virtual, that provide for the opportunity of direct interaction between faculty and participants, including but not limited to, lectures, symposia, live teleconferences, and workshops. Accreditation Council for Pharmacy Education (ACPE) courses designated as live meet this requirement.
  - (iii) At least 1 hour of the 30 required hours of continuing education in pain and symptom management, as required under section 16204(2) of the code, MCL 333.16204. Continuing education in pain and symptom management includes, but is not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interventions as they relate to professional practice.
  - (iv) Not more than 12 hours of continuing education during a 24-hour period.
- (2) Except for the 1-time training in human trafficking, the 1-time training in opioid and controlled substances awareness, and the implicit bias training, which may be used to comply with both the training requirement and the continuing education requirement in the same renewal period, an applicant for license renewal may not earn continuing education credit for a program or activity that is identical to a program or activity an applicant has already earned credit for during that renewal period.
- (3) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. An applicant shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal. The board may require an applicant to submit evidence to demonstrate compliance with this rule. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.
- (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) Except as otherwise stated, this rule takes effect upon promulgation of the rules.

History: 1979 AC; 1997 AACS; 2023 MR 12, Eff. June 26, 2023.

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

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

- (a) A continuing education course or program sponsor shall submit a completed application on forms provided by the department and provide a "Patient Protection" form for any course or program that involves treatment of live patients.
- (b) A completed application form shall be submitted to the department at least 70 days before the date the continuing education course or program is conducted for the proposed continuing education to be considered for approval by the board.
- (c) A continuing education course or program must meet the standards and criteria for an acceptable category of continuing education under this rule and R 338.3044 and must be relevant to health care services, pharmacy operations, or advancement of the licensee's pharmacy education.
- (d) A continuing education course or program shall be developed and presented by a sponsor and must provide all of the following:
  - (i) Availability of adequate records of participation.
  - (ii) Qualified teaching staff.

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- (iii) A statement of educational objectives.
- (e) Board approval is valid for 3 years from the date of approval.
- (f) Except as provided in subdivision (g) of this subrule, any subsequent 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.
- (g) The board shall reevaluate an approved continuing education course or program before any changes during the approval term to the title, number of continuing education hours to be awarded to participants, or learning objectives.
- (h) A sponsor conducting the course or program shall record all of the following on a continuing education certificate or other proof prepared by that sponsor:
- (i) The name of the sponsor.
- (ii) Continuing education approval number assigned by the department.
- (iii) Course title or name of the program.
- (iv) Name of the speaker or instructor.
- (v) Date the approved course or program was conducted.
- (vi) Number and type of continuing education hours awarded.
- (vii) Approved sponsor's signature.
- (viii) Dates of the current approval term.
- (ix) Name of participant.
- (i) The board may revoke the approval status of any approved course or program at any time if the course or program fails to comply with these rules.

History: 1979 AC; 2007 AACS; 2020 AACS; 2023 MR 12, Eff. June 26, 2023.

**R 338.3044 Acceptable continuing education for licensees.**

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

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES		
Type of Activity		Number of Hours Earned/Maximum Hours
(a)	<p>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:</p> <p>A pharmacy program accredited by the ACPE or the Canadian Council for Accreditation of Pharmacy Programs (CCAPP).</p> <p>A continuing education sponsoring organization, institution, or individual approved by the ACPE.</p> <p>Another state board of pharmacy.</p> <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held, or activity completed.</p>	<p>The number of hours earned will be the number of hours approved by the sponsor or the approving organization.</p> <p>If the activity was not approved for a set number of hours, then 1 credit hour for every 50 minutes of participation may be earned.</p> <p>No limitation on the number of hours earned.</p>
(b)	<p>Completion of postgraduate pharmacy practice or administration courses offered for credit in a pharmacy school accredited by the ACPE or the CCAPP.</p> <p>If audited, a licensee shall submit an official transcript that reflects completion of the postgraduate pharmacy practice or administration course and number of semester or quarter credit hours earned.</p>	<p>Twelve hours of continuing education will be earned for each academic quarter credit earned and 18 hours will be earned for each academic semester credit earned.</p> <p>No limitation on the number of hours earned.</p>

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(c)	<p>Participation in a home study program offered through an ACPE-approved provider or other instructional approaches that include an evaluation component including, but not limited to, on-line continuing education programs and journal articles.</p> <p>If audited, a licensee shall submit an affidavit attesting to the number of hours the licensee spent participating in the home study program that includes a description of the activity.</p>	<p>One hour will be earned for each hour devoted to a home study program.</p> <p>A maximum of 20 hours may be earned per renewal period.</p>
(d)	<p>Participation as a preceptor for at least 1 pharmacy intern.</p> <p>A preceptorship shall be for a minimum of 120 hours in person and have a 1 intern - to - 1 preceptor ratio. This may involve multiple preceptor relationships at different times.</p> <p>If audited, a licensee shall submit written documentation from the educational institution or preceptor's supervisor verifying the dates and hours of the preceptorship.</p>	<p>Five hours of continuing education may be earned for a minimum of 120 hours in person of preceptorship in each renewal period.</p> <p>A maximum of 5 hours may be earned in each renewal period.</p>
(e)	<p>Renewal of a pharmacy license held in another state that requires continuing education for license renewal that is substantially equivalent in subject matter and total amount of required hours to that required in these rules if the licensee resides and practices in another state.</p> <p>If audited, a licensee shall submit proof of current licensure in another state and a copy of a letter or certificate of completion showing all of the following: The licensee's name. Number of hours earned. The sponsor's name or the name of the organization that approved the program or activity for continuing education credit. The date on which the program was held, or the activity was completed.</p>	<p>Thirty hours will be earned.</p> <p>A maximum of 30 hours may be earned in each renewal period.</p>
(f)	<p>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.</p> <p>If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>Ten hours will be earned per publication.</p> <p>A maximum of 10 hours may be earned in each renewal period.</p>
(g)	<p>Successful completion of a board certification national pharmacy examination through Board of Pharmacy Specialties (BPS).</p> <p>If audited, a licensee shall submit proof of a passing score on the examination.</p>	<p>Ten hours may be earned in the year in which the licensee achieves a passing score.</p> <p>A maximum of 20 hours may be earned in each renewal period. Credit will not be given for repeating the same examination twice in a renewal period.</p>



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(h)	<p>Presentation of a continuing education program approved by the board under R 338.3043 or subdivision (a) of this rule that is not a part of the licensee's regular job description.</p> <p>If audited, a licensee shall submit a copy of the curriculum and a letter from the program sponsor verifying the length and date of the presentation.</p>	<p>Two hours for every 50 minutes devoted to presenting the program.</p> <p>A maximum of 2 hours may be earned in each renewal period.</p>
(i)	<p>Attendance at a pharmacy-related program that is approved by the board pursuant to R 338.3043.</p> <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing all of the following: 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. The date on which the program was held, or the activity was completed.</p>	<p>The number of hours earned will be the number of hours approved by the sponsor or the approving organization.</p> <p>If the activity was not approved for a set number of hours, then 1 credit hour for every 50 minutes of participation may be earned.</p> <p>No limitation on the number of hours earned.</p>
(j)	<p>Attendance at a full board of pharmacy meeting, disciplinary subcommittee meeting, or rules committee work group meeting.</p>	<p>One hour may be earned for attending a full meeting. This category of continuing education qualifies as 1 hour in pharmacy law.</p> <p>A maximum of 5 hours may be earned in each renewal period.</p>

History: 1979 AC; 1982 AACS; 2007 AACS; 2020 AACS; 2023 MR 12, Eff. June 26, 2023.

**R 338.3045**

**Source:** 2020 AACS.

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**DIRECTOR'S OFFICE**

**CENTRAL FILL AND SHARED PHARMACY SERVICES**

**PART 1. GENERAL PROVISIONS**

**R 338.3051 Definitions.**

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

- (a) "Board" means the Michigan board of pharmacy, created in section 17721 of the code, MCL 333.17721.
- (b) "Central fill pharmacy" means a pharmacy that engages in dispensing functions of centralized prescription processing at the request of an originating pharmacy.
- (c) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
- (d) "Deliver," as used in this part, means the actual, constructive, or attempted transfer of a prescription drug, including a controlled substance, directly to a patient or a patient's agent by the lawful order of a practitioner. Deliver does not include a central fill pharmacy that provides a prescription product to another pharmacy for subsequent issuance to a patient or a patient's agent.
- (e) "Delivering pharmacist" means a pharmacist who is responsible for delivering a prescription directly to a patient or a patient's agent.
- (f) "Delivering pharmacy" means the pharmacy that delivers the filled or refilled prescription to the patient or the patient's agent. The delivering pharmacy must be either the originating pharmacy or the central fill pharmacy.
- (g) "Department" means the department of licensing and regulatory affairs (LARA).

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(h) "Originating pharmacy" means a pharmacy that initially receives a patient's or a prescribing practitioner's request to fill or refill a prescription.

(2) Unless otherwise defined in these rules, a term defined in the code has the same meaning if used in these rules.

History: 2008 AACs; 2023 MR 10, Eff. May 19, 2023.

**R 338.3052 Central fill and shared pharmacy services rules; prevail over other pharmacy rules.**

Rule 2. (1) In addition to these rules, pharmacies must follow all applicable board rules. However, to the extent that these rules conflict with other board rules, the provisions in these rules must prevail.

(2) Shared pharmacy services for processing functions of centralized pharmacy processing that do not involve the dispensing process, such as completing claims adjudication or remote data entry, may be performed under the general supervision of a pharmacist. For this subrule, dispensing process means the physical preparing, compounding, packaging, or labeling of a drug product intended for delivery to the patient.

History: 2008 AACs; 2023 MR 10, Eff. May 19, 2023.

**R 338.3053 Centralized prescription processing; dispensing requirements.**

Rule 3. (1) In addition to complying with the requirements of section 17753 of the code, MCL 333.17753, a pharmacy must meet all of the following requirements before it either performs centralized prescription processing or outsources centralized prescription processing to another pharmacy:

(a) Hold a pharmacy license in this state.

(b) Share sufficient patient and drug information to minimize the possibility of an adverse drug event.

(c) Maintain records required in R 338.3054, for 5 years from the date of dispensing. The pharmacy shall ensure that the records are readily retrievable within 48 hours after the department makes a request for the records. If the records are maintained in a digital format, a printed copy must be made available to the department or other authorized individual upon request.

(2) The originating pharmacy shall maintain the original prescription for a period of 5 years after the date the prescription was filled.

(3) Two years after the prescription was filled, the originating pharmacy may make an electronic duplicate of the original paper prescription, which becomes the original prescription. The originating pharmacy shall present a printed copy of the electronic duplicate of the prescription to the department or board upon request.

(4) A pharmacy engaging in centralized prescription processing is responsible for each function of the prescription's processing performed by that pharmacy.

(5) A delivering pharmacist is responsible for complying with R 338.589(4) regarding patient counseling.

(6) The prescription label for a prescription that was filled by a central fill pharmacy must identify each pharmacy that was involved in dispensing and delivering the prescription. A central fill pharmacy may be identified on a prescription label by use of a unique identifier that is recognized by the delivering pharmacist. A central fill pharmacy shall create and maintain a unique identifier and communicate the unique identifier to all pharmacies that use its services. As used in this subrule, "unique identifier" means a unique combination of letters, numbers, or symbols that allows the delivering pharmacy to identify the specific central fill pharmacy involved in the processing of the prescription.

(7) A prescription that was not delivered to a patient may be transferred back to the pharmacy that filled the prescription, if the transfer records are maintained. A central fill pharmacy and an originating pharmacy shall establish procedures for the disposition of prescription medication that was not delivered to patients. This medication may be returned to stock and may be re-dispensed without constituting a violation of R 338.503(1).

(8) A pharmacy that performs or contracts for centralized prescription processing shall comply with the procedures described in its policies and procedures manual, pursuant to section 17753(2) of the code, MCL 333.17753.

History: 2008 AACs; 2023 MR 10, Eff. May 19, 2023.

**R 338.3054 Records maintenance; requirements for central fill pharmacies.**

Rule 4. (1) An originating pharmacy shall maintain records that indicate all of the following:

(a) The date the request for centralized prescription processing was transmitted to a central fill pharmacy.

(b) The method of transmittal.

(c) The identification of the pharmacist responsible for the transmission.

(d) The name and address of the central fill pharmacy where the request for centralized prescription processing was transmitted.

(e) The date the delivering pharmacy received the filled prescription from the central fill pharmacy.

(f) The name of the pharmacy employee who accepted the transfer of a filled prescription from a central fill pharmacy.

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- (g) The identification of the pharmacist who was responsible for delivering the prescription to the patient or the patient's agent.
  - (2) A central fill pharmacy that receives the transmitted prescription shall maintain records that indicate all of the following, as applicable to its function:
    - (a) The date the request for centralized prescription processing was received from the originating pharmacy.
    - (b) The name and address of the originating pharmacy where the request for centralized prescription processing was received.
    - (c) The date the prescription was processed, verified, or filled.
    - (d) The identification of the pharmacists who were responsible for processing the prescription and shipping the filled prescription to an originating pharmacy or delivering the filled prescription to a patient or a patient's agent.
    - (e) The date the filled prescription was shipped to the originating pharmacy or was shipped or delivered to the patient or the patient's agent.
    - (f) The name and address of the patient to whom the filled prescription was shipped, if shipped.
    - (g) The method of delivery, such as private, common, or contract carrier, if shipped.
  - (3) If a prescription was not delivered to a patient and was transferred back to the pharmacy that filled the prescription, that pharmacy shall maintain the transfer records.
- History: 2008 AACs; 2023 MR 10, Eff. May 19, 2023.

**PART 2. CONTROLLED SUBSTANCES PRESCRIPTIONS**

**R 338.3055 Schedule 2, 3, 4, or 5 controlled substances prescriptions; requirements for central fill pharmacies.**

- Rule 5. (1) In addition to complying with the requirements of part 1 of these rules, a pharmacy that performs or contracts for centralized prescription processing shall comply with this rule if processing a prescription for a schedule 2, 3, 4, or 5 controlled substance.
- (2) Prescriptions for controlled substances may be transmitted electronically, including by facsimile, from an originating pharmacy to a central fill pharmacy.
  - (3) An originating pharmacy that transmits prescription information for a controlled substance to a central fill pharmacy shall comply with all of the following:
    - (a) Ensure that the words "CENTRAL FILL" are on the face of the original prescription and the originating pharmacy shall record all of the following information:
      - (i) The name, address, and the Federal Drug Enforcement Administration (DEA) registration number of the central fill pharmacy where the prescription was transmitted.
      - (ii) The name of the pharmacist at the originating pharmacy who transmitted the prescription.
      - (iii) The date of transmittal.
    - (b) Ensure that the information that is required on a prescription under 21 CFR-1306.05 and R 338.3161 is transmitted to the central fill pharmacy, either on the face of the original prescription or in the electronic transmission of the prescription.
    - (c) Include all of the following in the prescription:
      - (i) The number of refills already dispensed.
      - (ii) The number of refills remaining.
    - (d) Maintain the original prescription for a period of 5 years from the date the prescription was filled.
  - (4) Two years after the prescription was filled, the originating pharmacy may make an electronic duplicate of the original printed prescription, which becomes the original prescription. A pharmacy shall present a printed copy of the electronic duplicate of the prescription to the department or board upon request.
  - (5) In addition to complying with the requirements in R 338.3054(2)(a), (b), (c), (d), (e), (f) and (g), a central fill pharmacy that receives the transmitted prescription shall comply with all of the following:
    - (a) Maintain records for 5 years after the date of transmittal.
    - (b) Maintain a copy of the prescription if it was sent via facsimile or an electronic record of all the information transmitted by the originating pharmacy, including the name, address, and DEA registration number of the originating pharmacy that transmitted the prescription.
    - (c) Maintain a record of the date the filled prescription was dispensed and the method of dispensing.
- History: 2008 AACs; 2023 MR 10, Eff. May 19, 2023.

**R 338.3056 Reporting to the electronic system for monitoring controlled substances.**

- Rule 6. As used in this part, the pharmacy that uses its stock to fill a prescription for a controlled substance is the pharmacy responsible to report to the department or the department's contractor the information required in R 338.3162b for each controlled substance prescription.
- History: 2008 AACs; 2023 MR 10, Eff. May 19, 2023.

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BOARD OF PHARMACY

PHARMACY – CONTROLLED SUBSTANCES

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**R 338.3101**  
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**R 338.3102**  
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**R 338.3104**  
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**R 338.3108**  
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**R 338.3109**  
Source: 2022 AACS.

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**R 338.3111**  
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**R 338.3112**  
Source: 2022 AACS.

**R 338.3113**  
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**R 338.3113a**  
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**R 338.3114**  
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**R 338.3114a**  
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**R 338.3116**  
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**R 338.3117**  
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**R 338.3118**  
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**R 338.3119**  
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**R 338.3119a**

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**Source:** 2022 AACS.

**R 338.3119b**

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**Source:** 2022 AACS.

**PART 3. LICENSES**

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**Source:** 2022 AACS.

**R 338.3133**

**Source:** 2002 AACS.

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**Source:** 2002 AACS.

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**Source:** 2013 AACS.

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**R 338.3143**

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**R 338.3145**

**Source:** 2022 AACS.

**PART 5. RECORDS**

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**Source:** 2022 AACS.

**R 338.3154**

**Source:** 2022 AACS.

**PART 6. DISPENSING AND ADMINISTERING CONTROLLED SUBSTANCE PRESCRIPTIONS**

**R 338.3161**

**Source:** 2022 AACS.

**R 338.3161a**

**Source:** 2022 AACS.

**R 338.3162**

**Source:** 2022 AACS.

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**Source:** 2022 AACS.

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**R 338.3170**

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**R 338.3199p**  
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**R 338.3199q**  
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**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**

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**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.

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**DIRECTOR'S OFFICE**

**BOARD OF PHARMACY - ANIMAL EUTHANASIA AND SEDATION RULES**

**Part 1. General Provisions**

**R 338.3501**

**Source:** 2021 AACS.

**PART 2. ANIMAL EUTHANASIA**

**R 338.3502**

**Source:** 2021 AACS.

**R 338.3503**

**Source:** 2021 AACS.

**R 338.3504**

**Source:** 2021 AACS.

**R 338.3505**

**Source:** 2021 AACS.

**R 338.3506**

**Source:** 2021 AACS.

**R 338.3507**

**Source:** 2021 AACS.

**R 338.3508**

**Source:** 2021 AACS.

**R 338.3509**

**Source:** 2021 AACS.

**R 338.3510**

**Source:** 2021 AACS.

**R 338.3511**

**Source:** 2021 AACS.

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**R 338.3512**  
Source: 2021 AACS.

**PART 5. ANIMAL SEDATION**

**R 338.3513**  
Source: 2021 AACS.

**R 338.3514**  
Source: 2021 AACS.

**R 338.3515**  
Source: 2021 AACS.

**R 338.3516**  
Source: 2021 AACS.

**R 338.3517**  
Source: 2021 AACS.

**R 338.3518**  
Source: 2021 AACS.

**R 338.3519**  
Source: 2021 AACS.

**R 338.3520**  
Source: 2021 AACS.

**R 338.3521**  
Source: 2021 AACS.

**R 338.3522**  
Source: 2021 AACS.

**R 338.3523**  
Source: 2021 AACS.

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**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**

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**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 Definitions.**

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

- (a) "ASHP/ACPE" means the American Society of Health-System Pharmacists/Accreditation Council for Pharmacy Education.
  - (b) "Board" means the Michigan Board of Pharmacy.
  - (c) "CCAPP" means the Canadian Council for Accreditation of Pharmacy Programs.
  - (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.
  - (f) "NHA" means the National Healthcareer Association.
  - (g) "PTCB" means the Pharmacy Technician Certification Board.
  - (2) Unless otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.
- History: 2016 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.3651a Pharmacy technician licensure; eligibility; examination.**

Rule 1a. (1) An applicant for licensure by examination 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, while the student is 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 license under section 17739c of the code, MCL 333.17739c.
- (2) In addition to meeting the requirements of R 338.7001 to R 338.7004, any other rule promulgated under the code, and 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 PTCB or the 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) An applicant shall submit proof of having completed the 1-time training in identifying victims of human trafficking as required in R 338.3659 and section 16148 of the code, MCL 333.16148.
- (3) An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by another 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.

History: 2023 MR 19, Eff. Oct. 2, 2023.

**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 under R 338.3651a 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 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.3653 Licensure by endorsement.**



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Rule 3. (1) An applicant who has never held a pharmacy technician license in this state, but who is licensed in another state, 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 is presumed to meet the requirements of section 16186 of the code, MCL 333.16186, if they meet the requirements of R 338.7001 to R 338.7004, any other rule promulgated under the code, and section 16174 of the code, MCL 333.16174, as well as all of the following requirements:

(a) Has 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) Satisfies the requirements in 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.

(c) Holds a pharmacy technician license or registration by examination in another state that is active and in good standing.

(d) Submits proof that the applicant passed 1 of the approved examinations specified in R 338.3651a(2)(b).

(e) Submits proof of having completed the 1-time training in identifying victims of human trafficking as required in R 338.3659 and section 16148 of the code, MCL 333.16148.

(f) Discloses each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country on the application form.

History: 2016 AACs; 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**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 must 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) Except for PTCB and NHA, 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 by December 31, 2023, or the program will no longer be listed as a board-approved program.

(7) The board's approval of an examination expires 5 years after the date of approval.

(8) One year after the effective date of this subrule, a board-approved program must include a proficiency examination grading procedure with the proficiency examination application, which will be reviewed by the board with the examination.

History: 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**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 ASHP/ACPE Pharmacy Technician Accreditation Commission.

(b) A pharmacy technician program that is offered by an education program that is accredited by the ASHP/ACPE Pharmacy Technician Accreditation Commission or by an agency accredited by the United States Department of Education.

(2) If any 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 community college under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195 or a school that is licensed under the proprietary schools act, 1943 PA 148, MCL 395.101 to 395.103.

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- (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 the student's exemption from licensure in subrule (6) of this rule, and R 338.3651a.
- (6) A student in a board-approved pharmacy technician program is exempt from licensure while in the program.
- (7) A student who is at least 16 years of age, in a board-approved pharmacy technician program, may participate in practical hands-on training in the pharmacy.
- (8) A pharmacy technician program that was board approved before July 1, 2022, shall reapply and meet the requirements of this rule no later than 1 year after these rules are promulgated, or the program will no longer be listed as a board-approved program. 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.
- (9) If the department determines that a board-approved program is not meeting the standards of the code or these rules, the department may send written notice to the program stating which areas in the program are deficient. The program has 30 days to fix any deficiency and report back to the department. If the department determines that the deficiencies are not resolved, the board will evaluate the deficiencies and may withdraw approval.
- (10) Withdrawal of board approval of a program for stated deficiencies that were not remediated does not make any bona fide student enrolled in the program, at the time of withdrawal of approval, ineligible to sit for an approved licensure examination.
- History: 2016 AACs; 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.3657 Relicensure requirements for pharmacy technicians.**

Rule 7. (1) An applicant for relicensure whose pharmacy technician license has lapsed in this state under 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 whose license in this state has lapsed, and who is not currently licensed in another state:	License lapsed 0-3 years.	License lapsed more than 3 years.
(i) Submit a completed application on a form provided by the department, together with the requisite fee.	√	√
(ii) Establish that the applicant is of good moral character as defined in, and determined 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 20 hours of continuing education specified in R 338.3661(1) that was completed within the 2-year period before the application for relicensure. If the continuing education hours submitted with the application are deficient, an applicant has 2 years after the date of the	√	√

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application to complete the deficient hours. The application must be held, and the license may not be issued until the continuing education requirements are met.		
(v) Within 2 years preceding the application for relicensure, pass 1 of the examinations specified in R 338.3651a(2)(b)(i) to (iii).		√
(vi) Submit proof of having completed a 1-time training in identifying victims of human trafficking as required in R 338.3659 and implicit bias training as required in R 338.7004.	√	√
(vii) An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by another 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.	√	√
(viii) Meet the English language requirement under R 338.7002b.	√	√
(b) For a pharmacy technician whose license in this state has lapsed, but who holds a current and valid pharmacy technician license in another state:	License lapsed 0-3 years.	License lapsed more than 3 years.
(i) Submit a completed application on a form provided by the department, together with the requisite fee.	√	√
(ii) Establish that the applicant is of good moral character as defined in, and determined 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 20 hours of substantially similar continuing education as required in R 338.3661(1) that were completed within the 2-year period before the application for relicensure. If the continuing education hours submitted with the application are deficient, an applicant has 2 years after the date of the application to complete the deficient hours. The application must be held, and the license may not be issued until the continuing education requirements are met.	√	√
(v) Submit proof of having completed a 1-time training in identifying victims of human trafficking as required in R 338.3659 and implicit bias training as required in R 338.7004.	√	√
(vi) Submit verification from the licensing agency of another state 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. An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by another 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	√	√

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entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.		
(vii) Meet the English language requirement under R 338.7002b.	√	√

(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; 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.3659 Training standards for identifying victims of human trafficking; requirements.**

Rule 9. (1) Under section 16148 of the code, MCL 333.16148, the individual licensed or seeking licensure shall have completed 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 healthcare settings.

(iii) Identifying the warning signs of human trafficking in healthcare 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, healthcare 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 an individual and request documentation of proof of completion of training. If audited by the department, the 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 the individual. The certification statement must include the individual's name and 1 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 pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of the peer-review journal, healthcare journal, or professional or scientific journal, and the date, volume, and issue of publication, as applicable.

History: 2016 AACs; 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.3661 License renewals; continuing education requirements.**

Rule 11. (1) This rule applies to applications for renewal of a pharmacy technician's license and a special retired volunteer pharmacy technician's license under sections 16184 and 16201 of the code, MCL 333.16184 and 333.16201. A licensee seeking renewal shall 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) 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:

(i) An applicant for license renewal shall complete 1 hour in pharmacy ethics and jurisprudence, which may be completed in 1 or more courses.

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(ii) 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:

- (A) Behavior management.
- (B) Psychology of pain.
- (C) Pharmacology.
- (D) Behavior modification.
- (E) Stress management.

(F) Clinical applications as they relate to professional practice.

(iii) An applicant for license renewal shall complete 1 hour in patient safety.

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

(v) Except for the 1-time training in human trafficking and the implicit bias training, which may be used to comply with both the training requirement and the continuing education requirement in the same renewal period, an applicant for license renewal may not earn continuing education credit for a program or activity that is identical to a program or activity an applicant has already earned credit for during that renewal period.

(vi) An applicant for license renewal shall earn at least 5 hours of continuing education in live, synchronous, courses or programs, in-person or virtual, that provide for the opportunity of direct interaction between faculty and participants, including, but not limited to, lectures, symposia, live teleconferences, and workshops. ACPE courses designated as live meet this requirement.

(2) Submission of an application for renewal constitutes 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 after 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.

(3) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department for the board's consideration at least 30 days before the last regularly scheduled board meeting before the expiration date of the license. The public notice for the board meetings can be found here:

<https://www.michigan.gov/lara/bureau-list/bpl/health/hp-lic-health-prof/pharmacy>.

(4) Continuing education that is earned during the 60-day grace period may be included up to the date the application for renewal is filed.

History: 2016 AACS; 2021 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.3662 Format of acceptable continuing education for licensees.**

Rule 12. The board shall consider all of the following as acceptable continuing education:

FORMAT OF ACCEPTABLE CONTINUING EDUCATION ACTIVITIES		
Type of Activity		Number/Maximum Hours Earned
(a)	<p>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:</p> <ul style="list-style-type: none"> <li>• A pharmacy program accredited by the ASHP/ACPE Pharmacy Technician Accreditation Commission or the CCAPP.</li> <li>• A continuing education sponsoring organization, institution, or individual approved by the ACPE.</li> <li>• Another state board of pharmacy.</li> </ul> <p>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 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 that the</p>	<p>The number of continuing education hours earned will be the number of hours approved by the sponsor or the approving organization.</p> <p>If the activity was not approved for a set number of hours, then 1 credit hour for every 50 minutes of participation may be earned.</p> <p>No limitation on the number of hours earned.</p>

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	program was held, or activity completed.	
(b)	<p>Completion of pharmacy practice or administration courses offered for credit in a pharmacy program accredited by the ASHP/ACPE Pharmacy Technician Accreditation Commission or the CCAPP.</p> <p>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.</p>	<p>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.</p> <p>No limitation on the number of hours earned.</p>
(c)	<p>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, online continuing education programs and journal articles.</p> <p>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.</p>	<p>One hour of continuing education will be earned for each hour devoted to a home study program.</p> <p>A maximum of 20 hours may be earned per renewal period.</p>
(d)	<p>Renewal of a pharmacy technician license held in another state that requires continuing education for license renewal that is substantially equivalent in subject matter and total amount of required hours to that required in these rules if the licensee resides and practices in another state.</p> <p>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 continuing education 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 that the program was held or the activity was completed.</p>	<p>Twenty hours of continuing education will be earned.</p> <p>A maximum of 20 hours may be earned in each renewal period.</p>
(e)	<p>Initial publication of an article or a chapter related to the practice of pharmacy in either of the following:</p> <ul style="list-style-type: none"> <li>• A pharmacy textbook.</li> <li>• A peer-reviewed journal.</li> </ul> <p>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.</p>	<p>Ten hours of continuing education will be earned per publication.</p> <p>A maximum of 10 continuing education hours may be earned in each renewal period.</p>
(f)	<p>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.</p> <p>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.</p>	<p>Two continuing education hours will be earned for every 50 minutes devoted to presenting the program.</p> <p>A maximum of 2 hours may be earned in each renewal period. This change is effective starting with the next full license cycle after promulgation of this rule.</p>
(g)	Attendance at a pharmacy-related program, that is	The number of continuing education

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	<p>approved by the board pursuant to R 338.3663.</p> <p>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 that the program was held or the activity was completed.</p>	<p>hours earned will be the number of hours approved by the sponsor or the approving organization.</p> <p>If the activity was not approved for a set number of hours, then 1 credit hour for every 50 minutes of participation may be earned.</p> <p>No limitation on the number of hours earned.</p>
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History: 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.3663 Continuing education courses and programs; standards for approval.**

Rule 13. A continuing education course or program that is not pre-approved under R 338.3662(a) may be approved by the board pursuant to the standards in R 338.3043.

History: 2016 AACs; 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**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) Reconstitute non-sterile dosage forms consistent with approved labeling provided by the manufacturer of a commercially available product.
- (b) Provide technology-assisted final product verification, which includes all the following:
  - (i) A properly trained pharmacy technician performing final product verification with the use of bar coding or another error prevention technology.
  - (ii) The licensed pharmacy technician providing final product verification is subject to all of the following requirements:
    - (A) The licensed pharmacy technician holds a current full or limited pharmacy technician license in this state.
    - (B) Before performing final product verification the full or limited licensed pharmacy technician meets 1 of the following:
      - (1) Has accrued not less than 1,000 hours of pharmacy technician work experience in the same type of pharmacy practice site where the technology-assisted final product verification will be performed while the pharmacy technician holds a current full pharmacy technician license, a temporary license, a limited license, or is in training in this state.
      - (2) Has completed a final product verification training program that includes at least all of the following:
        - (i) The role of a pharmacy technician in the product verification process.
        - (ii) The legal requirements and liabilities of a final verification technician.
        - (iii) The use of technology assisted verification systems.
        - (iv) The primary causes of medication errors and misfills.
        - (v) The identification and resolution of dispensing errors.
    - (C) The practice setting where a licensed pharmacy technician performs final product verification has in place policies and procedures including a quality assurance plan governing pharmacy technician technology-assisted final product verification.
    - (D) The technology enabled verification system must document and electronically record each step of the prescription process including which individuals complete each step.
    - (E) A licensed pharmacy technician shall not perform technology-assisted final product verification for sterile or nonsterile compounding.
    - (F) Technology-assisted final product verification by a licensed pharmacy technician is not limited to a practice setting.
    - (G) A pharmacist using professional judgment may choose to delegate technology-assisted final product verification after ensuring licensed pharmacy technicians have completed and documented relevant training or work experience.
  - (c) Access the electronic database of a pharmacy from inside or outside of the pharmacy to perform the delegated tasks in paragraph (iii) of this subdivision related to prescription processing functions outside of the personal charge of a pharmacist.
    - (i) A pharmacy technician remotely performing the tasks in paragraph (iii) of this subdivision must be supervised by a licensed pharmacist.
    - (ii) The remote supervision in paragraph (i) of this subdivision means that a pharmacist directs and controls the actions of the remote technician using technology to ensure the supervising pharmacist does both of the following:
      - (A) Is readily and continuously available to answer questions, review the practice of the supervised pharmacy technician, provide consultation, review records, and educate the pharmacy technician in the performance of functions.

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(B) Has established predetermined procedures and drug protocol governing any activity performed remotely including protection of patient confidentiality.

(iii) Delegated tasks relating to prescription processing functions include, but are not limited to, the following:

(A) Verification of a patient's medication history.

(B) Data entry regarding processing prescription data and patient data.

(C) Claims adjudication.

(D) Handling phone calls regarding processing prescription data and patient data.

(E) Processing refill requests.

(F) Technology-assisted final product verification.

(G) Transferring prescriptions for non-controlled substances.

History: 2016 AACS; 2021 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**DIRECTOR'S OFFICE**

**PODIATRY**

**CONTINUING EDUCATION**

**R 338.3701**

Source: 2014 AACS.

**R 338.3702**

Source: 2014 AACS.

**R 338.3703**

Source: 2014 AACS.

**R 338.3704**

Source: 2014 AACS.

**R 338.3705**

Source: 2014 AACS.

**R 338.3706**

Source: 2014 AACS.

**R 338.3707**

Source: 2014 AACS.

**R 338.3708**

Source: 2014 AACS.

**R 338.3709**

Source: 2014 AACS.

**R 338.3710**

Source: 2014 AACS.

**R 338.3711**

Source: 2014 AACS.

**R 338.3712**

Source: 1979 AC.

**BOARD OF VETERINARY MEDICINE**



**PUBLIC CONDUCT AT MEETINGS**

**R 338.3801**

Source: 2015 AACS.

**ADMINISTRATIVE HEARINGS—VETERINARY MEDICINE**

**R 338.3821**

Source: 1997 AACS.

**R 338.3822**

Source: 1997 AACS.

**R 338.3823**

Source: 1997 AACS.

**R 338.3824**

Source: 1997 AACS.

**R 338.3825**

Source: 1997 AACS.

**R 338.3826**

Source: 1997 AACS.

**R 338.3827**

Source: 1997 AACS.

**R 338.3828**

Source: 1997 AACS.

**R 338.3829**

Source: 1997 AACS.

**R 338.3830**

Source: 1997 AACS.

**R 338.3831**

Source: 1997 AACS.

**R 338.3832**

Source: 1997 AACS.

**R 338.3833**

Source: 1997 AACS.

**R 338.3834**

Source: 1997 AACS.

**R 338.3835**

Source: 1997 AACS.

**R 338.3836**

Source: 1997 AACS.

**R 338.3837**

Source: 1997 AACS.

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**R 338.3838**  
Source: 1997 AACS.

**R 338.3839**  
Source: 1997 AACS.

**R 338.3840**  
Source: 1997 AACS.

**R 338.3841**  
Source: 1997 AACS.

**R 338.3842**  
Source: 1997 AACS.

**R 338.3843**  
Source: 1997 AACS.

**R 338.3844**  
Source: 1997 AACS.

**R 338.3845**  
Source: 1997 AACS.

**R 338.3846**  
Source: 1997 AACS.

**R 338.3847**  
Source: 1997 AACS.

**R 338.3848**  
Source: 1997 AACS.

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**DIRECTOR'S OFFICE**

**SANITARIANS REGISTRATION – GENERAL RULES**  
**PART 1. GENERAL PROVISIONS**

**R 338.3901 Definitions.**

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

- (a) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
  - (b) "Department" means the department of licensing and regulatory affairs.
  - (c) "NEHA" means the National Environmental Health Association.
  - (d) "REHS/RS" means the registered environmental health specialist/registered sanitarian credential from NEHA.
- (2) A term defined in the code has the same meaning when used in these rules.

History: 1982 AACS; 1991 AACS; 2008 AACS; 2020 AACS; 2023 MR 6, Eff. March 23, 2023.

**R 338.3901a**  
Source: 2020 AACS.

**R 338.3902**  
Source: 2020 AACS.

**R 338.3903**  
Source: 2020 AACS.

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**R 338.3904**

Source: 1997 AACCS.

**R 338.3905**

Source: 2020 AACCS.

**R 338.3906**

Source: 2020 AACCS.

**R 338.3906a**

Source: 2020 AACCS.

**R 338.3907**

Source: 1997 AACCS.

**R 338.3908**

Source: 2014 AACCS.

**R 338.3909**

Source: 1982 AACCS.

**R 338.3910**

Source: 2020 AACCS.

**PART 2. EDUCATION**

**R 338.3911 Accreditation standards; adoption by reference.**

Rule 11. (1) The standards for accrediting environmental health baccalaureate programs developed and adopted by the National Environmental Health Science and Protection Accreditation Council (EHAC), P.O. Box 66057, Burien, Washington 98166 in the publication entitled "Requirements for the Accreditation of Environmental Health Science and Protection Baccalaureate Programs," updated November 25, 2019, which is available at no cost from the council's website at <https://www.nehspac.org/>, are approved and adopted by reference.

(2) The standards for accrediting environmental health graduate programs developed and adopted by EHAC, P.O. Box 66057, Burien, Washington 98166 in the publication entitled "Guidelines for the Accreditation of Environmental Health Science and Protection: Graduate Programs," updated August 22, 2018, which is available at no cost from the council's website at <https://www.nehspac.org/>, are approved and adopted by reference.

(3) The standards for recognition of accrediting organizations developed and adopted by the Council for Higher Education Accreditation (CHEA), One Dupont Circle NW, Suite 510, Washington DC 20036, in the publication entitled "CHEA Standards and Procedures for Recognition," effective October 4, 2021, which are available at no cost on the council's website at <https://www.chea.org>, are approved and adopted by reference.

(4) The criteria for recognition and the recognition process for the secretary's recognition of accrediting agencies of the United States Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, S.W., Washington, DC 20202, in 34 CFR 602.10 to 602.39, effective July 1, 2020, which are available at no cost on the department's website at <https://www2.ed.gov/about/offices/list/ope/index.html>, are approved and adopted by reference.

(5) Copies of the standards and criteria approved and adopted in this rule 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.

History: 2020 AACCS; 2023 MR 6, Eff. March 23, 2023.

**R 338.3913 Sanitarian educational training requirements.**

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

(a) A bachelor's degree, master's degree, or doctoral degree in environmental health from an educational program accredited under the standards approved and adopted under R 338.3911(1) or (2).

(b) A bachelor's degree, master's degree, or doctoral degree in any subject from an accredited educational institution and the accrediting organization or agency satisfies the standards or criteria approved and adopted under R 338.3911(3) or (4) and the degree included both of the following requirements:

(i) Not less than 30 semester hours or 45 quarter hours of college level credit in basic science coursework, including

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engineering sciences, environmental sciences, health sciences, life sciences, natural sciences, or physical sciences.

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

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

(2) If an applicant is a graduate of an educational program under subrule (1)(b) of this rule, the applicant's educational credentials must undergo a curriculum evaluation conducted by NEHA.

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

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

History: 2020 AACCS; 2023 MR 6, Eff. March 23, 2023.

**PART 3. REGISTRATION**

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

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

(a) Training content must cover all 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 healthcare settings.

(iii) Identifying the warning signs of human trafficking in healthcare 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 department for initial registration, or by a college or university.

(iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subdivision (a) of this subrule and is published in a peer-review journal, healthcare 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, the 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 the individual. The certification statement must include the individual's name and 1 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 the peer-review journal, healthcare journal, or professional or scientific journal, and the date, volume, and issue of publication, as applicable.

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

History: 2020 AACCS; 2023 MR 6, Eff. March 23, 2023.

**R 338.3923**

**Source:** 2020 AACCS.

**R 338.3925 Registration; requirements.**

Rule 25. (1) An applicant for a sanitarian registration shall satisfy the requirements of the code and the rules promulgated

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under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof, as directed by the department, verifying completion of 1 of the following:
  - (i) The requirements of R 338.3913(1)(a). No proof of prior work experience is required.
  - (ii) The requirements of R 338.3913(1)(b) and verification from the applicant's employer that the applicant has completed 4,000 hours in planning, developing, or implementing systems to improve the quality of air, water, food, or other environmental factors that affect the health of the public.
  - (iii) The requirements of R 338.3913(1)(c), subject to the following requirements:
    - (A) If the credential evaluation required under R 338.3913(3) determines that the applicant's educational credentials are substantially equivalent to R 338.3913(1)(a), no proof of prior work experience is required.
    - (B) If the credential evaluation required under R 338.3913(3) determines that the applicant's educational credentials are substantially equivalent to R 338.3913(1)(b), verification is required from the applicant's employer that the applicant has completed 4,000 hours in planning, developing, or implementing systems to improve the quality of air, water, food, or other environmental factors that affect the health of the public.
- (c) Provide proof, as directed by the department, verifying a passing score on the examination adopted under R 338.3923.
- (2) If an applicant for a sanitarian registration provides proof, as directed by the department, that the applicant is a current holder in good standing of the REHS/RS credential, then it is presumed that the applicant satisfies the requirements of subrule (1)(b) and (c) of this rule.

History: 2020 AACs; 2023 MR 6, Eff. March 23, 2023.

**R 338.3927 Registration by endorsement.**

Rule 27. (1) An applicant for a sanitarian registration by endorsement shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof, as directed by the department, verifying a current and full sanitarian license or registration in another state.
- (c) Provide proof, as directed by the department, verifying that the applicant completed the educational requirements in the United States for licensure or registration as a sanitarian in the United States.
- (d) Provide proof, as directed by the department, verifying a passing score on the examination adopted under R 338.3923.
- (2) If an applicant for a sanitarian registration provides proof, as directed by the department, that the applicant is a current holder in good standing of the REHS/RS credential, then it is presumed that the applicant satisfies the requirements of subrule (1)(c) and (d) of this rule.
- (3) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another 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, including 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 registration is granted and it is determined that sanctions have been imposed, the department may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

History: 2020 AACs; 2023 MR 6, Eff. March 23, 2023.

**R 338.3929 Application for sanitarian reregistration; requirements.**

Rule 29. (1) An applicant whose sanitarian registration has lapsed may be reregistered within 3 years after the expiration date of the registration under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies the requirements of the code and the rules promulgated under the code, as well as both 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 that term is defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.
- (2) An applicant whose sanitarian registration has lapsed may be reregistered more than 3 years after the expiration date of the registration under section 16201(4) of the code, MCL 333.16201, if the applicant satisfies the requirements under the code and the rules promulgated under the code, as well as all the following requirements:
  - (a) Establishes good moral character as that term is defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.
  - (b) Provides fingerprints as required under section 16174(3) of the code, MCL 333.16174.
  - (c) Provides proof, as directed by the department, verifying a passing score on the examination adopted under R 338.3923 during the 2-year period immediately preceding the date of application for reregistration.
- (3) If an applicant for a sanitarian reregistration provides proof, as directed by the department, that the applicant is a current holder in good standing of the REHS/RS credential, then it is presumed that the applicant satisfies the requirement of subrule (2)(c) of this rule.
- (4) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another state, the

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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, including 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 registration is granted and it is determined that sanctions have been imposed, the department may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

History: 2020 AACS; 2023 MR 6, Eff. March 23, 2023.

**R 338.3931 Registration renewal; requirements.**

Rule 31. An applicant for renewal who has been registered for the 2-year period immediately preceding the application for renewal shall satisfy the requirements of the code and the rules promulgated under the code, including providing the required fee and a completed application on a form provided by the department.

History: 2020 AACS; 2023 MR 6, Eff. March 23, 2023.

**ADMINISTRATIVE AND DISCIPLINARY PROCEDURE**  
**PHARMACY PRACTICE**

**R 338.3971**

Source: 1997 AACS.

**R 338.3972**

Source: 1997 AACS.

**R 338.3973**

Source: 1997 AACS.

**R 338.3974**

Source: 1997 AACS.

**R 338.3974a**

Source: 1997 AACS.

**R 338.3975**

Source: 1980 AACS.

**PRIVATE EMPLOYMENT BUREAU**  
**GENERAL RULES**

**R 338.4001**

Source: 1997 AACS.

**R 338.4002**

Source: 1997 AACS.

**R 338.4003**

Source: 1997 AACS.

**R 338.4004**

Source: 1997 AACS.

**R 338.4005**

Source: 1997 AACS.

**R 338.4006**

Source: 1997 AACS.

**R 338.4007**

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**Source:** 1997 AACS.

**R 338.4008**

**Source:** 1997 AACS.

**R 338.4009**

**Source:** 1997 AACS.

**R 338.4010**

**Source:** 1997 AACS.

**R 338.4011**

**Source:** 1997 AACS.

**R 338.4012**

**Source:** 1997 AACS.

**R 338.4013**

**Source:** 1997 AACS.

**R 338.4014**

**Source:** 1997 AACS.

**R 338.4015**

**Source:** 1997 AACS.

**R 338.4016**

**Source:** 1997 AACS.

**R 338.4017**

**Source:** 1997 AACS.

**R 338.4018**

**Source:** 1997 AACS.

**R 338.4019**

**Source:** 1997 AACS.

**R 338.4020**

**Source:** 1997 AACS.

**R 338.4021**

**Source:** 1997 AACS.

**R 338.4021**

**Source:** 1997 AACS.

**R 338.4022**

**Source:** 1997 AACS.

**R 338.4023**

**Source:** 1997 AACS.

**R 338.4024**

**Source:** 1997 AACS.

**R 338.4025**

**Source:** 1997 AACS.

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**R 338.4026**  
Source: 1997 AACS.

**R 338.4027**  
Source: 1997 AACS.

**DIRECTOR'S OFFICE**

**DENTISTRY**

**PART 1. GENERAL PROVISIONS**

**R 338.4101**  
Source: 1997 AACS.

**R 338.4102**  
Source: 1997 AACS.

**R 338.4103**  
Source: 1997 AACS.

**R 338.4104**  
Source: 1997 AACS.

**R 338.4105**  
Source: 1997 AACS.

**R 338.4106**  
Source: 1997 AACS.

**R 338.4107**  
Source: 1997 AACS.

**R 338.4108**  
Source: 1997 AACS.

**R 338.4109**  
Source: 1997 AACS.

**R 338.4110**  
Source: 1997 AACS.

**R 338.4111**  
Source: 1997 AACS.

**R 338.4112**  
Source: 1997 AACS.

**R 338.4113**  
Source: 1997 AACS.

**R 338.4114**  
Source: 1997 AACS.

**R 338.4115**  
Source: 1997 AACS.

**R 338.4116**



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**Source:** 1997 AACS.

**R 338.4117**

**Source:** 1997 AACS.

**R 338.4118**

**Source:** 1997 AACS.

**R 338.4119**

**Source:** 1997 AACS.

**R 338.4120**

**Source:** 1997 AACS.

**R 338.4121**

**Source:** 1997 AACS.

**R 338.4122**

**Source:** 1997 AACS.

**R 338.4123**

**Source:** 1997 AACS.

**R 338.4124**

**Source:** 1997 AACS.

**R 338.4125**

**Source:** 1997 AACS.

**PART 2. PROFESSIONAL CONDUCT AND LICENSURE**

**R 338.4201**

**Source:** 1997 AACS.

**R 338.4202**

**Source:** 1997 AACS.

**R 338.4203**

**Source:** 1997 AACS.

**R 338.4204**

**Source:** 1997 AACS.

**R 338.4205**

**Source:** 1997 AACS.

**R 338.4206**

**Source:** 1997 AACS.

**R 338.4207**

**Source:** 1997 AACS.

**R 338.4208**

**Source:** 1997 AACS.

**R 338.4209**

**Source:** 1997 AACS.

**R 338.4210**

**Source:** 1997 AACS.

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**R 338.4211**  
Source: 1997 AACS.

**R 338.4212**  
Source: 1997 AACS.

**R 338.4213**  
Source: 1997 AACS.

**R 338.4214**  
Source: 1997 AACS.

**R 338.4215**  
Source: 1997 AACS.

**R 338.4216**  
Source: 1997 AACS.

**R 338.4217**  
Source: 1997 AACS.

**R 338.4218**  
Source: 1997 AACS.

**R 338.4219**  
Source: 1997 AACS.

**R 338.4220**  
Source: 1997 AACS.

**R 338.4221**  
Source: 1997 AACS.

**R 338.4222**  
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**R 338.4223**  
Source: 1997 AACS.

**R 338.4224**  
Source: 1997 AACS.

**R 338.4225**  
Source: 1997 AACS.

**R 338.4226**  
Source: 1997 AACS.

**R 338.4227**  
Source: 1997 AACS.

**R 338.4228**  
Source: 1997 AACS.

**R 338.4229**  
Source: 1997 AACS.

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**R 338.4230**  
Source: 1997 AACS.

**R 338.4231**  
Source: 1997 AACS.

**R 338.4232**  
Source: 1997 AACS.

**R 338.4233**  
Source: 1997 AACS.

**R 338.4234**  
Source: 1997 AACS.

**R 338.4235**  
Source: 1997 AACS.

**R 338.4236**  
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**R 338.4238**  
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**R 338.4246**  
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**R 338.4247**  
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**R 338.4248**  
Source: 1997 AACS.

**R 338.4249**

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**Source:** 1997 AACS.

**R 338.4250**

**Source:** 1997 AACS.

**R 338.4251**

**Source:** 1997 AACS.

**R 338.4252**

**Source:** 1997 AACS.

**R 338.4253**

**Source:** 1997 AACS.

**R 338.4254**

**Source:** 1997 AACS.

**R 338.4255**

**Source:** 1997 AACS.

**R 338.4256**

**Source:** 1997 AACS.

**R 338.4257**

**Source:** 1997 AACS.

**R 338.4258**

**Source:** 1997 AACS.

**R 338.4259**

**Source:** 1997 AACS.

**R 338.4260**

**Source:** 1997 AACS.

**R 338.4261**

**Source:** 1997 AACS.

**R 338.4262**

**Source:** 1997 AACS.

**R 338.4263**

**Source:** 1997 AACS.

**R 338.4264**

**Source:** 1997 AACS.

**R 338.4265**

**Source:** 1997 AACS.

**R 338.4266**

**Source:** 1997 AACS.

**R 338.4267**

**Source:** 1997 AACS.

**R 338.4268**

**Source:** 1997 AACS.

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**R 338.4269**  
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**PART 3. DENTAL HYGIENISTS AND ASSISTANTS**

**R 338.4301**  
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**R 338.4403**  
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**R 338.4501**  
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**R 338.4502**  
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**PART 6. ADMINISTRATIVE HEARINGS**

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**R 338.4682**  
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**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**DIRECTOR'S OFFICE**

**VETERINARY MEDICINE - GENERAL RULES**

**PART 1. GENERAL PROVISIONS**

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**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 AACs.

**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, current knowledge of the animal patient to render telehealth services demonstrated by satisfying 1 of the following:
    - (i) Except in the case of an emergency, have recently examined the animal patient in person.
    - (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 AACs; 2023 MR 6, Eff. March 22, 2023.

**PART 2. EXAMINATION AND EDUCATION**

**R 338.4902**

**Source:** 2021 AACs.

**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 successor organization.
- (2) The passing score for the NAVLE is the score determined by the ICVA or its successor organization.  
History: 1981 AACs; 1990 AACs; 2011 AACs; 2019 AACs; 2021 AACs; 2023 MR 6, Eff. March 22, 2023.

**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, revised December 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/2021-09/coe\\_pp-July-2021.pdf](https://www.avma.org/sites/default/files/2021-09/coe_pp-July-2021.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 AACs; 2023 MR 6, Eff. March 22, 2023.

**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 and the administrative rules promulgated under 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 AACCS; 1990 AACCS; 2021 AACCS; 2023 MR 6, Eff. March 22, 2023.

**R 338.4906 Licensure by endorsement; requirements.**

Rule 6. An applicant for a veterinary license by endorsement shall hold a license in good standing and be actively practicing in another state or province of Canada and submit a completed application on a form provided by the department together with the required fee. In addition to meeting the requirements of the code and the administrative rules promulgated under the code, an applicant shall satisfy all of the requirements as noted by (√) below:

(a) An applicant who is licensed in another state.		Licensed for less than 5 years.	Licensed 5 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)	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.	√	
(iv)	Have achieved a passing score on the examination adopted under R 338.4903.	√	
(v)	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	√	√

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	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 for less than 5 years.	Licensed 5 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)	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.	√	√
(iv)	Have achieved a passing score on the examination adopted under R 338.4903.	√	
(v)	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: 1981 AACs; 1990 AACs; 2011 AACs; 2016 AACs; 2019 AACs; 2021 AACs; 2023 MR 6, Eff. March 22, 2023.

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**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 and the administrative rules promulgated under 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 AACCS; 1990 AACCS; 2021 AACCS; 2023 MR 6, Eff. March 22, 2023.

**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 and the administrative rules promulgated under 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 AACCS; 2023 MR 6, Eff. March 22, 2023.

**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 and the administrative rules promulgated under 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 AACCS; 2023 MR 6, Eff. March 22, 2023.

**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. In addition to meeting the requirements of the code and the administrative rules promulgated under the code, the applicant shall 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.

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- (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 AACs; 2023 MR 6, Eff. March 22, 2023.

**R 338.4908**

**Source:** 2021 AACs.

**R 338.4909 Relicensure.**

Rule 9. (1) An applicant whose license has lapsed may be relicensed under section 16201(3) or (4) of the code, as applicable, MCL 333.16201, if the applicant meets the requirements of the code and the administrative rules promulgated under the code and satisfies the following requirements as indicated by a (√) below:

(a) For an applicant who has let his or her Michigan license lapse and is not currently licensed in another state or province of 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 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 45 hours of continuing education that satisfy the requirements of R 338.4933.	√	√
(v)	Pass the examination approved pursuant to R 338.4903 within 1 year of submitting 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 province of 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.	√	√

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(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 45 hours of continuing education that satisfy the requirements of R 338.4933.	√	√
(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 AACCS; 1990 AACCS; 2021 AACCS; 2023 MR 6, Eff. March 22, 2023.

#### PART 4. SUPERVISION AND DELEGATION

**R 338.4910 Supervision of veterinary technician or limited licensee by veterinarian; delegation to and supervision of a veterinary student or veterinary assistant.**

Rule 10. (1) A veterinarian who is supervising a veterinary technician or limited licensee 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 technician or limited licensee to ensure that the technician'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.

(2) A veterinarian may delegate the performance of an act, task, or function that falls within the practice of veterinary medicine to a veterinary student or veterinary assistant who is qualified to perform the act, task, or function if the veterinarian complies with both of the following:

(a) 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.

(b) As permitted by section 16215(6) of the code, MCL 333.16215, the delegating veterinarian shall maintain the degree of close proximity necessary to observe, monitor, and provide the supervision required for the supervising veterinarian to directly observe and monitor the performance of the veterinary student or veterinary assistant to ensure that the student's or assistant'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 AACCS; 1990 AACCS; 2016 AACCS; 2021 AACCS; 2023 MR 6, Eff. March 22, 2023.

**R 338.4911**



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**Source:** 2021 AACS.

**R 338.4912**

**Source:** 1997 AACS.

**R 338.4913**

**Source:** 2021 AACS.

**R 338.4914**

**Source:** 2021 AACS.

**R 338.4914a**

**Source:** 2021 AACS.

**R 338.4915**

**Source:** 2021 AACS.

**R 338.4916**

**Source:** 1997 AACS.

**R 338.4917**

**Source:** 1997 AACS.

**R 338.4918**

**Source:** 2016 AACS.

**R 338.4919**

**Source:** 1981 AACS.

**R 338.4920**

**Source:** 2021 AACS.

**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 including, but 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 or signs of a problem, and whether the contact was a routine health visit or an emergency call.

(f) Vaccination history, if known.

(g) Results of the physical examination and a list of abnormal findings.

(h) Laboratory reports and other reports, if known.

(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) Informed consent, if appropriate.

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- (m) Diagnostic options and treatment plans.
  - (n) Any client communication deemed relevant.
  - (o) 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 complete medical records must be provided upon written or oral request from the client.
- History: 2011 AACS; 2016 AACS; 2021 AACS; 2023 MR 6, Eff. March 22, 2023.

**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**

Source: 2021 AACS.

**R 338.4933**

Source: 2021 AACS.

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**DIRECTOR'S OFFICE**

**VETERINARY TECHNICIAN — GENERAL RULES**

**PART 1. GENERAL RULES**

**R 338.4971**

Source: 2021 AACS.

**PART 2. EDUCATION AND EXAMINATION**

**R 338.4971a**

Source: 2021 AACS.

**R 338.4971b**

Source: 2021 AACS.

**PART 3. LICENSURE**

**R 338.4972**

Source: 2021 AACS.

**R 338.4973**

Source: 2019 AACS.

**R 338.4974**

Source: 1997 AACS.

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**R 338.4975**  
Source: 1997 AACS.

**R 338.4976**  
Source: 2021 AACS.

**R 338.4977**  
Source: 1997 AACS.

**R 338.4978**  
Source: 2021 AACS.

**R 338.4979**  
Source: 1997 AACS.

**R 338.4980**  
Source: 1997 AACS.

**R 338.4981**  
Source: 1997 AACS.

**R 338.4982**  
Source: 2021 AACS.

**R 338.4983**  
Source: 1997 AACS.

**R 338.4984**  
Source: 1981 AACS.

**PART 4. LICENSE RENEWAL; CONTINUING EDUCATION**

**R 338.4991**  
Source: 2021 AACS.

**R 338.4993**  
Source: 2021 AACS.

**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) “Board” means the state board of accountancy created under section 721 of the code, MCL 339.721.
- (b) “Code” means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.
- (c) “Continuing education period” means all or part of a year beginning July 1 and ending June 30.
- (d) “Continuous instruction” means education time not including breakfast, lunch, or dinner periods, coffee breaks, or any other breaks in the program.
- (e) “CPA” means certified public accountant.
- (f) “Disclose” means to provide a written communication from a CPA or CPA firm informing the client, before 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.

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- (g) “Enterprise” means a person for which an individual licensee, firm licensee, individual with practice privileges, or 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 based on generally accepted accounting principles or another comprehensive basis of accounting. Financial statements 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 issued 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, issued 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 code, MCL 339.727a.
- (l) “Nano-learning program” means a tutorial program designed to allow a participant to learn a given content area in a 10-minute period with electronic media and without interaction with a real-time instructor.
- (m) “Out-of-state firm” means a firm that may provide certain services and use the title “CPA firm” without obtaining a firm license under the conditions in section 728(4) and (5) of the code, MCL 339.728.
- (n) “Professional engagement” means an agreement between a client and an individual licensee, firm licensee, individual with practice privileges, or 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, firm licensee, individual with practice privileges, or out-of-state firm for a client in the course of the practice of public accounting under section 720 of the code, MCL 339.720.
- (p) “Qualifying hours” means continuing education hours that satisfy part 3 of these rules.
- (2) A term defined in the code 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 AACS; 2022 AACS; 2023 MR 20, Eff. Oct. 24, 2023.

**R 338.5102 Standards of professional practice adopted by reference.**

Rule 102. (1) The following standards are approved and adopted by reference:

- (a) The standards issued by the American Institute of CPAs (AICPA), 220 Leigh Farm Road, Durham, North Carolina, 27707, in the publication titled “AICPA Professional Standards” updated June 15, 2022, and any statements issued as of the effective date of this rule, which are available at a cost of \$289.00 from the institute’s website at <https://www.aicpa.org/cpe-learning/publication> or at no cost from the institute’s website at <https://us.aicpa.org/research/standards>.
- (b) The standards issued by the Public Company Accounting Oversight Board (PCAOB), 1666 K Street NW, Suite 300, Washington, District of Columbia, 20006, in the publication titled “PCAOB Standards and Related Rules” 2022 edition, and any updates issued as of the effective date of this rule, which are available at a cost of \$255.00 from the AICPA’s website at <https://www.aicpa.org/cpe-learning/publication> or at no cost from the AICPA’s website at <https://pcaobus.org/oversight/standards>.
- (c) The auditing standards issued by the Government Accountability Office, 441 G Street, NW, Washington, District of Columbia, 20548, in the publication titled “Government Auditing Standards” 2018 Revision Technical Update April 2021, which are available at no cost on the Office’s website at <https://gaoinnovations.gov/yellowbook/>.
- (d) The standards issued by the International Auditing and Assurance Standards Board (IAASB), 529 5<sup>th</sup> Avenue, New York, New York, 10017, in the publication titled “2021 Handbook of International Quality Control, Auditing, Review, Other Assurance, and Related Services Pronouncements” issued on December 2, 2022, 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/standards-pronouncements>.
- (e) The accounting standards issued by the Financial Accounting Standards Board (FASB), 801 Main Avenue, P.O. Box 5116, Norwalk, Connecticut, 06856, in the publication titled “FASB Accounting Standards Codification” as of December 2022, 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), 801 Main Avenue, P.O. Box 5116, Norwalk, Connecticut, 06856, in the publication titled “GASB Codification” as of December 31, 2021, and any pronouncements published as of the effective date of this rule, which are available at no cost from the board’s website at <https://gars.gasb.org/>.
- (g) The accounting standards issued by the International Accounting Standards Board, 30 Cannon Street, London EC4M 6XH, United Kingdom, in the publication titled “2022 International Financial Reporting Standards IFRS®” issued on January 1, 2022, and any pronouncements issued as of the effective date of this rule, which are

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available at a cost of £81.00 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 AACs; 2022 AACs; 2023 MR 20, Eff. Oct. 24, 2023.

**R 338.5103**

Source: 2013 AACs.

**R 338.5104**

Source: 2022 AACs.

**R 338.5105**

Source: 2013 AACs.

**R 338.5110**

Source: 2021 AACs.

**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 30-month period beginning on the date that the score is released for the first section passed. If all sections are not passed within the rolling 30-month period, then credit for any section passed outside the 30-month period expires and the section must be retaken.

(c) The department may extend the rolling 30-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 proof, as directed by the department, verifying 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 allow a candidate to sit for the exam in another state if the candidate satisfies 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 the board decides the exam is equivalent to the exam provided by the department.

(f) An applicant may retake an exam section after the applicant's grade for any earlier attempt of the same exam section has been released.

History: 2003 AACs; 2013 AACs; 2021 AACs; 2022 AACs; 2023 MR 20, Eff. Oct. 24, 2023.

**R 338.5111 Exam scores.**

Rule 111. (1) The minimum passing grade for each section is 75.

(2) The department shall notify each candidate of the applicant's grades within a reasonable time, but not later than 120 days after completion of the exam.

(3) A candidate may appeal the grading of any paper to the department, in writing, within 30 days after grades are released.

History: 1986 AACs; 1996 AACs; 1998-2000 AACs; 2013 AACs; 2022 AACs; 2023 MR 20, Eff. Oct. 24, 2023.

**R 338.5112**

Source: 2021 AACs.

**R 338.5114**

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**Source:** 2013 AACCS.

**R 338.5115 Educational requirements for the 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 code, MCL 339.725, an individual shall provide proof, as directed by the department, verifying both the following requirements:

(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) or (4) of this rule or considered substantially equivalent under subrule (5) of this rule.

(b) Completion of a concentration in accounting at a higher education institution approved under subrule (3) or (4) of this rule or considered substantially equivalent under subrule (5) of this rule, which includes both the accounting and general business requirements under subrule (2) of this rule.

(2) A concentration in accounting must include both the following accounting and general business requirements:

(a) Not less than 24 semester hours of accounting courses in all the following accounting content areas:

(i) Accounting information systems.

(ii) Auditing and attestation services.

(iii) Cost or managerial accounting.

(iv) Financial accounting and reporting.

(v) Governmental or fund accounting.

(vi) Taxation.

(b) Not less than 24 semester hours of general business courses, other than accounting, which may include any of the following general business content areas:

(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 general business content areas approved by the department.

(3) The standards for recognition of accrediting organizations developed and adopted by the Council for Higher Education Accreditation (CHEA), One Dupont Circle NW, Suite 510, Washington, D.C. 20036, in the publication titled “CHEA Standards and Procedures for Recognition,” effective October 4, 2021, which are available at no cost on the council’s website at <https://www.chea.org>, are approved and adopted by reference. If a higher education institution is accredited by the accrediting body of the region in which the institution is located and the accrediting body satisfies the recognition standards of CHEA, then the institution is approved.

(4) The criteria for recognition and the recognition process for the secretary’s recognition of accrediting agencies of the United States Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Washington, D.C. 20202, in 34 CFR 602.10 to 602.39, effective July 1, 2020, which are available at no cost on the department’s website at <https://www2.ed.gov/about/offices/list/ope/index.html>, are approved and adopted by reference. If a higher education institution is accredited by the accrediting body of the region in which the institution is located and the accrediting body satisfies the recognition criteria and process of the United States Department of Education, then the institution is approved.

(5) An individual who attended an unaccredited higher education institution shall establish that the applicant has completed educational requirements at a higher education institution that satisfies accreditation requirements substantially equivalent to those recognized in subrule (3) or (4) 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 of the National Association of Credential Evaluation Services (NACES).

(6) Copies of the standards and criteria approved and adopted by reference in this rule are available for inspection and distribution at a cost of 10 cents per page from the Board of Accountancy, 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 AACCS; 1986 AACCS; 1996 AACCS; 1998-2000 AACCS; 2013 AACCS; 2017 AACCS; 2019 AACCS; 2021 AACCS; 2022 AACCS; 2023 MR 20, Eff. Oct. 24, 2023.

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**R 338.5116 Educational requirements for certificate of CPA.**

Rule 116. (1) To satisfy section 725(1)(e) of the code, MCL 339.725, an individual shall provide proof, as directed by the department, verifying all the following requirements:

(a) Completion of not less than 150 semester hours at a higher education institution approved under R 338.5115(3) or (4) or considered substantially equivalent under R 338.5115(5).

(b) Completion of a baccalaureate degree or higher degree from a higher education institution approved under R 338.5115(3) or (4) or considered substantially equivalent under R 338.5115(5).

(c) Completion of a concentration in accounting under R 338.5115(1)(b) and (2) at a higher education institution approved under R 338.5113(3) or (4) or considered substantially equivalent under R 338.5115(5).

(2) A person may earn credit only once for an accounting or general business topic. If the department decides that 2 courses are duplicative, then only the semester hours of the first course are counted toward the semester hour requirement.

History: 2013 AACCS; 2019 AACCS; 2021 AACCS; 2022 AACCS; 2023 MR 20, Eff. Oct. 24, 2023.

**R 338.5117 Certificate of certified public accountant; qualifying experience requirement.**

Rule 117. (1) An applicant for a CPA certificate shall have obtained not less than 2,000 hours of qualifying experience within a period of not less than 1 calendar year nor more than 5 calendar years.

(2) The department shall grant full credit for qualifying experience earned during a college or university internship, including the internships for which educational credit is provided.

(3) The department shall regard instruction as qualifying experience, if the applicant has completed not less than 4 academic semesters of an academic appointment in accounting at an institution recognized by the department. An instructor who has an academic appointment in accounting shall teach, as the principal instructor, not less than 6 credit hours per semester of accounting courses above the elementary level.

History: 2013 AACCS; 2023 MR 20, Eff. Oct. 24, 2023.

**R 338.5120**

Source: 2013 AACCS.

**R 338.5125**

Source: 1997 AACCS.

**R 338.5130**

Source: 1998-2000 AACCS.

**R 338.5135**

Source: 1997 AACCS.

**R 338.5139**

Source: 2022 AACCS.

**R 338.5140**

Source: 2022 AACCS.

**R 338.5145**

Source: 2013 AACCS.

**R 338.5147**

Source: 1998-2000 AACCS.

**R 338.5150**

Source: 1998-2000 AACCS.

**R 338.5155**

Source: 1998-2000 AACCS.

**R 338.5160**

Source: 1997 AACCS.

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**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 code, MCL 339.411 and 339.729. An applicant for renewal shall provide the required fee and a completed application on a form provided by the department. Both of the following standards apply:

(a) Under section 729(1) of the code, MCL 339.729, an applicant for renewal who is a nonresident licensee is considered to have met the requirements under this part if the applicant satisfies all the following requirements:

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

(ii) The state in which the applicant's principal place of business is located requires continuing education for renewal of that state's accountancy license.

(iii) Meets the continuing education requirements of the state in which the applicant's 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 the applicant's 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 standards apply:

(a) An applicant shall keep documentation required by R 338.5215 as proof, as directed by the department, verifying satisfaction of the requirements under this rule for 4 years after the date of applying for license renewal.

(b) A licensee is subject to audit under this part and may have to provide the documentation as described by R 338.5215 on request of the department.

(3) An applicant must submit a request for a waiver of continuing education requirements to the department for the board's consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license.

History: 1979 AC; 1986 AACS; 1996 AACS; 1998-2000 AACS; 2007 AACS; 2013 AACS; 2019 AACS; 2021 AACS; 2022 AACS; 2023 MR 20, Eff. Oct. 24, 2023.

**R 338.5211 Renewal of license with insufficient qualifying hours allowed under certain circumstances.**

Rule 211. A licensee who does not earn sufficient qualifying hours during the continuing education period may be allowed to renew a license after reporting 80 qualifying hours and an additional 4 hours of continuing education credit for each month of time needed to remove the deficiency. The additional 4 hours of continuing education credit for each month of time needed to remove the deficiency does not apply toward the qualifying hours of continuing education credit required in a continuing education period for the renewal of a license.

History: 1986 AACS; 1996 AACS; 1998-2000 AACS; 2022 AACS; 2023 MR 20, Eff. Oct. 24, 2023.

**R 338.5215 Acceptable continuing education; requirements; limitations.**

Rule 215. (1) The continuing education hours required for renewal must satisfy the following requirements:

	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 content area of the program satisfies R 338.5255. - The program is conducted by an instructor or discussion	Fifty minutes of continuous instruction equals 1 continuing education hour.  Additional credit is granted



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	<p>leader whose background, training, education, or experience makes it appropriate for the instructor or discussion leader to lead a discussion on the content area.</p> <ul style="list-style-type: none"> <li>- The sponsor of the program takes individual attendance.</li> <li>- The sponsor of the program issues to each attendee a program outline and a written certification of the attendee's hours of attendance.</li> <li>- The sponsor of the program keeps written records of individual attendance and the program outline for 4 years.</li> </ul> <p>If audited, a licensee shall provide a copy of a letter or certificate of completion showing the licensee's name, total continuing education hours earned, sponsor name and contact information, course title, course field of study, date offered or completed, and type of instruction or delivery method used.</p>	<p>after the first 50 minutes for continuous instruction in the following amounts:</p> <p>One-half credit, 0.5 credit, for every additional 25 minutes.  One-fifth credit, 0.2 credit, for every additional 10 minutes.</p>
(b)	<p>Completion of an individual nano-learning program that satisfies all the following requirements:</p> <ul style="list-style-type: none"> <li>- The content area of the program satisfies R 338.5255.</li> <li>- The program is an educational course designed for nano-learning delivery.</li> <li>- The program uses instructional methods that define a minimum of 1 learning objective.</li> <li>- The program guides the participant through a program of learning and provides proof verifying a participant's satisfactory completion of the program.</li> <li>- The sponsor requires the participant to successfully complete a qualified assessment with a passing grade of 100% before issuing credit for the course.</li> <li>- The sponsor of the program issues the participants a written certification of the participants' completion of the program and a program outline.</li> <li>- The sponsor of the program keeps written records of the participant's completion of the program and the program outline for 4 years.</li> </ul> <p>If audited, the licensee shall provide a copy of a letter or certificate of completion provided by the program sponsor verifying the licensee's name, number of continuing education hours earned, sponsor name and contact information, course title, course field of study, date completed, and type of instruction or delivery method used.</p>	<p>Credit is awarded as 1/5 credit, 0.2 credit, for each nano-learning program completed.</p> <p>A nano-learning course cannot be combined with another nano-learning course.</p> <p>A combined maximum of 20 continuing education hours may be earned under this activity and activity (f) during each continuing education period.</p>
(c)	<p>Passing a noncredit academic course that satisfies both of the following requirements:</p> <ul style="list-style-type: none"> <li>- The content area of the course satisfies R 338.5255.</li> <li>- The course is offered by an educational institution that satisfies R 338.5115.</li> </ul> <p>If audited, the licensee shall provide a letter from the institution confirming the name and course number of the course completed, number of classroom hours attended, and the date of satisfactory course completion.</p>	<p>Each 50 minutes of continuous instruction equals 1 continuing education hour.</p>
(d)	<p>Passing a for-credit academic course that satisfies both of the following requirements:</p>	<p>Fifteen continuing education hours are granted for each academic credit hour.</p>

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	<ul style="list-style-type: none"> <li>- The content area of the course satisfies R 338.5255.</li> <li>- The course is offered by an educational institution that satisfies R 338.5115.</li> </ul> <p>If audited, the licensee shall provide a copy of an official transcript or a letter from the institution confirming the name and course number of the course completed, credit hours earned, and date of satisfactory course completion.</p>	
(e)	<p>Classroom work as a teacher, instructor, speaker, or lecturer that is part of an academic course of which the content area satisfies R 338.5255 and is offered at an educational institution that satisfies 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.</p> <p>If audited, the licensee shall provide a copy of the confirmation letter provided by the program sponsor or the institution verifying the licensee's name, number of hours of classroom work or hours spent conducting the group program, course title, course field of study, and dates of the presentation or instruction.</p>	<p>Three continuing education hours are granted for every 50 minutes of continuous instruction.</p> <p>A maximum of 20 continuing education hours may be earned during each continuing education period.</p>
(f)	<p>Completion of an individual self-study program that satisfies all the following requirements:</p> <ul style="list-style-type: none"> <li>- The content area of the program satisfies R 338.5255.</li> <li>- The program is an educational course designed for self-study.</li> <li>- The sponsor of the program issues the participants a written certification of the participant's completion of the program and a program outline.</li> <li>- The sponsor of the program keeps written records of the participant's completion of the program and the program outline for 4 years.</li> </ul> <p>If audited, the licensee shall provide a copy of a letter or certificate of completion provided by the program sponsor verifying the licensee's name, number of continuing education hours earned, sponsor name and contact information, course title, course field of study, date completed, and type of instruction or delivery method used.</p>	<p>Twenty-five minutes of continuous instruction equals ½ credit, 0.5 credit, or 1 continuing education hour.</p> <p>One-fifth credit (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.</p> <p>A combined maximum of 20 continuing education hours may be earned under this activity and activity (b) during each continuing education period.</p>
(g)	<p>A course in professional ethics that satisfies the requirements of activity (a), (b), (c), (d), (e), or (f) is approved if the content area of the course satisfies R 338.5255(2).</p> <p>If audited, the licensee shall provide a copy of a letter or certificate of completion provided by the program sponsor verifying the licensee's name, number of continuing education hours earned, sponsor name and contact information, course title, course field of study, date completed, and type of instruction or delivery method used.</p>	<p>Continuing education hours are granted in an amount allowed under the type of activity for which the course qualifies.</p>
(h)	<p>Completion of a course in Michigan statutes and rules applicable to public accountancy that satisfies all the following requirements:</p> <ul style="list-style-type: none"> <li>- The content of the course is created by the Michigan Association of Certified Public Accountants.</li> </ul>	<p>Fifty minutes of continuous instruction equals 1 continuing education hour.</p>

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<ul style="list-style-type: none"><li>- The course provider issues the participants a written certification of the participant's completion of the course and a course outline.</li><li>- The sponsor of the program keeps written records of the participant's completion of the course and the course outline for 4 years.</li></ul> <p>If audited, the licensee shall provide a copy of a letter or certificate of completion provided by the program sponsor verifying the licensee's name, number of continuing education hours earned, sponsor name and contact information, course title, course field of study, date completed, and type of instruction or delivery method used.</p>	
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(2) Continuing education hours are not granted for a program or activity that has substantially equivalent 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 AACS; 2022 AACS; 2023 MR 20, Eff. Oct. 24, 2023.

**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 code, MCL 339.411, if the applicant satisfies both of the following requirements:

- (a) Provides the required fee and a completed application on a form provided by the department.
- (b) Provides proof, as directed by the department, verifying 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 provided with the application are deficient, the application will be held by the department and the applicant shall provide proof, as directed by the department, verifying the completion of the deficient hours within 1 year after 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 code, MCL 339.411, 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 that the applicant holds a valid and unrevoked certificate as a CPA that was issued under section 725 or 726 of the code, MCL 339.725 or 339.726.
- (c) Provides proof, as directed by the department, verifying the completion of 40 hours of continuing education within the 12

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months immediately preceding the date of filing the relicensure application. However, if the continuing education hours provided with the application are deficient, the applicant has 1 year after the date of filing the application to provide proof, as directed by the department, verifying the completion of 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 AACS; 2022 AACS; 2023 MR 20, Eff. Oct. 24, 2023.

**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 Qualifying continuing education content areas.**

Rule 255. (1) Content areas qualifying for continuing education include any of the following:

- (a) Accounting.
  - (b) Auditing.
  - (c) Management advisory services.
  - (d) Information technology.
  - (e) Mathematics, statistics, probability, and quantitative application to business.
  - (f) Economics.
  - (g) Finance.
  - (h) Business law.
  - (i) Business management.
  - (j) Professional ethics for certified public accountants.
  - (k) Taxation.
  - (l) Financial advisory services.
  - (m) Business valuations.
  - (n) Any other content areas that contribute to the professional competency of a licensee and for which the responsibility for compliance rests solely with the applicant or licensee.
- (2) Content areas that qualify for continuing education in the study of professional ethics include any of the following:
- (a) Behavioral ethics in any of the following areas:
    - (i) Ethical reasoning.
    - (ii) Ethical philosophy.
    - (iii) Ethics enforcement.
    - (iv) Ethical practice in business.
    - (v) International ethical professional standards.
  - (b) Technical ethics in the following areas:
    - (i) Business transactions with clients.
    - (ii) Competence.
    - (iii) Conflict of interest.

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- (iv) Contingent fees, commissions, and other considerations.
  - (v) Discreditable acts.
  - (vi) General and professional standards.
  - (vii) Independence.
  - (viii) Integrity and objectivity.
  - (ix) Malpractice
  - (x) Professional conduct.
  - (xi) Public interest and responsibilities.
  - (xii) State rules and regulations.
  - (c) Any other content area in the study of professional ethics that contributes to the professional competency of a licensee and for which the responsibility for compliance rests solely with the applicant or licensee.
- History: 1979 AC; 1986 AACS; 1996 AACS; 1998-2000 AACS; 2013 AACS; 2019 AACS; 2023 MR 20, Eff. Oct. 24, 2023.

**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.

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**R 338.5319**  
Source: 1997 AACS.

**R 338.5321**  
Source: 1997 AACS.

**R 338.5323**  
Source: 1997 AACS.

**R 338.5325**  
Source: 1997 AACS.

**R 338.5327**  
Source: 1997 AACS.

**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: 2022 AACS.

**R 338.5405**  
Source: 2022 AACS.

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**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:** 2022 AACS.

**R 338.5465**

**Source:** 2022 AACS.

**R 338.5470**

**Source:** 1997 AACS.

**R 338.5475**

**Source:** 2022 AACS.

**R 338.5480**

**Source:** 2013 AACS.

**R 338.5501 Peer review.**

Rule 501. (1) Each firm or sole practitioner required to take part in a peer review program under section 729(2) of the code, MCL 339.729, shall enroll in the program of a qualified sponsoring organization within 1 year of the earlier of the following:

(a) The firm or sole practitioner's initial licensing date.

(b) The performance of services that require a peer review.

(2) The firm or sole practitioner shall not have to provide proof verifying a peer review to the department until the second renewal following initial licensure or the performance of services requiring a peer review.

(3) The department shall accept, as proof verifying compliance with section 729(2) of the code, MCL 339.729, the electronic submission of information from the facilitated state board access (FSBA) website.

(4) Qualified sponsoring organizations include the AICPA peer review program, and other entities that adhere to the peer review standards defined in R 338.5102(1)(a) as decided by the board. With respect to an out-of-state firm required to obtain

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a license under section 728 of the code, MCL 339.728, a peer review sponsoring organization approved by another state in which that firm is licensed is presumed to be qualified in this state.

(5) A licensee subject to peer review shall not be required to become a member of any sponsoring organization.

(6) Out-of-state firms required to obtain a peer review under section 728(5) of the code, MCL 339.728, may, instead of enrolling in a program sponsored by an organization described in subrule (3) of this rule, satisfy the peer review requirement applicable in the state where that firm is licensed, verified proof of which must be given to the department on the department's request.

History: 2007 AACS; 2013 AACS; 2022 AACS; 2023 MR 20, Eff. Oct. 24, 2023.

**R 338.5503**

Source: 2022 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" means public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
- (b) "Department" means the department of licensing and regulatory affairs.
- (c) "NCCPA" means the National Commission on Certification of Physician Assistants.
- (d) "PA Cert Exam" means the Physician Assistant Entry to Practice Certification Examination.
- (e) "PACCC" means the Physician Assistant Certification Council of Canada.
- (f) "PANCE" means the Physician Assistant National Certifying Examination.
- (g) "Task force" means the joint task force 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 AACS; 2023 MR 6, Eff. March 23, 2023.

**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 that is licensed shall have completed 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 this state and the United States.



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- (ii) Identifying victims of human trafficking in healthcare settings.
  - (iii) Identifying the warning signs of human trafficking in healthcare 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 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, healthcare 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 an individual 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 the 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 the article, author, publication name of the peer-review journal, healthcare journal, or professional or scientific journal, and the 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 AACS; 2023 MR 6, Eff. March 23, 2023.

**PART 2. EDUCATION**

**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, with clarifications as of March 2022, are adopted by reference. 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 AACS; 2023 MR 6, Eff. March 23, 2023.

**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. LICENSURE**

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

Rule 301. An applicant for a physician's assistant license shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof, as directed by the department, verifying completion of an accredited educational program for physician's assistants that satisfies the standards under R 338.6201(1).
- (c) Provide proof, as directed by the department, verifying a passing score on the PANCE conducted and scored by the NCCPA.

History: 1980 AACS; 1990 AACS; 2014 AACS; 2019 AACS; 2021 AACS; 2023 MR 6, Eff. March 23, 2023.

**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 shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof, as directed by the department, verifying a current and full physician's assistant license in another state or a province of Canada.
- (c) If the applicant is licensed as a physician's assistant in a province of Canada, provide proof, as directed by the department, verifying that the applicant completed the educational requirements in Canada or the United States for licensure as a physician's assistant in Canada or in the United States.
- (d) Provide proof, as directed by the department, verifying a passing score for a physician's assistant license in another state or in a province of Canada, on either of the following examinations:
  - (i) The PANCE conducted and scored by the NCCPA.
  - (ii) The PA Cert Exam conducted and scored by the PACCC.

(2) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by another 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, including 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 AACS; 2023 MR 6, Eff. March 23, 2023.

**R 338.6306**

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**Source:** 1997 AACS.

**R 338.6307**

**Source:** 1997 AACS.

**R 338.6308 Relicensure; requirements.**

Rule 308. (1) An applicant whose physician's assistant license has lapsed 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 the requirements of the code and the rules promulgated under the code, as well as 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 that term is defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.

(2) An applicant whose physician's assistant license has lapsed 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 the requirements of the code and the rules promulgated under the code, as well as 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 that term is defined in, and determined 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) Provides proof, as directed by the department, verifying either of the following:

(i) The applicant is currently licensed and in good standing as a physician's assistant in another state or a province of Canada.

(ii) A passing score on 1 of the following certifying or recertifying examinations during the 10-year period immediately preceding the date of the application for relicensure:

(A) The PANCE conducted and scored by the NCCPA.

(B) The Physician Assistant National Recertifying Examination (PANRE) conducted and scored by the NCCPA.

(C) The Physician Assistant National Certifying Examination – Longitudinal Assessment (PANRE-LA) conducted and scored by the NCCPA.

(D) The PA Cert Exam conducted and scored by the PACCC.

(3) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by another 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, including 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 AACS; 2023 MR 6, Eff. March 23, 2023.

**R 338.6309**

**Source:** 2019 AACS.

**R 338.6311 License renewal; requirements.**

Rule 311. An applicant for license renewal shall satisfy the requirements of the code and the rules promulgated under the code, as well as provide the required fee and a completed application on a form provided by the department.

History: 2014 AACS; 2019 AACS; 2021 AACS; 2023 MR 6, Eff. March 23, 2023.

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

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- (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) "Stark Law" means section 1877 of part E of title XVIII of the social security act, 42 USC 1395nn.
- (2) Terms defined in the code have the same meanings when used in these rules.
- History: 1979 AC; 2009 AACS; 2014 AACS; 2017 AACS; 2020 AACS; 2021 AACS; 2023 MR 6, Eff. March 23, 2023.

**R 338.7001a**

**Source:** 2022 AACS.

**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	Issue date
Dentistry	Issue date
Dental Assistant	Issue date
Dental Hygienist	Issue date
Genetic Counseling	Issue date
Massage therapy	Issue date
Medicine	Issue date
Osteopathic medicine and surgery	Issue date
Podiatric medicine and surgery	Issue date
Social work	Issue date
Veterinary medicine	Issue date

(2) A license or registration 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 AACS; 2022 AACS; 2023 MR 6, Eff. March 23, 2023.

**R 338.7002a**

**Source:** 2020 AACS.

**R 338.7002b**

**Source:** 2022 AACS.

**R 338.7003**

**Source:** 2022 AACS.

**R 338.7004 Implicit bias training standards.**

Rule 4. (1) Beginning June 1, 2022, an individual applying 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 June 1, 2022, and for every renewal cycle thereafter, an individual applying for license or registration renewal, reregistration, or relicensure 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. If otherwise permitted by the code and rules, this training may be used to satisfy other training or continuing education requirements.

(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.

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- (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) Training offered by 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 allows live synchronous interaction that provides for the opportunity for participants to interact with the instructor and other participants.
    - (ii) A live presentation that provides for the opportunity for participants to interact with the instructor and other participants.
    - (iii) An asynchronous teleconference or webinar.
  - (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 after 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 AACCS; 2021 AACCS; 2022 AACCS; 2023 MR 6, Eff. March 23, 2023.

**R 338.7005**

Source: 2019 AACCS.

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**DIRECTOR'S OFFICE**

**PHYSICAL THERAPY – GENERAL RULES**

**R 338.7101**

Source: 2010 AACCS.

**R 338.7102**

Source: 2010 AACCS.

**R 338.7103**

Source: 2010 AACCS.

**R 338.7104**

Source: 2010 AACCS.

**R 338.7105**

Source: 2010 AACCS.

**R 338.7107**

Source: 2010 AACCS.

**R 338.7107a**  
**Source:** 2010 AACCS.

**R 338.7107b**  
**Source:** 2010 AACCS.

**R 338.7110**  
**Source:** 2010 AACCS.

**R 338.7111**  
**Source:** 2010 AACCS.

**R 338.7112**  
**Source:** 2010 AACCS.

**R 338.7113**  
**Source:** 2010 AACCS.

**R 338.7114**  
**Source:** 2010 AACCS.

## **PART 1. DEFINITIONS**

**R 338.7121 Definitions.**

Rule 21. (1) As used in these rules:

- (a) "APTA" means the American Physical Therapy Association.
- (b) "Board" means the Michigan board of physical therapy created under section 17821 of the code, MCL 333.17821.
- (c) "CAPTE" means the Commission on Accreditation in Physical Therapy Education.
- (d) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
- (e) "Continuous instruction" means education or presentation time that does not include breakfast, lunch, or dinner periods, coffee breaks, or other breaks in the activity or program.
- (f) "Department" means the department of licensing and regulatory affairs.
- (g) "Direct supervision" means that the physical therapist is physically present and immediately available for direction and supervision when patients or clients are present when the act, task, or function is performed, and that the physical therapist has direct contact with the patient or client during each visit.
- (h) "FSBPT" means the Federation of State Boards of Physical Therapy.
- (i) "NPTE" means the National Physical Therapy Examination.
- (j) "Patient or client of record" means a patient or client that is receiving physical therapy services from a licensed physical therapist or from a licensed physical therapist assistant under the direction and supervision of a physical therapist.
- (k) "PDR" means professional development requirement.
- (l) "Prescription" is a written or electronic order for physical therapy.
- (2) A term defined in the code has the same meaning when used in these rules.

History: 2010 AACCS; 2015 AACCS; 2019 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

## **PART 2. GENERAL PROVISIONS**

**R 338.7122 Prescription.**

Rule 22. (1) A prescription must include all the following information:

- (a) The name of the patient.
- (b) The patient's medical diagnosis.
- (c) The signature of either an individual that is licensed and authorized to prescribe physical therapy in this state or an individual that has an equivalent license issued by another state, as provided in section 17820(1) of the code, MCL 333.17820.
- (d) The date that the authorized licensee wrote the prescription.
- (2) A prescription is valid for 90 days after the date that the authorized licensee writes the prescription unless the authorized licensee specifies a different termination date on the prescription.

History: 2010 AACCS; 2019 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

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**R 338.7123**

**Source:** 2015 AACs.

**R 338.7124**

**Source:** 2019 AACs.

**R 338.7125**

**Source:** 2015 AACs.

**R 338.7126 Training standards for identifying victims of human trafficking; requirements.**

Rule 26. (1) Under section 16148 of the code, MCL 333.16148, the individual seeking licensure or who is licensed shall have completed training in identifying victims of human trafficking that satisfies all 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 healthcare settings.

(iii) Identifying the warning signs of human trafficking in healthcare 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 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-reviewed journal, healthcare 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 an individual and request documentation of proof of completion of training. If audited by the department, the 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 the individual. The certification statement must include the individual's name and 1 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 the peer-reviewed journal, healthcare journal, or professional or scientific journal, and the 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 beginning January 6, 2022.

History: 2017 AACs; 2019 AACs; 2022 AACs; 2023 MR 9, Eff. May 1, 2023.

**R 338.7127**

**Source:** 2022 AACs.

**PART 3. PHYSICAL THERAPISTS**

**R 338.7131 Program accreditation standards; physical therapist; adoption of standards by reference.**

Rule 31. (1) The standards and evaluative criteria for accreditation of physical therapist educational programs set forth by CAPTE, 3030 Potomac Avenue, Suite 100, Alexandria, Virginia 22305-3085, in the publication titled "PT Standards and Required Elements" revised November 3, 2020, which are available at no cost on the commission's website at <https://www.capteonline.org>, are approved and adopted by reference. An educational program for physical therapists

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accredited by CAPTE satisfies the qualifications for an approved physical therapist educational program.

(2) Copies of the standards and evaluative criteria adopted by reference in subrule (1) of this rule are also available for inspection and distribution at a cost of 10 cents per page from the Board of Physical Therapy, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

History: 2010 AACCS; 2015 AACCS; 2019 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

**R 338.7132 Licensure by examination; physical therapist; requirements.**

Rule 32. An applicant for a physical therapist license by examination shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof, as directed by the department, verifying completion of 1 of the following:
  - (i) An accredited physical therapist educational program that satisfies the standards under R 338.7131(1).
  - (ii) A substantially equivalent physical therapist educational program under R 338.7135.
- (c) Provide proof, as directed by the department, verifying a passing score on the examination adopted under R 338.7133(1).
- (d) Provide proof, as directed by the department, verifying a converted score of not less than 75 on the Michigan Physical Therapist Jurisprudence Exam approved under R 338.7133(2).

History: 2010 AACCS; 2015 AACCS; 2019 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

**R 338.7133 Examinations; physical therapist; adoption and approval.**

Rule 33. (1) The NPTE for physical therapists developed, administered, and scored by FSBPT is approved and adopted. The passing score recommended by FSBPT is approved and adopted.

(2) The Michigan Physical Therapist Jurisprudence Exam on laws and rules related to the practice of physical therapy in this state, which is administered by a third-party approved by the department, is approved and adopted.

History: 2010 AACCS; 2019 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

**R 338.7134 Physical therapist examination; eligibility.**

Rule 34. (1) To be eligible for the NPTE for physical therapists, an applicant shall satisfy 1 of the following requirements:

- (a) Provide proof, as directed by the department, verifying the completion of an accredited physical therapist educational program that satisfies the standards under R 338.7131(1).
- (b) Satisfy the requirements under R 338.7135.
- (c) Provide proof, as directed by the department, verifying current enrollment in the final semester, term, or quarter of an accredited physical therapist educational program that satisfies the standards under R 338.7131(1) and the expected date of graduation.

(2) An applicant shall take the NPTE for physical therapists consistent with the FSBPT testing standards. An applicant requesting an appeal of the 6-time lifetime limit policy or the 2 very low scores policy shall first satisfy all other licensing requirements and complete the following requirements before the board shall consider the request. The department shall reject a request to the board if the applicant does not provide all the following information in writing:

- (a) A completed NPTE appeal form, including the information under subdivisions (b) to (j) of this subrule.
  - (b) The candidate's name.
  - (c) Whether the request relates to the physical therapist or physical therapist assistant examination level.
  - (d) Whether the 6-time lifetime limit policy or the 2 very low scores policy is being appealed.
  - (e) The state where the applicant is seeking licensure.
  - (f) The reason for the appeal, including why the applicant believes the 6-time lifetime limit policy or the 2 very low scores policy should not apply to the applicant.
  - (g) A list of all physical therapist or physical therapist assistant examination level examinations taken by the applicant, including the date of the examinations, province or state where taken, and the scores on the examinations.
  - (h) A list of any disciplinary action taken against the applicant by the FSBPT or by a province of Canada or another state, including the date, the province or state, and an explanation of the circumstances surrounding the discipline.
  - (i) The applicant's signature.
  - (j) The date the applicant completed the form.
- (3) An applicant that does not achieve a passing score on the Michigan Physical Therapist Jurisprudence Exam may retake the examination without limitation.

History: 2010 AACCS; 2015 AACCS; 2019 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

**R 338.7135 Graduate of non-accredited postsecondary institution; physical therapist; examination; eligibility.**

Rule 35. To ensure eligibility for examination, an applicant that graduated from a non-accredited physical therapist



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educational program shall provide the required fee and a completed application on a form provided by the department. To be eligible for the NPTE for physical therapists, an applicant shall provide proof, as directed by the department, verifying the completion of a physical therapist educational program that is substantially equivalent to an accredited physical therapist educational program that satisfies the standards under R 338.7131(1). Proof of having completed a substantially equivalent physical therapist educational program must include an evaluation of the applicant's non-accredited education through an evaluation that uses the current FSBPT Coursework Tool for Foreign Educated Physical Therapists.

History: 2010 AACCS; 2015 AACCS; 2019 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

**R 338.7136 Licensure by endorsement of physical therapist; requirements.**

Rule 36. (1) An applicant for a physical therapist license by endorsement shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
  - (b) Provide proof, as directed by the department, verifying a current and full physical therapist license in another state or in a province of Canada.
  - (c) If the applicant is licensed as a physical therapist in a province in Canada, provide proof, as directed by the department, verifying the completion of the educational requirements in Canada or in the United States for licensure as a physical therapist in Canada or in the United States.
  - (d) Provide proof, as directed by the department, verifying a passing score on either of the following examinations for a physical therapist license in another state or in a province of Canada:
    - (i) The NPTE for physical therapists required under R 338.7133(1).
    - (ii) The Canadian Alliance of Physiotherapy Regulators Physiotherapy Competency Examination.
  - (e) Provide proof, as directed by the department, verifying a converted score of not less than 75 on the Michigan Physical Therapist Jurisprudence Exam approved under R 338.7133(2).
- (2) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another 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, including 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: 2010 AACCS; 2015 AACCS; 2019 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

**R 338.7137 Requirements for relicensure; physical therapist.**

Rule 37. (1) An applicant whose physical therapist license has lapsed 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 the requirements of the code and the rules promulgated under the code, as well as 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 that term is defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.
  - (c) Provides proof, as directed by the department, verifying a converted score of not less than 75 on the Michigan Physical Therapist Jurisprudence Exam approved under R 338.7133(2).
  - (d) Provides proof, as directed by the department, verifying either of the following:
    - (i) Accumulation of not less than 24 PDR credits that satisfy the requirements under R 338.7161 and R 338.7163 during the 2 years immediately before the date of the application for relicensure.
    - (ii) Employment as a licensed physical therapist in another jurisdiction recognized by FSBPT for a minimum of 500 hours during the 2-year period immediately before the date of application for relicensure.
- (2) An applicant whose physical therapist license has lapsed 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 the requirements under the code and the rules promulgated under the code, as well as 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 that term is defined in, and determined 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) Provides proof, as directed by the department, verifying a converted score of not less than 75 on the Michigan Physical Therapist Jurisprudence Exam approved under R 338.7133(2).
  - (e) Provides proof, as directed by the department, verifying either of the following:
    - (i) Employment as a licensed physical therapist in another jurisdiction recognized by FSBPT for a minimum of 500 hours during the 2-year period immediately before the date of application for relicensure.
    - (ii) A passing score on the examination adopted under R 338.7133(1) during the 2-year period immediately before the date of

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application for relicensure.

(3) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another 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, including 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: 2010 AACCS; 2015 AACCS; 2019 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

**R 338.7138**

**Source:** 2022 AACCS.

**R 338.7139 Delegation of acts, tasks, or functions to a licensed or unlicensed individual; direct supervision of a licensed or unlicensed individual; requirements.**

Rule 39. (1) Under section 16215(6) of the code, MCL 333.16215, the requirements of this rule do not apply to a physical therapist who delegates to a physical therapist assistant if the physical therapist satisfies the requirements for delegation to a physical therapist assistant under R 338.7138.

(2) Except as provided under subrule (1) of this rule, a physical therapist who delegates the performance of selected acts, tasks, or functions to a licensed or unlicensed individual under section 16215 of the code, MCL 333.16215, shall supervise the individual under section 16109(2) of the code, MCL 333.16109, in addition to providing direct supervision of the individual.

(3) A physical therapist who delegates acts, tasks, or functions under subrule (2) of this rule shall also satisfy all the following:

(a) Ensure the qualifications of the individual under the physical therapist's direct supervision, including verification of the individual's training and education.

(b) Examine and evaluate the patient or client before delegating acts, tasks, or functions performed by the individual.

(c) Directly supervise the individual to whom acts, tasks, or functions are delegated.

(d) Provide predetermined procedures and protocols for acts, tasks, or functions delegated.

(e) Maintain a record of the names of the individuals to whom acts, tasks, or functions are delegated.

(f) Monitor the individual's practice and provision of assigned acts, tasks, or functions.

(g) Meet regularly and in-person with the individual to whom acts, tasks, or functions have been delegated to evaluate the individual's performance, review records, and educate the individual on the acts, tasks, or functions that have been delegated.

(4) A physical therapist shall not supervise more than 3 individuals under this rule at the same time.

(5) Under section 16171 of the code, MCL 333.16171, the requirements of subrule (3)(b) of this rule do not apply to a student enrolled in an accredited physical therapist or physical therapist assistant educational program approved by the board.

History: 2010 AACCS; 2015 AACCS; 2019 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

**PART 4. PHYSICAL THERAPIST ASSISTANTS**

**R 338.7141 Program accreditation standards; physical therapist assistant; adoption of standards by reference.**

Rule 41. (1) The standards and evaluative criteria for accreditation of physical therapist assistant educational programs set forth by CAPTE, 3030 Potomac Avenue, Suite 100, Alexandria, Virginia 22305-3085, in the publication titled "PTA Standards and Required Elements," revised November 3, 2020, which are available at no cost on the commission's website at <https://www.capteonline.org>, are approved and adopted by reference. An educational program for physical therapist assistants accredited by CAPTE satisfies the qualifications for an approved physical therapist assistant educational program.

(2) Copies of the standards and evaluative criteria adopted by reference in subrule (1) of this rule are also available for inspection and distribution at a cost of 10 cents per page from the Board of Physical Therapy, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

History: 2010 AACCS; 2015 AACCS; 2019 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

**R 338.7142 Licensure by examination; physical therapist assistant; requirements.**

Rule 42. (1) An applicant for a physical therapist assistant license by examination shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

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

(b) Provide proof, as directed by the department, verifying completion of 1 of the following:

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- (i) An accredited physical therapist assistant educational program that satisfies the standards under R 338.7141(1).
  - (ii) A substantially equivalent physical therapist assistant educational program under R 338.7147.
  - (c) Provide proof, as directed by the department, verifying a passing score on the examination adopted under R 338.7145(1).
  - (d) Provide proof, as directed by the department, verifying a converted score of not less than 75 on the Michigan Physical Therapist Assistant Jurisprudence Exam approved under R 338.7145(2).
  - (2) An applicant that graduated on or before January 1, 2008, from an accredited educational program that satisfies the standards under R 338.7141(1) is presumed to satisfy the requirements of this rule.
- History: 2010 AACCS; 2015 AACCS; 2019 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

**R 338.7143**

**Source:** 2015 AACCS.

**R 338.7144**

**Source:** 2015 AACCS.

**R 338.7145 Examinations; physical therapist assistant; adoption and approval; passing score.**

- Rule 45. (1) The NPTE for physical therapist assistants developed, administered, and scored by FSBPT is approved and adopted. The passing score recommended by FSBPT is approved and adopted.
- (2) The Michigan Physical Therapist Assistant Jurisprudence Exam on laws and rules related to the practice of physical therapy in this state, administered by a third party approved by the department, is approved and adopted.
- History: 2010 AACCS; 2019 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

**R 338.7146 Physical therapist assistant examination; eligibility.**

- Rule 46. (1) To be eligible for the NPTE for physical therapist assistants, an applicant shall satisfy 1 of the following requirements:
- (a) Provide proof, as directed by the department, verifying the completion of an accredited physical therapist assistant educational program that satisfies the standards under R 338.7141(1).
  - (b) Satisfy the requirements under R 338.7147.
  - (c) Provide proof, as directed by the department, verifying current enrollment in the final semester, term, or quarter of an accredited physical therapist assistant educational program that satisfies the standards under R 338.7141(1) and the expected date of graduation.
- (2) An applicant shall take the NPTE for physical therapist assistants consistent with the FSBPT testing standards. An applicant requesting an appeal of the 6-time lifetime limit policy or the 2 very low scores policy shall first satisfy all other licensing requirements and complete the following requirements before the board shall consider the request. The department shall reject a request to the board if the applicant does not provide all the following information in writing:
- (a) A completed NPTE Appeal form, including the information under subdivisions (b) to (j) of this subrule.
  - (b) The candidate's name.
  - (c) Whether the request relates to the physical therapist or physical therapist assistant examination level.
  - (d) Whether the 6-time lifetime limit policy or the 2 very low scores policy is being appealed.
  - (e) The state where the applicant is seeking licensure.
  - (f) The reason for the appeal, including why the applicant believes the 6-time lifetime limit policy or the 2 very low scores policy should not apply to the applicant.
  - (g) A list of all physical therapist or physical therapist assistant examination level examinations taken by the applicant, including the date of the examinations, province or state where taken, and the scores on the examinations.
  - (h) A list of any disciplinary action taken against the applicant by the FSBPT or by a province of Canada or another state, including the date, the province or state, and an explanation of the circumstances surrounding the discipline.
  - (i) The applicant's signature.
  - (j) The date the applicant completed the form.
- (3) An applicant that does not achieve a passing score on the Michigan Physical Therapist Assistant Jurisprudence Exam may retake the examination without limitation.
- History: 2010 AACCS; 2015 AACCS; 2019 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

**R 338.7147 Graduate of non-accredited postsecondary institution; physical therapist assistant; examination; eligibility.**

- Rule 47. To ensure eligibility for examination, an applicant that graduated from a United States military or non-accredited physical therapist assistant educational program shall provide the required fee and a completed application on a form

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provided by the department. To be eligible for the NPTE for physical therapist assistants, an applicant shall provide proof, as directed by the department, verifying the completion of a physical therapist or physical therapist assistant educational program that is substantially equivalent to an accredited physical therapist assistant educational program that satisfies the standards under R 338.7141(1). Proof of having completed a substantially equivalent physical therapist assistant educational program must include an evaluation of the applicant's non-accredited education through an evaluation that uses the current FSBPT Coursework Tool for Foreign Educated Physical Therapist Assistants.

History: 2010 AACCS; 2015 AACCS; 2019 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

**R 338.7148 Licensure by endorsement of physical therapist assistant; requirements.**

Rule 48. (1) An applicant for a physical therapist assistant license by endorsement shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof, as directed by the department, verifying a current and full physical therapist assistant license in another state or in a province of Canada.
- (c) Provide proof, as directed by the department, verifying the completion of the educational requirements in Canada or in the United States for licensure as a physical therapist assistant in Canada or in the United States if the applicant is licensed as a physical therapist assistant in a province in Canada.
- (d) Provide proof, as directed by the department, verifying a passing score on the NPTE for physical therapist assistants required under R 338.7145(1) for a physical therapist assistant license in another state or in a province of Canada.
- (e) Provide proof, as directed by the department, verifying a converted score of not less than 75 on the Michigan Physical Therapist Assistant Jurisprudence Exam approved under R 338.7145(2).

(2) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another 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, including 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: 2010 AACCS; 2015 AACCS; 2019 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

**R 338.7149 Requirements for relicensure; physical therapist assistant.**

Rule 49. (1) An applicant whose physical therapist assistant license has lapsed 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 the requirements of the code and the rules promulgated under the code, as well as 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 that term is defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.
- (c) Provides proof, as directed by the department, verifying a converted score of not less than 75 on the Michigan Physical Therapist Assistant Jurisprudence Exam approved under R 338.7145(2).
- (d) Provides proof, as directed by the department, verifying either of the following:

- (i) Accumulation of not less than 24 PDR credits that satisfies the requirements under R 338.7161 and R 338.7163 during the 2 years immediately before the date of the application for relicensure.
- (ii) Employment as a licensed physical therapist assistant in another jurisdiction recognized by FSBPT for a minimum of 500 hours during the 2-year period immediately before the date of application for relicensure.

(2) An applicant whose physical therapist assistant license has lapsed 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 the requirements under the code and the rules promulgated under the code, as well as 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 that term is defined in, and determined 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) Provides proof, as directed by the department, verifying a converted score of not less than 75 on the Michigan Physical Therapist Assistant Jurisprudence Exam approved under R 338.7145(2).
- (e) Provides proof, as directed by the department, verifying either of the following:
  - (i) Employment as a licensed physical therapist assistant in another jurisdiction recognized by FSBPT for a minimum of 500 hours during the 2-year period immediately before the date of application for relicensure.
  - (ii) A passing score on the examination adopted under R 338.7145(1) during the 2-year period immediately before the date of application for relicensure.

(3) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another state, the

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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, including 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: 2010 AACCS; 2015 AACCS; 2019 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

**R 338.7150**

**Source:** 2015 AACCS.

**PART 5. PROFESSIONAL DEVELOPMENT REQUIREMENTS**

**R 338.7161 License renewals; requirements; applicability.**

Rule 61. (1) An applicant for renewal shall satisfy the requirements of the code and the rules promulgated under the code.

(2) An applicant for license renewal who has been licensed in the 2-year period immediately before the expiration date of the license shall accumulate not less than 24 PDR credits in activities approved under these rules during the 2 years immediately before the expiration date of the license.

(3) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. A licensee shall keep documentation of satisfying the requirements of this rule for 4 years after 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.

(5) The PDRs satisfy the PDRs under section 17823 of the code, MCL 333.17823.

(6) The department shall receive a request for a waiver of PDRs for the board's consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license.

History: 2015 AACCS; 2019 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

**R 338.7163 Acceptable PDR activities; requirements; limitations.**

Rule 63. (1) The 24 PDR credits required under R 338.7161(2) for the renewal of a license must satisfy the following requirements, as applicable:

(a) No more than 12 PDR credits are allowed for approved online continuing education programs or activities completed in one 24-hour period.

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

(c) Under section 16204(2) of the code, MCL 333.16204, a licensee shall earn at least 1 PDR credit in pain and symptom management by completing a continuing education program or activity. Credits in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interventions as they relate to the practice of physical therapy.

(2) The standards for recognition of accrediting organizations developed and adopted by the Council for Higher Education (CHEA), One Dupont Circle NW, Suite 510, Washington, D.C. 20036, in the publication titled "CHEA Standards and Procedures for Recognition," effective October 4, 2021, which are available at no cost on the council's website at <https://www.chea.org>, are approved and adopted by reference. If a higher education institution is accredited by the accrediting body of the region in which the institution is located and the accrediting body satisfies the recognition standards of CHEA, then the institution is approved. Copies of the standards and criteria approved and adopted by reference in this subrule are available for inspection and distribution at a cost of 10 cents per page from the Board of Physical Therapy, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 W. Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.

(3) The criteria for recognition and the process for the secretary's recognition of accrediting agencies of the United States Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Washington, D.C. 20202, in 34 CFR 602.10 to 602.39, effective July 1, 2020, which are available at no cost on the department's website at <https://www2.ed.gov/about/offices/list/ope/index.html>, are approved and adopted by reference. If a higher education institution is accredited by the accrediting body of the region in which the institution is located and the accrediting body satisfies the recognition criteria and process of the United States Department of Education, then the institution is approved. Copies of the standards and criteria approved and adopted by reference in this subrule are available for inspection and distribution at a cost of 10 cents per page from the Board of Physical Therapy, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 W. Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.

(4) Any of the following are considered acceptable PDR activities:

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Activity Code	Activity	Number of PDR credits earned for activity
(a)	<p>Completing an approved continuing education program or activity related to the practice of physical therapy or any non-clinical subject relevant to the practice of physical therapy. A continuing education program or activity is approved, regardless of the format in which it is offered, if it is approved or offered for continuing education credit by any of the following:</p> <p>Another state board of physical therapy.</p> <p>Another board or task force regulated under article 15 of the code, MCL 333.16101 to 333.18838.</p> <p>FSBPT.</p> <p>The APTA or its components. APTA components include the APTA Michigan and other APTA Chapters, APTA Sections, and APTA Academies.</p> <p>An accredited physical therapist educational program that satisfies the standards under R 338.7131.</p> <p>An accredited physical therapist assistant educational program that satisfies the standards under R 338.7141.</p> <p>If audited, a licensee shall provide 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 the program was held or activity completed.</p>	<p>The number of credits approved by the sponsor or the approving organization are granted.</p> <p>When the sponsor or approving organization calculates credit at a rate of 0.1 credit for every 50 to 60 minutes of continuous instruction, then 0.1 credit equals 1 PDR credit.</p> <p>A maximum of 20 PDR credits may be earned for this activity in each renewal period.</p>
(b)	<p>Passing a postgraduate academic course related to the practice of physical therapy offered by either of the following:</p> <p>An accredited physical therapist educational program that satisfies the standards under R 338.7131.</p> <p>A nationally accredited university or college that satisfies the standards in subrule (2) or (3) of this rule.</p> <p>If audited, a licensee shall provide a copy of the transcript showing credit hours of the academic courses related to physical therapy.</p>	<p>Fifteen PDR credits are granted for each semester credit earned and 10 PDR credits are granted for each quarter or term credit earned.</p> <p>A maximum of 20 PDR credits may be earned for this activity in each renewal period.</p>
(c)	<p>Reading an article related to the practice of physical therapy in a professional or scientific journal.</p> <p>This activity does not include articles approved for PDR credit under activity code 1.</p> <p>To receive credit, a licensee shall successfully complete an evaluation that was provided with the article or the general response form provided by the department as an evaluative component for this activity.</p> <p>If audited, a licensee shall provide documentation from the professional or scientific journal or a copy of the completed general response form to verify that the licensee completed an evaluation.</p>	<p>One PDR credit is granted for each article.</p> <p>A maximum of 6 PDR credits may be earned for this activity in each renewal period.</p>
(d)	<p>Viewing or listening to media devoted to professional education related to the practice of physical therapy, other than online programs not approved or offered for continuing education credit.</p> <p>To receive credit, a licensee shall successfully complete an evaluation that was provided with the educational media or the general response form provided by the department as an evaluative component for this activity.</p>	<p>One half of 1 PDR credit is granted for every 30 minutes of continuous instruction.</p> <p>A maximum of 6 PDR credits may be earned for this activity in each renewal period.</p>

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	If audited, a licensee shall provide a copy of the completed evaluation or completed general response form to verify that the licensee completed an evaluation, and identify the title of the media, the name of the publisher of the media, the date the media was published or copyrighted, and the length of the media.	
(e)	<p>Presenting a continuing education program related to the practice of physical therapy.</p> <p>To receive credit, the presentation must be approved or offered for continuing education credit by any of the following:            Another state board of physical therapy.            Another board or task force regulated under article 15 of the code, MCL 333.16101 to 333.18838.            FSBPT.            APTA or its components. APTA components include the APTA Michigan and other APTA Chapters, APTA Sections and APTA Academies.            An accredited physical therapist educational program that satisfies the standards under R 338.7131.            An accredited physical therapist assistant educational program that satisfies the standards under R 338.7141.</p> <p>If audited, a licensee shall provide a letter from the program sponsor confirming the licensee as the presenter and the presentation date and time, or a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter, and the name of the organization that approved or offered the presentation for continuing education credit.</p>	<p>Two PDR credits are granted for every 50 minutes of continuous instruction. A presentation may not be less than 50 minutes in length.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>
(f)	<p>Presenting a scientific exhibit or scientific paper accepted for presentation through a peer-review process at a state, regional, national, or international physical therapy conference, or its components, or a related professional organization.</p> <p>If audited, a licensee shall provide 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 the presentation.</p>	<p>Two PDR credits are granted for every 50 minutes of continuous instruction.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>
(g)	<p>Authoring an article related to the practice, education, or research of physical therapy published in any of the following:            The journal of a national physical therapy association or its components.            A peer-reviewed journal.            A healthcare journal.            A professional or scientific journal.</p> <p>If audited, a licensee shall provide a copy of the publication that shows the licensee as the author of the article or a publication acceptance letter.</p>	<p>Six PDR credits are granted for each article.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>
(h)	<p>Writing a chapter related to the practice, education, or research of physical therapy published in a book.</p> <p>If audited, a licensee shall provide a copy of the publication that shows the licensee as the author of the chapter or a publication acceptance letter.</p>	<p>Six PDR credits are granted for each chapter.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>
(i)	<p>Successfully completing 1 of the following:            An American Board of Physical Therapy Specialties (ABPTS) certification examination.</p>	<p>Twenty-three PDR credits are granted for each successful completion.</p>

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	<p>An ABPTS recertification examination.</p> <p>The APTA's PTA Advanced Proficiency Pathways Program.</p> <p>If audited, a licensee shall provide proof of certification or recertification.</p>	<p>A maximum of 23 PDR credits may be earned for this activity in each renewal period.</p>
(j)	<p>Participating as a student for a minimum of 1,000 hours in any of the following:</p> <p>A postgraduate clinical training program related to the practice of physical therapy provided through or recognized by an accredited physical therapist educational program that satisfies the standards under R 338.7131.</p> <p>A postgraduate clinical training program related to the practice of physical therapy provided through or recognized by an accredited physical therapist assistant educational program that satisfies the standards under R 338.7141.</p> <p>A postgraduate clinical training program related to the practice of physical therapy offered through a healthcare organization accredited by an organization recognized by the Centers for Medicare and Medicaid Services.</p> <p>A postgraduate clinical training program related to the practice of physical therapy accredited or credentialed by the APTA or an organization approved by the board.</p> <p>If audited, a licensee shall provide a letter from the program director verifying the number of hours the licensee participated in the clinical training program and that the program was provided, offered, or accredited by an educational program or organization that satisfies the requirements of this rule.</p>	<p>Twelve PDR credits are granted for 1,000 hours of participation.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>
(k)	<p>Participation in a healthcare organization committee, physical therapy or physical therapy assistant educational program, or task force dealing with patient care related issues, which may include physical therapy education, research, or practice or quality of patient care and utilization review.</p> <p>If audited, a licensee shall provide a letter from an appropriate official representing the committee, educational program, or task force verifying that the committee, educational program, or task force dealt with patient care related issues, which may include physical therapy education, research, or practice or quality of patient care and utilization review. The letter must also include the dates and the amount of time the licensee took part on each date.</p>	<p>One PDR credit is granted for every 50 minutes of participation.</p> <p>A maximum of 6 PDR credits may be earned for this activity in each renewal period.</p>
(l)	<p>Serving as a guest instructor of students, staff, or other licensees at any of the following:</p> <p>A clinical training program related to the practice of physical therapy provided through or recognized by an accredited or developing physical therapist educational program that satisfies the standards under R 338.7131.</p> <p>A clinical training program related to the practice of physical therapy provided through or recognized by an accredited or developing physical therapist assistant educational program that satisfies the standards under R 338.7141.</p> <p>A clinical training program related to the practice of physical therapy offered through a healthcare organization accredited by an organization recognized by the Centers for Medicare and Medicaid Services.</p> <p>A clinical training program related to the practice of physical therapy accredited or credentialed by APTA or an organization approved by the</p>	<p>Two PDR credits are granted for every 50 minutes of continuous instruction.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>



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	<p>board.</p> <p>If audited, a licensee shall provide 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 provided, offered, or accredited by an educational program or organization satisfies the requirements of this rule.</p>	
(m)	<p>Serving as a clinical instructor or clinical supervisor for students completing an internship, residency, or fellowship program that recognized or approved by any of the following:</p> <p>An accredited or developing educational program for physical therapists that satisfies the standards under R 338.7131.</p> <p>An accredited or developing educational program for physical therapist assistants that satisfies the standards under R 338.7141.</p> <p>APTA or an organization approved by the board.</p> <p>If audited, a licensee shall provide 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.</p>	<p>Three PDR credits are granted for 40 hours of clinical instruction or supervision.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>
(n)	<p>Identifying, researching, and addressing an event or issue related to professional practice.</p> <p>If audited, a licensee shall provide a completed experiential activity form provided by the department for each issue or event.</p>	<p>One PDR credit is granted for each separate event or issue.</p> <p>A maximum of 6 PDR credits may be earned for this activity in each renewal period.</p>
(o)	<p>Participating on an international, national, regional, state, state component, or local task force, committee, board, council, or association related to the field of physical therapy that is considered acceptable by the board. A task force, committee, board, council, or association is acceptable if it enhances the participant's knowledge and understanding of the field of physical therapy.</p> <p>If audited, a licensee shall provide documentation verifying the licensee's participation in not less than 50% of the regularly scheduled meetings of the task force, committee, board, council, or association.</p>	<p>Four PDR credits are granted for participation on each task force, committee, board, council, or association.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>
(p)	<p>Participating as a surveyor for an external agency in a program involving the accreditation, certification, or inspection of an educational program for physical therapists or physical therapist assistants or a certification process for a clinical agency.</p> <p>If audited, a licensee shall provide a letter from the accreditation, certification, or inspection program verifying the licensee's participation, the location of the inspections, and the number of hours the licensee spent participating as a surveyor.</p>	<p>One PDR credit is granted for every 50 minutes of participation.</p> <p>A maximum of 12 PDR credits may be earned for this activity in each renewal period.</p>
(q)	<p>Performing volunteer work related to the field of physical therapy without reimbursement.</p> <p>If audited, a licensee shall provide a letter from an official other than the licensee verifying the number of hours and the type of volunteer work performed by the licensee.</p>	<p>One PDR credit is granted for every 50 minutes of volunteer work performed.</p> <p>A maximum of 6 PDR credits may be earned for this activity in each renewal period.</p>
(r)	Serving as a center or site coordinator of clinical education at an agency	Two PDR credits are granted per

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	<p>that provides clinical internships for students enrolled in programs that are recognized or approved by either of the following:</p> <p>An accredited or developing educational program for physical therapists that satisfies the standards under R 338.7131.</p> <p>An accredited or developing educational program for physical therapist assistants that satisfies the standards under R 338.7141.</p> <p>If audited, a licensee shall provide a letter from the educational program or clinical agency director verifying the licensee's role and that students were placed and participated in the internship program during the time for which the licensee is claiming PDR credit.</p>	<p>year of serving as the coordinator.</p> <p>A maximum of 4 PDR credits may be earned for this activity in each renewal period.</p>
(s)	<p>Completing a self-review tool developed by FSBPT.</p> <p>To receive credit, a licensee shall provide documentation from FSBPT verifying completion of the self-review tool.</p>	<p>Three PDR credits are granted for each completion.</p> <p>A maximum of 3 PDR credits may be earned for this activity in each renewal period.</p>

History: 2015 AACs; 2019 AACs; 2022 AACs; 2023 MR 9, Eff. May 1, 2023.

**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 shall have completed 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 this state or the United States.

(ii) Identifying victims of human trafficking in healthcare settings.

(iii) Identifying the warning signs of human trafficking in healthcare 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 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-reviewed journal, healthcare 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 an individual and request documentation of proof of completion of training. If audited by the department, the individual shall provide an acceptable proof of completion of training, including either of the following:

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

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(b) A self-certification statement by the 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 the peer-reviewed journal, healthcare journal, or professional or scientific journal, and the date, volume, and issue of publication, as applicable.

History: 2016 AACCS; 2019 AACCS; 2021 AACCS; 2023 MR 22, Eff. Nov. 16, 2023.

**R 338.7203 Limited license.**

Rule 3. (1) An applicant for licensure under section 16903(3) of the code, MCL 333.16903, shall satisfy the requirements of the code, the rules promulgated under the code, and all the following requirements:

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

(b) Provide proof, as directed by the department, verifying the completion of either of the following educational requirements, as specified under section 16909(1)(a)(i) or (ii) of the code, MCL 333.16909:

(i) A master's degree or higher graduate degree from an approved training program in marriage and family therapy that satisfies the accreditation standards under R 338.7211(1).

(ii) A master's degree or higher graduate degree from an approved college or university that satisfies the accreditation standards under R 338.7211(2) or (3) and completed the graduate-level courses in section 16909(1)(a)(ii) of the code, MCL 333.16909.

(c) Provide proof, as directed by the department, verifying the completion of 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) or (3).

(2) A limited license is renewed annually and may not be renewed more than 5 times.

History: 1998-2000 AACCS; 2012 AACCS; 2019 AACCS; 2021 AACCS; 2023 MR 22, Eff. Nov. 16, 2023.

**R 338.7204**

**Source:** 2021 AACCS.

**R 338.7205 Licensure requirements.**

Rule 5. An applicant for a marriage and family therapist license shall satisfy the requirements of the code, the rules promulgated under the code, and all the following requirements:

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

(b) Provide proof, as directed by the department, verifying the completion of either of the following educational requirements, as specified under section 16909(1)(a)(i) or (ii) of the code, MCL 333.16909:

(i) A master's degree or higher graduate degree from an approved training program in marriage and family therapy that satisfies the accreditation standards under R 338.7211(1).

(ii) A master's degree or higher graduate degree from an approved college or university that satisfies the accreditation standards under R 338.7211(2) or (3) and completed the graduate-level courses in section 16909(1)(a)(ii) of the code, MCL 333.16909.

(c) Provide proof, as directed by the department, verifying the completion of 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) or (3).

(d) Provide proof, as directed by the department, verifying 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.

(e) Provide proof, as directed by the department, verifying a passing score on the examination adopted under R 338.7209.

History: 1998-2000 AACCS; 2012 AACCS; 2019 AACCS; 2021 AACCS; 2023 MR 22, Eff. Nov. 16, 2023.

**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 required fee.

(2) To be eligible to sit for the Marital and Family Therapy National Examination, an applicant shall satisfy either R 338.7203(1)(b) and (c) or R 338.7205(b) and (c).

History: 1998-2000 AACCS; 2012 AACCS; 2019 AACCS; 2021 AACCS; 2023 MR 22, Eff. Nov. 16, 2023.

**R 338.7209**

**Source:** 2021 AACS.

**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), American Association for Marriage and Family Therapy (AAMFT) care of COAMFTE, 112 South Alfred Street, Alexandria, Virginia 22314, in the publication titled “Accreditation Standards Graduate & Post-Graduate Marriage and Family Therapy Training Programs Version 12.5,” effective January 1, 2022, which is available at no cost from the commission’s website at <https://www.coamfte.org>, are approved and adopted by reference. If a marriage and family therapy educational program is accredited by COAMFTE, it is approved.

(2) The standards for recognition of accrediting organizations developed and adopted by the Council for Higher Education Accreditation (CHEA), One Dupont Circle NW, Suite 510, Washington, D.C. 20036, in the publication titled “CHEA Standards and Procedures for Recognition,” effective October 4, 2021, which are available at no cost on the council’s website at <https://www.chea.org>, are approved and adopted by reference. If a higher education institution is accredited by the accrediting body of the region where the institution is located and the accrediting body satisfies the recognition standards of CHEA, the institution is approved.

(3) The criteria for recognition and the recognition process for the secretary’s recognition of accrediting agencies of the United States Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Washington, D.C. 20202, in 34 CFR 602.10 to 602.39, effective July 1, 2020, which are available at no cost on the department’s website at <https://www2.ed.gov/about/offices/list/ope/index.html>, are approved and adopted by reference. If a higher education institution is accredited by the accrediting body of the region where the institution is located and the accrediting body satisfies the recognition criteria and process of the United States Department of Education, the institution is approved.

(4) Copies of the standards in this rule 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 Street, P.O. Box 30670, Lansing, Michigan 48909.

History: 1998-2000 AACS; 2012 AACS; 2019 AACS; 2021 AACS; 2023 MR 22, Eff. Nov. 16, 2023.

**R 338.7213 Licensure by endorsement.**

Rule 13. (1) An applicant for a marriage and family therapy license by endorsement shall satisfy the requirements of the code and the rules promulgated under the code, and all the following requirements:

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

(b) Provide proof, as directed by the department, verifying a current and full marriage and family therapist license in another state or a province of Canada.

(c) If the applicant is licensed as a marriage and family therapist in a province in Canada, provide proof, as directed by the department, verifying that the applicant completed the educational requirements in Canada or the United States for licensure as a marriage and family therapist in Canada or the United States.

(d) Provide proof, as directed by the department, verifying a passing score on either of the following examinations for a marriage and family therapist license in another state or a province of Canada to obtain licensure as a marriage and family therapist in another state or a province of Canada:

(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 another 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, including 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 AACS; 2023 MR 22, Eff. Nov. 16, 2023.

**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 the requirements of the code, the rules promulgated under the code, and 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 that term is defined in, and determined 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

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code, MCL 333.16201, if the applicant satisfies the requirements of the code, the rules promulgated under the code, and 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 that term is defined in, and determined 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) Provides proof, as directed by the department, verifying the satisfaction of either of the following requirements:
  - (i) The applicant held or holds an unrestricted marriage and therapy license in another state or a province of Canada during the 3-year period immediately preceding the date of the application for relicensure.
  - (ii) Successfully passes the examination adopted under R 338.7209 during the 3-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 another 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, including 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 AACs; 2023 MR 22, Eff. Nov. 16, 2023.

**R 338.7217**

**Source:** 1998-2000 AACs.

**R 338.7219 License renewal; requirements.**

Rule 19. (1) An applicant for license renewal shall satisfy the requirements of the code and the rules promulgated under the code.

(2) An applicant for license renewal shall provide the required fee and a completed application on a form provided by the department.

History: 2019 AACs; 2021 AACs; 2023 MR 22, Eff. Nov. 16, 2023.

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

Rule 102. (1) Pursuant to sections 16148 and 17060 of the code, MCL 333.16148 and 333.17060, an individual seeking licensure or that is licensed shall have completed training in identifying victims of human trafficking that meets the following standards:

- (a) Training content that covers all of the following:
  - (i) Understanding the types and venues of human trafficking in this state or the United States.
  - (ii) Identifying victims of human trafficking in healthcare settings.
  - (iii) Identifying the warning signs of human trafficking in healthcare 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

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university.

(iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer-reviewed journal, healthcare 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 the individual. The certification statement must include the individual's name and 1 of the following:

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

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

History: 2017 AACCS; 2019 AACCS; 2023 MR 6, Eff. March 22, 2023.

**R 338.8102a**

**Source:** 2021 AACCS.

**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 under the code, an applicant shall satisfy all of the following requirements:

(a) Have successfully completed the program of study offered by 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) or its successor 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 that assesses an applicant's knowledge of the laws and rules governing the practice of podiatric medicine and surgery in this state. An applicant who fails to achieve a passing score on the jurisprudence examination may repeat the examination without limitation.

(d) Have satisfactorily completed a minimum of 2 years of a postgraduate training program approved by the board under R 338.8113. Certification of the completion of the minimum of 2 years of postgraduate training must not be submitted to the department more than 15 days before the scheduled completion of the training.

History: 1990 AACCS; 2014 AACCS; 2017 AACCS; 2019 AACCS; 2021 AACCS; 2023 MR 6, Eff. March 22, 2023.

**R 338.8104 Examination approval and adoption; passing score.**

Rule 104. (1) The board approves and adopts the APMLE sponsored by the NBPME or its successor.

(2) An applicant applying for licensure shall have achieved a passing score on all of the following parts of the APMLE:

(a) Part I.

(b) Part II, written portion only.

(c) Part III.

(3) The accepted passing score for each part of the APMLE for licensure is the passing score established by the NBPME or its successor.

History: 1990 AACCS; 2014 AACCS; 2019 AACCS; 2023 MR 6, Eff. March 22, 2023.

**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 or province of Canada and meet the requirements of the code and the rules promulgated under the code.

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- (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 5 years before the date of filing an application for podiatric medical licensure in this state, 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 5 years before the date of filing an application for podiatric medical licensure in this state, the applicant shall satisfy all of the following requirements:
- (a) Have graduated from a school of podiatric medicine approved by the board under R 338.8113.
  - (b) Have satisfactorily completed a minimum of 2 years of a postgraduate training program approved by the board under R 338.8113.
  - (c) Have achieved a passing score on the following parts of the APMLE approved under R 338.8104.
    - (i) Part I.
    - (ii) Part II, written portion only.
    - (iii) Part III.
  - (6) If an applicant is licensed in a province of Canada, the applicant shall satisfy both of the following:
    - (a) Provide proof verifying that the applicant completed the educational requirements in Canada or in the United States for licensure as a doctor of podiatric medicine in Canada or in the United States.
    - (b) Have achieved a passing score on the following part of the APMLE:
      - (i) Part II, written portion only.
      - (ii) Part III.
  - (7) An applicant for licensure by endorsement shall comply with both of the following:
    - (a) Disclose each license, registration, or certification in a health profession or specialty issued by another 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, including 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: 1990 AACCS; 2014 AACCS; 2019 AACCS; 2021 AACCS; 2023 MR 6, Eff. March 22, 2023.

**R 338.8108**

**Source:** 2017 AACCS.

**R 338.8109 Educational limited licenses; limited license renewal.**

- Rule 109. (1) An educational limited license authorizes the licensee 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 rules promulgated under the code, an applicant shall satisfy all of the following requirements:
- (a) Have successfully completed a program of study offered by a school of podiatric medicine approved by the board under R 338.8113.
  - (b) Have achieved a passing score on the following parts of the APMLE approved by the board under R 338.8104:
    - (i) Part I.
    - (ii) Part II, written portion only.
  - (c) 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 under section 333.18012(2) of the code, MCL 333.18012.
- History: 2014 AACCS; 2017 AACCS; 2019 AACCS; 2021 AACCS; 2023 MR 6, Eff. March 22, 2023.

**R 338.8110 Requirements for relicensure after lapse.**

Rule 110. (1) An applicant whose license has been 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 rules promulgated under the code and satisfies the following requirements as indicated by a (√) below:

(a) For a podiatrist who has let his or her Michigan license lapse and is not currently licensed or registered as a podiatrist in another state or province of Canada:	Lapsed 3 years or less.	Lapsed more than 3 years.
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(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 in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.	√	√
(iii)	Submit fingerprints as required by section 16174(3) of the code, MCL 333.16174.		√
(iv)	<p>Complete 150 hours of continuing education pursuant to R 338.8127, including both of the following:</p> <p>(A) Not less than 3 hours in pain and symptom management pursuant to R 338.8127(1)(c). Not less than 2 of the 3 hours must include controlled substances prescribing.</p> <p>(B) At least 1 hour in medical ethics pursuant to R 338.8127(1)(d).</p> <p>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 has 2 years after the date the department received the application to complete the deficient hours.</p>	√	√
(v)	Achieve a score 75 or more on the examination of this state's 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.	√	√
(vi)	Achieve a passing score on part III of the APMLE sponsored by the NBPME or its successor within 3 years of the application for relicensure.		√
(vii)	<p>An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country, shall do both of the following:</p> <p>(A) Disclose each license, registration, or certification on the application form.</p> <p>(B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including 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.</p>	√	√
(b) For a podiatrist who has let his or her Michigan license lapse and is currently licensed or registered as a podiatrist in another state or province of Canada:		Lapsed 3 years or less.	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 in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.	√	√
(iii)	Submit fingerprints as required by section 16174(3) of the code, MCL 333.16174.		√



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(iv)	<p>Complete 150 hours of continuing education pursuant to R 338.8127 including both of the following:</p> <p>(A) Not less than 3 hours in pain and symptom management pursuant to R 338.8127(1)(c). Not less than 2 of the 3 hours must include controlled substances prescribing.</p> <p>(B) At least 1 hour in medical ethics pursuant to R 338.8127(1)(d).</p> <p>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 has 2 years after the date the department received the application to complete the deficient hours.</p>	√	√
(v)	Achieve a score of 75 or more on the examination of this state's 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.	√	√
(vi)	<p>An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country, shall do both of the following:</p> <p>(A) Disclose each license, registration, or certification on the application form.</p> <p>(B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including 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.</p>	√	√

(2) An applicant whose limited 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 rules promulgated under the code. Relicensure of a limited license is counted the same as a license renewal for purposes of determining the number of permissible renewals allowed under section 18012(2) of the code, MCL 333.18012.

(3) 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: 2014 AACs; 2017 AACs; 2019 AACs; 2021 AACs; 2023 MR 6, Eff. March 22, 2023.

**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 2021, implementation date October 15, 2021. A copy of the standards and requirements is available at no cost from the council's website at [www.cpme.org](http://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.

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(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 2018. A copy of the standards and requirements is available at no cost from the council’s website at [www.cpme.org](http://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, approved September 24, 2018, and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, revised July 1, 2020, 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 [CFR-2020-title34-vol3.pdf \(govinfo.gov\)](https://www.e-reading.org/CFR-2020-title34-vol3.pdf).

History: 1990 AACCS; 2014 AACCS; 2017 AACCS; 2019 AACCS; 2021 AACCS; 2023 MR 6, Eff. March 22, 2023.

**R 338.8114**

**Source:** 2017 AACCS.

**R 338.8115**

**Source:** 2014 AACCS.

**R 338.8125**

**Source:** 1996 AACCS.

**PART 4. CONTINUING EDUCATION**

**R 338.8126 License renewal.**

Rule 126. (1) An applicant for license renewal shall satisfy the requirements of R 338.7001 to R 338.7005 and shall accumulate not less than 150 hours of continuing podiatric medical education in activities approved by the board under R 338.8127 during the 3 years immediately preceding his or her application for renewal.

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

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

(4) The department may select and audit a sample of licensees who have renewed their licenses and request proof of compliance with subrule (2) of this rule. If audited, the licensee shall submit documentation as specified under R 338.8127.

History: 2014 AACCS; 2017 AACCS; 2019 AACCS; 2023 MR 6, Eff. March 22, 2023.

**R 338.8127 Acceptable continuing education; requirements; limitations.**

Rule 127. (1) The 150 hours of continuing education required under 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 education hours approved by the CPME or the American Medical Association (AMA) 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. Not less than 2 of the 3 hours must include controlled substances prescribing. 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.

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- (ii) Pharmacology.
- (iii) Behavior modification.
- (iv) Stress management.
- (v) Clinical applications.
- (vi) Drug interventions.
- (vii) Controlled substances prescribing.

(d) An applicant for license renewal shall have earned at least 1 continuing education hour approved by the CPME or the AMA in medical ethics.

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

Activity Code		Acceptable Continuing Education Activities and Proof of Completion	Number of Continuing Education Hours Granted/Allowed for Each Activity
(a)		<p>Attendance at or participation in a continuing education program or activity related to the practice of podiatry, or any non-clinical subject relevant to practice, education, administration, management, or science, including, but not limited to, live and in-person programs, interactive or monitored teleconference or audio-conference programs, online programs, and journal articles or other self-study programs offered by a sponsor accredited or approved by the CPME.</p> <p>If audited, 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 the program was held or activity was completed.</p>	<p>The number of continuing education hours earned for a specific program or activity is the number of hours approved by the sponsor or the approving organization.</p> <p>A minimum of 75 hours must be earned in each renewal period, unless all 150 hours are earned in Activity Code (n).</p>
(b)		<p>Attendance at or participation in a continuing education program or activity related to the practice of podiatry, or any non-clinical subject relevant to practice, education, administration, management, or science, including, but not limited to, live and in-person programs, interactive or monitored teleconference or audio-conference programs, online programs, and journal articles or other self-study programs approved by either of the</p>	<p>The number of continuing education hours earned for a specific program or activity is the number of hours approved by the sponsor or the approving organization.</p> <p>If the activity was not approved for a set number of hours, then 1 credit hour for each 50 to 60 minutes of participation may be earned.</p> <p>A maximum of 75 hours may be earned for this category in</p>

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		<p>following:</p> <p>The Michigan board of podiatric medicine and surgery, pursuant to R 338.8128.</p> <p>Another state or provincial board of podiatric medicine and surgery.</p> <p>If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date the program was held or activity was completed.</p>	<p>each renewal period.</p>
(c)		<p>Attendance at or participation in a continuing education program or activity related to the practice of podiatry, or any non-clinical subject relevant to practice, education, administration, management, or science, including, but not limited to, live and in-person programs, interactive or monitored teleconference or audio-conference programs, online programs, and journal articles or other self-study programs accredited, approved, or offered by any of the following:</p> <p>The Accreditation Council for Continuing Medical Education.  The AMA.  The American Osteopathic Association.</p> <p>If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date the program was held or activity was completed.</p>	<p>The number of continuing education hours earned for a specific program or activity is the number of hours approved by the sponsor or the approving organization.</p> <p>A maximum of 40 hours may be earned in this category in each renewal period.</p>

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(d)		<p>Obtaining specialty board certification from 1 of the following:</p> <p>American Board of Podiatric Medicine (ABPM).  American Board of Foot and Ankle Surgery (ABFAS).  American Board of Multiple Specialties in Podiatry (ABMSP).  American Board of Lower Extremity Surgery (ABLES).  American Board of Wound Management (ABWM).</p> <p>If audited, the licensee shall submit proof of certification.</p>	<p>Fifty hours of continuing education are earned in the year the applicant is advised of passing the certification examination.</p>
(e)		<p>Successfully completing an activity that is required for maintenance of a specialty certification recognized by 1 of the following and has not been used to satisfy the requirements of a certification obtained under activity code (d):</p> <p>ABFAS.  ABPM, if the maintenance of the specialty certification included completion of the ABPM Competency Assessment.</p> <p>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.</p>	<p>One hour of continuing education is earned for every 60 minutes spent on the activity. A maximum of 30 hours may be earned for this activity in each renewal period.</p>
(f)		<p>Serving as an instructor of podiatric medical students, house staff, other physicians, or allied health professionals in a hospital or institution that offers a postgraduate training program that is approved by the board pursuant to R 338.8113, if the hospital or institution has approved the instruction.</p> <p>If audited, the licensee shall submit a letter from the program director verifying the licensee's role.</p>	<p>Two hours of continuing education are earned for each 50 to 60 minutes spent as an instructor.</p> <p>A maximum of 50 hours of continuing education may be earned in this category each renewal period.</p>

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(g)		<p>Serving as an instructor of podiatric students at an accredited podiatric medical institution under a rotating externship program recognized and approved by the medical institution in accordance with R 338.8113.</p> <p>If audited, the licensee shall submit a letter from the sponsoring podiatric institution verifying the licensee's role.</p>	<p>Two hours of continuing education are earned for each 50 to 60 minutes spent as an instructor.</p> <p>A maximum of 50 hours may be earned in this category in each renewal period.</p>
(h)		<p>Initial publication of an article related to the practice of podiatric medicine and surgery in a peer-reviewed journal.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>Twenty-five hours of continuing education are earned per publication.</p> <p>A maximum of 75 hours may be earned in this category in each renewal period.</p>
(i)		<p>Initial publication of a chapter related to the practice of podiatric medicine and surgery in either of the following:</p> <p>A professional or health care textbook.  A peer-reviewed textbook.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>Fifty hours of continuing education are earned per publication.</p> <p>A maximum of 50 hours may be earned in this category in each renewal period.</p>
(j)		<p>Initial presentation of a scientific exhibit, a formal original scientific paper, or both, at a professional meeting.</p> <p>If audited, the licensee shall submit a copy of the document presented with evidence of the presentation and a log indicating time spent in preparation or a letter from the program sponsor verifying the length and date of the presentation and a log indicating time spent in preparation.</p>	<p>Two hours of continuing education are earned for each 50 to 60 minutes of presentation and preparation.</p> <p>A maximum of 30 hours may be earned in this category each renewal period.</p>

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

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		If audited, the licensee shall submit a letter from the program director verifying the licensee participated in the program.	A maximum of 150 hours may be earned in this category each renewal period.
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History: 2014 AACS; 2017 AACS; 2019 AACS; 2021 AACS; 2023 MR 6, Eff. March 22, 2023.

**R 338.8128**

Source: 2021 AACS.

**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.



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**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: 2022 AACS.

**R 338.10102**  
Source: 2017 AACS.

**R 338.10103**  
Source: 2017 AACS.

**R 338.10104**  
Source: 2022 AACS.

**R 338.10105**  
Source: 2020 AACS.

**R 338.10199**  
Source: 1989 AACS.

**R 338.10201**  
Source: 2017 AACS.

**R 338.10202**  
Source: 2022 AACS.

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**R 338.10203**  
Source: 2017 AACCS.

**R 338.10204**  
Source: 2022 AACCS.

**R 338.10206**  
Source: 2022 AACCS.

**R 338.10207**  
Source: 2022 AACCS.

**R 338.10208**  
Source: 2022 AACCS.

**R 338.10208a**  
Source: 2022 AACCS.

**R 338.10209**  
Source: 2018 AACCS.

**R 338.10210**  
Source: 2022 AACCS.

**R 338.10211**  
Source: 2022 AACCS.

**R 338.10212**  
Source: 2022 AACCS.

**R 338.10212a**  
Source: 2022 AACCS.

**R 338.10213**  
Source: 2022 AACCS.

**R 338.10299**  
Source: 1990 AACCS.

**PART 3. NURSING EDUCATION PROGRAMS**

**R 338.10301**  
Source: 2022 AACCS.

**R 338.10302**  
Source: 2017 AACCS.

**R 338.10303**  
Source: 2022 AACCS.

**R 338.10303a**  
Source: 2020 AACCS.

**R 338.10303b**  
Source: 2022 AACCS.

**R 338.10303c**

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**Source:** 2022 AACS.

**R 338.10303d**

**Source:** 2020 AACS.

**R 338.10304**

**Source:** 2020 AACS.

**R 338.10305**

**Source:** 2020 AACS.

**R 338.10305a**

**Source:** 2022 AACS.

**R 338.10305b**

**Source:** 2022 AACS.

**R 338.10305c**

**Source:** 2020 AACS.

**R 338.10306**

**Source:** 2018 AACS.

**R 338.10307**

**Source:** 2022 AACS.

**R 338.10308**

**Source:** 2022 AACS.

**R 338.10309**

**Source:** 2022 AACS.

**R 338.10310**

**Source:** 2022 AACS.

**R 338.10310a**

**Source:** 2020 AACS.

**R 338.10311**

**Source:** 2022 AACS.

**R 338.10312**

**Source:** 2022 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**

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**Source:** 2017 AACs.

**R 338.10404a**

**Source:** 2017 AACs.

**R 338.10404b**

**Source:** 2017 AACs.

**R 338.10404c**

**Source:** 2022 AACs.

**R 338.10405**

**Source:** 2022 AACs.

**R 338.10405a**

**Source:** 2022 AACs.

**R 338.10405b**

**Source:** 2022 AACs.

**R 338.10405c**

**Source:** 2022 AACs.

**R 338.10406**

**Source:** 1986 AACs.

**PART 6. CONTINUING EDUCATION**

**R 338.10601**

**Source:** 2022 AACs.

**R 338.10602**

**Source:** 2022 AACs.

**R 338.10603**

**Source:** 2017 AACs.

**PART 7. NURSING PROFESSIONAL FUND SCHOLARSHIP PROGRAM**

**R 338.10701**

**Source:** 2017 AACs.

**R 338.10702**

**Source:** 2022 AACs.

**R 338.10703**

**Source:** 2020 AACs.

**R 338.10704**

**Source:** 2022 AACs.

**R 338.10705**

**Source:** 2022 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) "AAOMS" means American Association of Oral and Maxillofacial Surgeons.
- (b) "AAP" means the American Academy of Pediatrics.
- (c) "AAPD" means the American Academy of Pediatric Dentistry.
- (d) "ACLS" means advanced cardiac life support.
- (e) "ADA" means the American Dental Association or a successor organization.
- (f) "ADA CERP" means the American Dental Association Continuing Education Recognition Program.
- (g) "ADEX" means the American Board of Dental Examiners, Inc. examination that is conducted by the CDCA-WREB-CITA.
- (h) "AGD" means the Academy of General Dentistry.
- (i) "AHA" means the American Heart Association.
- (j) "Allied dental personnel" means the supporting team that receives appropriate delegation from a dentist or dental therapist to participate in dental treatment.
- (k) "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.
- (l) "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 of the American Dental Association that meets the requirements in section 16611 of the code, MCL 333.16611.
- (m) "ASA" means the American Society of Anesthesiologists.
- (n) "BLS" means basic cardiac life support.
- (o) "Board" means the Michigan Board of Dentistry.
- (p) "CDAC" means the Commission on Dental Accreditation of Canada.
- (q) "CDC infection control guidelines" means the Centers for Disease Control and Prevention infection control guidelines established by the CDC in effect on the effective date of the rules and any amendments adopted by the CDC.
- (r) "CDCA-WREB-CITA" means the Commission on Dental Competency Assessments Western Regional Examining Board Council of Interstate Testing Agencies or a successor organization.
- (s) "CODA" means the Commission on Dental Accreditation or a successor organization.
- (t) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
- (u) "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.
- (v) "DDS" means doctor of dental surgery degree.
- (w) "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.
- (x) "Dentist" means, except as otherwise provided in R 338.11801 and R 338.11218, a person licensed by the board under the code and these rules to engage in the practice of dentistry.
- (y) "Department" means the department of licensing and regulatory affairs.
- (z) "DMD" means doctor of dental medicine degree.
- (aa) "General anesthesia" means the elimination of all sensations accompanied by a state of unconsciousness and loss of reflexes necessary to maintain a patent airway.
- (bb) "INBDE" means the Integrated National Board Dental Examination.
- (cc) "JCNDE" means the Joint Commission on National Dental Examinations.
- (dd) "Licensed" means the possession of a full license to practice, unless otherwise stated by the code or these rules.
- (ee) "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.
- (ff) "NBDE" means the National Board Dental Examination.
- (gg) "NBDHE" means the National Board Dental Hygiene Examination.
- (hh) "NDEB" means the National Dental Examining Board of Canada.

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- (ii) “Office” means the building or suite in which dental treatment is performed.
- (jj) “PALS” means pediatric advanced life support.
- (kk) “RDA” means a person licensed as a registered dental assistant by the board under the code and these rules who performs dental procedures as specified in R 338.11411, Table 1. A RDH may perform the functions of a RDA if the RDH is licensed by the board as a RDA.
- (ll) “RDH” means an individual licensed as a registered dental hygienist by the board under the code and these rules, who performs basic supportive dental procedures as specified in R 338.11411, Table 1.
- (mm) “Second pair of hands” means acts, tasks, functions, and procedures performed by a UDA, RDA, or RDH at the direction of a dentist, dental therapist, or RDH who is in the process of rendering dental services and treatment to a patient. The acts, tasks, functions, and procedures performed by a UDA, RDA, or RDH are ancillary to the procedures performed by the dentist, dental therapist, or RDH and intended to provide help and assistance when the procedures are performed. This definition does not expand the duties of a UDA, RDA, or RDH as provided by the code and rules promulgated by the board.
- (nn) “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.
- (oo) “UDA” means an unregistered dental auxiliary, who is unlicensed and performs basic supportive dental procedures as specific in R 338.11411, Table 1.
- (2) Unless otherwise defined in these rules, the terms defined in the code have the same meaning as used in these rules.  
History: 1984 AACs; 1989 AACs; 2006 AACs; 2011 AACs; 2014 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**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, UDA, RDA, and RDH shall identify themselves to the patient as a dentist, dental therapist, UDA, RDA, or RDH.
- (b) The patient is provided with a written consent for treatment.  
History: 1984 AACs; 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

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**R 338.11105**

**Source:** 1997 AACCS.

**R 338.11107**

**Source:** 1984 AACCS.

**R 338.11109**

**Source:** 2015 AACCS.

**R 338.11115**

**Source:** 2015 AACCS.

**R 338.11117**

**Source:** 1984 AACCS.

**R 338.11120 Dental treatment records; requirements.**

Rule 1120. (1) A dentist or dental therapist shall make and maintain a dental treatment record of 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 healthcare status and the results of any diagnostic aids used.
  - (c) The patient's current health status as classified by the American Society of Anesthesiologists physical status classification system.
  - (d) Diagnosis and treatment plan.
  - (e) Dental procedures performed upon the patient, including both of the following:
    - (i) The date the procedure was performed.
    - (ii) The identity of the dentist, dental therapist, or allied dental personnel performing each procedure.
  - (f) Progress notes that include a chronology of the patient's progress throughout the course of all treatment.
  - (g) The date, dosage, and amount of any drug prescribed, dispensed, or administered to the patient.
  - (h) Radiographic and photographic images taken in the course of treatment. If radiographic or photographic 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 after the date of the last treatment.

History: 1989 AACCS; 2014 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11121 Scheduled controlled substances; inventory record requirements.**

Rule 1121. (1) If 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 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 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11123**

**Source:** 2021 AACCS.

**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 R 338.7001 to R 338.7005; any other rules promulgated under the code; and 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 meet all of the following requirements:

- (a) Graduate from a dental educational program that complies with the standards in R 338.11301, in which the applicant has obtained a DDS degree or DMD degree.
- (b) Pass all parts of the NBDE, or the INBDE if the INBDE replaces the NBDE, that is conducted and scored by the JCNDE,

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to qualify for the licensing examination in subdivision (c) of this rule.

(c) Pass all parts, written and clinical, of the ADEX examination that is conducted by the CDCA-WREB-CITA, or by another regional testing agency.

(d) Submit proof of current certification in BLS or ACLS for healthcare 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, beginning 6 months after the effective date of this rule.

History: 1984 AACS; 1989 AACS; 1997 AACS; 2006 AACS; 2021 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**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, meet the requirements of the code, R 338.7001 to R 338.7005, and any other rules promulgated under the code, 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 the applicant 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) An applicant for dentist licensure by examination shall meet 1 of the following requirements:

(i) Graduate from a program in dentistry that complies with the standards in R 338.11301, in which the applicant 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 the applicant 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.

(iii) 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 the applicant has obtained a degree or certificate in a specialty branch of dentistry that has not been recognized in R 338.11501 but is approved by the board by request.

(d) Pass all parts of the NBDE or INBDE if the INBDE replaces the NBDE that is conducted and scored by the JCNDE.

(e) Pass all parts, written and clinical, of the ADEX examination that is conducted by the CDCA-WREB-CITA, a successor organization, or by another regional testing agency.

(f) Beginning 6 months after the effective date of this subdivision, submit proof of current certification in BLS or ACLS for healthcare 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.

History: 1989 AACS; 1997 AACS; 2006 AACS; 2017 AACS; 2021 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**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 examination. A passing score on the examination is the score recommended by the CDCA-WREB-CITA or its successor organization. An applicant shall provide evidence to the department of a converted score of 75 or higher on each part of the examination.

(3) The required parts of the ADEX examination include all of the following:

(a) Computer-based diagnostic skills examination objective structured clinical examination.

(b) Endodontic clinical examination.

(c) Fixed prosthodontic clinical examination.

(d) Periodontal/scaling patient or manikin clinical examination

(e) Restorative clinical patient or manikin examination.

History: 1984 AACS; 1997 AACS; 2006 AACS; 2021 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11205**

Source: 1997 AACS.

**R 338.11207**

Source: 1997 AACS.

**R 338.11209 Licensure by examination to practice dental therapy.**



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Rule 1209. In addition to meeting the requirements of R 338.7001 to R 338.7005, any other rules promulgated under the code, and 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 meet all of the following requirements:

- (a) Graduate from a dental therapy educational program that meets the standards in R 338.11302.
- (b) Pass all parts, written and clinical, of the ADEX examination that is conducted by the CDCA-WREB-CITA, a successor organization, or by another regional testing agency, or an examination that is substantially equivalent to the ADEX examination as determined by the board pursuant to R 338.11257(5) and (6), with a passing converted score of not less than 75 on each component of the examination.
- (c) Complete not less than 500 hours of clinical practice as required under R 338.11218.
- (d) Beginning 6 months after the effective date of this subdivision, submit proof of current certification in BLS or ACLS for healthcare 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.

History: 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11211**

**Source:** 1997 AACs.

**R 338.11213 Dental therapy examinations; required passing scores.**

Rule 1213. (1) The board approves and adopts all parts of the ADEX examination, conducted by the CDCA-WREB-CITA, a successor organization, or by another regional testing agency. 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 required parts of the examination include both of the following:

- (a) Computer-based dental therapy objective structured clinical examination.
- (b) Clinical examinations on a manikin or patient.

History: 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**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 not less than 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.

(2) A dentist under disciplinary action or who has been under disciplinary action in the past 5 years shall not provide direct supervision of a dental therapy student in a clinical practice. If a dentist is notified by the department that the dentist is under disciplinary review or action by any state, within 7 days after notification, the dentist shall notify the dental therapist program and discontinue directly supervising the dental therapy student in the student's clinical practice.

(3) As used in this rule:

- (a) "Dentist" means a dentist licensed in this state or an individual authorized under the laws of another state to engage in the practice of dentistry.
- (b) "Direct supervision" means that the supervising dentist complies with all of the following:
  - (i) Designates a patient of record upon whom the procedures are to be performed by the dental therapy student.
  - (ii) Describes the procedures to be performed to the dental therapy student.
  - (iii) Examines the patient before prescribing the procedures to be performed by the dental therapy student.
  - (iv) Examines the patient upon completion of the procedures that were performed by the dental therapy student.
  - (v) Is physically present in the office when the procedures are being performed by the dental therapy student.

History: 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11219**

**Source:** 1997 AACs.

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**R 338.11221 Licensure by examination to practice dental hygiene.**

Rule 1221. In addition to meeting the requirements of R 338.7001 to R 338.7005, any other rules promulgated under the code, and 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, and 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 NBDHE that is conducted and scored by the JCNDE to qualify for the licensing examination provided for in subdivision (c) of this rule. The requirement does not apply to an applicant who graduated from a dental hygiene program before 1962.
- (c) Pass all parts written and clinical, of the ADEX examination that is conducted by the CDCA-WREB-CITA, a successor organization, or by another regional testing agency.
- (d) Beginning 6 months after the effective date of this subdivision, submit proof of current certification in BLS or ACLS for healthcare 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.

History: 1984 AACCS; 1997 AACCS; 2006 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11222**

**Source:** 2021 AACCS.

**R 338.11223 RDH examinations; passing scores.**

Rule 1223. (1) The board approves and adopts the dental hygiene examination 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 examination. A passing score on the clinical examination is the score recommended by the CDCA-WREB-CITA or its successor organization. An applicant shall provide evidence to the department of a converted score of 75 or greater on each component of the examination.

(3) The required parts of the ADEX examination include the following:

- (a) Computer simulated clinical examination.
- (b) Patient or manikin treatment clinical examination.

History: 1984 AACCS; 1997 AACCS; 2006 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11225**

**Source:** 1997 AACCS.

**R 338.11227**

**Source:** 1997 AACCS.

**R 338.11233 Registered dental hygienist; use of letters "R.D.H."; registered dental assistant; use of letters "R.D.A."**

Rule 1233. (1) Under section 16264 of the code, MCL 333.16264, a RDH who has received a bona fide degree or certificate of dental hygiene from a CODA-approved program of dental hygiene and who has completed all requirements for licensure may use the letters "R.D.H." after their name in connection with the practice of dental hygiene.

(2) Under section 16264 of the code, MCL 333.16264, a RDA who has received a bona fide degree or certificate of dental assisting from a CODA-approved program of dental assisting and who has completed all requirements for licensure may use the letters "R.D.A." after their name in connection with the practice of dental assisting.

History: 1984 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11235 Licensure to practice as a RDA; requirements.**

Rule 1235. In addition to meeting the requirements of R 338.7001 to R 338.7005, any other rules promulgated under the code, and section 16174 of the code, MCL 333.16174, an applicant for RDA licensure by examination 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) 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 6 months after the effective date of this subdivision, submit proof of current certification in BLS or ACLS for

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healthcare 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.

History: 1984 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11239 RDA 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 RDA 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.
- (ii) Digital scans.
- (jj) Impressions for bite registration.
- (kk) Applying desensitizing agents.
- (ll) Cement removal.

(3) The passing score for an examination is a converted score of 75 on each section.

History: 1984 AACCS; 1989 AACCS; 2011 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11240 Registered dental assisting licensure applicant who fails the Michigan examination.**

Rule 1240. (1) The applicant shall pass both the clinical and written portions of this state's examination within 18 months after the date the applicant takes either examination.

(2) If the applicant fails either the clinical or written portion of the examination 3 successive times, the applicant shall retake both the written and clinical portions of the examination.

History: 2023 MR 19, Eff. Oct. 2, 2023.

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**R 338.11247 Limited licenses; issuance; requirements.**

Rule 1247. (1) The board may issue 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 a CODA-accredited postgraduate dental education program. An educational limited license must be renewed annually at the discretion of the department, and except for a 1-time extension that may be granted by the board, it is renewable only 7 times. An applicant for an educational limited license shall comply with all of the following:

- (a) Submit the required fee and a completed application on a form provided by the department.
- (b) Meet the requirements of R 338.7001 to R 338.7005, any other rules promulgated under the code, and the requirements of section 16174 of the code, MCL 333.16174.
- (c) 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.
- (d) Submit documentation verifying that the applicant has been accepted into a CODA-accredited postgraduate dental education program.
- (e) Beginning 6 months after the effective date of this subdivision, submit proof of current certification in BLS or ACLS for healthcare 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.
- (f) Beginning 6 months after the effective date of this subdivision, submit proof of having attended training of at least 1 hour in infection control that includes sterilization of hand pieces, personal protective equipment, and the CDC infection control guidelines.
- (g) An educational limited license holder shall not hold themselves 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 the licensee's postgraduate dental education program.
- (h) An educational limited licensed dentist, dental therapist, or dental hygienist may perform dental procedures on patients as directed by the licensee's postgraduate dental education program if the procedures are performed under the general supervision, as that term is defined in R 338.11401(d), of a fully licensed dentist.
- (i) An educational limited licensed dental assistant may perform dental procedures on patients as directed by the licensee's postgraduate dental education program if the applicant complies with all of the following:
  - (i) The procedures are performed under the direct supervision, as that term is 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. An applicant for a nonclinical limited license shall comply with all of the following:

- (a) Submit the required fee and a completed application on a form provided by the department.
- (b) Meet the requirements of R 338.7001 to R 338.7005, any other administrative rules promulgated under the code, and the requirements of section 16174 of the code, MCL 333.16174.
- (c) 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.
- (d) Submit documentation verifying that the applicant has been placed in a nonclinical academic, research, or administrative setting.
- (e) Beginning 6 months after the effective date of this subdivision, submit proof of current certification in BLS or ACLS for healthcare 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.
- (f) Beginning 6 months after the effective date of this subdivision submit proof of having attended training of at least 1 hour in infection control, which must include sterilization of hand pieces, personal protective equipment, and the CDC's infection control guidelines.
- (g) A nonclinical license holder shall not hold themselves 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 the licensee's nonclinical academic, research, or administrative setting.

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(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 the applicant's employment or other contractual relationship with that academic institution. An applicant for a clinical limited license shall comply with all of the following:

- (a) Submit the required fee and a completed application on a form provided by the department.
  - (b) Meet the requirements of R 338.7001 to R 338.7005, any other rules promulgated under the code, and the requirements of section 16174 of the code, MCL 333.16174.
  - (c) 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.
  - (d) Submit documentation verifying that the applicant has been offered and accepted employment in an academic institution.
  - (e) Beginning 6 months after the effective date of this subdivision, submit proof of current certification in BLS or ACLS for healthcare 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.
  - (f) Beginning 6 months after the effective date of this subdivision, submit proof of having attended training of at least 1 hour in infection control, which must include sterilization of hand pieces, personal protective equipment, and the CDC's infection control guidelines.
  - (g) A clinical limited license holder shall not hold themselves 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 the licensee's employment or other contractual relationship with an academic institution, or provide dental services outside the licensee's employment or other contractual relationship with an academic institution.
  - (h) A clinical academic limited licensed dentist, dental therapist, or dental hygienist may perform dental procedures on patients in connection with the licensee's employment or contractual relationship with an academic institution if the procedures are performed under the general supervision, as that term is defined in R 338.11401(d), of a fully licensed dentist.
  - (i) A clinical academic limited licensed dental assistant may perform dental procedures on patients in connection with the licensee's employment or contractual relationship with an academic institution if the applicant complies with all of the following:
    - (i) The procedures are performed under the direct supervision, as that term is 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 AACCS; 2006 AACCS; 2011 AACCS; 2014 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11241**

**Source:** 2021 AACCS.

**R 338.11245**

**Source:** 2021 AACCS.

**R 338.11247**

**Source:** 2021 AACCS.

**R 338.11249**

**Source:** 1998-2000 AACCS.

**R 338.11253**

**Source:** 2021 AACCS.

**R 338.11255 Licensure by endorsement of dentist; requirements.**

Rule 1255. (1) An applicant who has never held a dental license in this state, who is licensed in another 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 the applicant meets the requirements of the code, R 338.7001 to R 338.7005, any other rules

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promulgated under the code, and all of the following requirements in subdivisions (a) to (g) of this subrule, subject to subdivisions (h) and (i) of this subrule:

(a) An applicant for licensure by endorsement shall meet 1 of the following requirements:

(i) Has graduated from a dental educational program that meets the standards in R 338.11301, in which the applicant has obtained at least a 2-year DDS degree or DMD degree. The completion of the program must be confirmed by official transcripts from the school, with documentation of graduation.

(ii) If the applicant graduated from a dental educational program that does not comply with the standards provided in R 338.11301, the applicant shall meet 1 of the following requirements for licensure by endorsement in this state:

(A) Has graduated from a minimum 2-year master's degree or certificate program in dentistry that complies with the standards in R 338.11301, in which the applicant 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.

(B) Has graduated from a minimum 2-year master's degree or certificate program in dentistry that complies with the standards in R 338.11301, in which the applicant has obtained a degree or certificate in a specialty branch of dentistry that has not been recognized in R 338.11501 but is approved by the board.

(b) Has passed all phases of the NBDE or INBDE if the INBDE replaces the NBDE for dentists.

(c) Subject to (h) and (i) of this rule, the applicant submits proof of successful completion of all parts, written and clinical, of the ADEX examination required in R 338.11223(2) and (3) that is conducted by the CDCA-WREB-CITA, a successor organization, or by another regional testing agency. If the applicant has passed a regional or state board examination the applicant may petition the board for review of the regional examination or a state board examination for a determination that it is substantially equivalent under R 338.11257(5) and (6), to all parts, written and clinical, of the ADEX examination that is conducted by the CDCA-WREB-CITA. A passing score on a substantially equivalent examination is the score recommended by the sponsoring organization. However, an applicant shall present evidence to the department of a converted score of 75 or higher on each component of the examination.

(d) Has held a license as a dentist in good standing in another state for 1 year before filing an application in this state.

(e) Discloses each license, registration, or certification in a health profession or specialty issued by any another state, the United States military, the federal government, or another country on the application form.

(f) Satisfies 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.

(g) Submits proof of current certification in BLS or ACLS for healthcare 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.

(h) An applicant who is licensed and practicing as a dentist in another state that required the successful completion of a regional examination or state board, who has been practicing for a minimum of 5 years immediately preceding the application for licensure in this state, meets the requirements of subdivisions (a), (b), and (c) of this subrule.

(i) An applicant who is licensed and practicing as a dentist in another state that does not require the successful completion of a regional examination, and who has been practicing for a minimum of 5 years immediately preceding the application for licensure in this state, meets the requirements of subdivisions (a) and (b) of this subrule. The applicant may petition the board for a determination that the applicant's credentials are substantially equivalent to the requirements for licensure by endorsement instead of taking an examination.

(3) The board may deny an application for licensure by endorsement upon finding the existence of a board action in another 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.

History: 1989 AACCS; 2006 AACCS; 2011 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11256 Licensure by endorsement of dentist licensed in Canada; requirements.**

Rule 1256. An applicant who currently holds a license as a dentist in Canada but has never been licensed as a dentist in this state may apply for a license by endorsement and is presumed to meet the requirements of section 16186 of the code, MCL 333.16186, if the applicant meets the requirements of the code, R 338.7001 to R 338.7005, any other rules promulgated under the code, section 16174 of the code, MCL 333.16174, submits a completed application on a form provided by the department together with the requisite fee, and provides proof of all of the following:

(a) The applicant's Canadian license is active and in good standing for 1 year before filing an application in this state.

(b) The applicant has been certified by the NDEB.

(c) The applicant has passed 1 of the following:

(i) The NDEB dental written examination and the ADEX clinical examination.

(ii) All parts, written and clinical, of the ADEX examination that is conducted by the CDCA-WREB-CITA, a successor

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organization, or by another regional testing agency.

(d) The applicant has graduated with 1 of the following:

- (i) A BDS, DDS, or DMD degree from a program accredited by the CDAC with all training completed in Canada.
- (ii) A DDS degree or DMD degree from a dental educational program that complies with the standards in R 338.11301.

(e) The applicant discloses each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country on the application form.

(f) The applicant satisfies 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.

(g) The applicant submits proof of current certification in BLS or ACLS for healthcare 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.

History: 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11257 Licensure by endorsement of dental 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 the applicant meets the requirements of the code, R 338.7001 to R 338.7005, any other rules promulgated under the code, and all of the following requirements:

(a) 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) Passed all parts, written and clinical, of the ADEX examination that is conducted by the CDCA-WREB-CITA, a successor organization, or by another regional testing agency, with a converted passing score of not less than 75 on each component of the examination.

(c) Verifies completion of not less than 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) Discloses each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country on the application form.

(e) Satisfies 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.

(f) Has held a license as a dental therapist that is active and in good standing in another state for 1 year before filing an application in this state.

(g) Submits proof of current certification in BLS or ACLS for healthcare 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.

(3) The board may deny an application for licensure by endorsement upon finding the existence of a board action in another 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 regional or state board examination if the examination is substantially equivalent to all parts of the ADEX examination, a comprehensive, competency-based clinical examination developed by the CDCA-WREB-CITA, or a successor organization. A passing score on a substantially equivalent examination is the score recommended by the sponsoring organization. However, 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

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submit materials, including any of 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 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11259 Licensure by endorsement of dental hygienists; requirements.**

Rule 1259. (1) An applicant who has never held a RDH 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 the applicant meets the requirements of the code, R 338.7001 to R 338.7005, any other rules promulgated under the code, and all of the following requirements in subdivisions (a) to (g) of this subrule, subject to subrules (3) and (4) of this rule:

- (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 NBDHE. This requirement is waived for persons who graduated from an accredited school before 1962.
  - (c) The applicant submits proof of successful completion of all parts, written and clinical, of the ADEX examination required in R 338.11223(2) and (3) that is conducted by the CDCA-WREB-CITA, a successor organization, or by another regional testing agency. If the applicant has passed a regional examination or state board examination the applicant may petition the board for review of the regional examination or a state board examination for a determination that it is substantially equivalent under R 338.11257(5) and (6), to all parts, written and clinical, of the ADEX examination that is conducted by the CDCA-WREB-CITA. A passing score on a substantially equivalent examination is the score recommended by the sponsoring organization. However, an applicant shall present evidence to the department of a converted score of 75 or higher on each component of the examination.
  - (d) Holds a license as a dental hygienist that is active and in good standing in another state for at least 1 year before filing an application in this state.
  - (e) Discloses each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country on the application form.
  - (f) Satisfies 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.
  - (g) Submits proof of current certification in BLS or ACLS for healthcare 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.
- (3) An applicant who is licensed and is practicing as a dental hygienist in another state that required the successful completion of a regional examination or state board, for a minimum of 3 years immediately preceding the application for licensure in this state, meets the requirements of subrule (2)(a), (b), and (c) of this rule.
- (4) An applicant who is licensed and is practicing as a dental hygienist in another state that does not require the successful completion of a regional examination for a minimum of 3 years immediately preceding the application for licensure in this state, meets the requirement of subrule (2)(a) and (b) of this rule. The applicant may petition the board for a determination that the applicant's credentials are substantially equivalent to the requirements for licensure by endorsement instead of taking an examination.
- (5) An applicant who currently holds a license as a dental hygienist in Canada but who has never been licensed as a dental hygienist in this state may apply for a license by endorsement and is presumed to meet the requirements of section 16186 of the code, MCL 333.16186, if the applicant meets the requirements of the code, R 338.7001 to R 338.7005, any other rules promulgated under the code, requirements of section 16174 of the code, MCL 333.16174, submits a completed application on a form provided by the department together with the requisite fee, and provides proof of all of the following:
- (a) The applicant's Canadian license is active and in good standing for at least 1 year before filing an application in this state.
  - (b) The applicant has passed 1 of the following:
    - (i) The National Dental Hygiene Canadian Exam written examination and the ADEX clinical examination.
    - (ii) All parts, written and clinical, of the ADEX examination that is conducted by the CDCA-WREB-CITA, a successor



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organization, or by another regional testing agency.

(c) The applicant has graduated from 1 of the following:

(i) A dental hygiene program accredited by CDAC with all training completed in Canada.

(ii) A dental hygiene educational program in compliance with the standards in R 338.11303.

(f) The applicant discloses each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country on the application form.

(g) The applicant satisfies 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.

(h) Submits proof of current certification in BLS or ACLS for healthcare 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.

(6) The board may deny an application for licensure by endorsement upon finding the existence of a board action in another 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.

History: 1989 AACs; 2006 AACs; 2011 AACs; 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11261 Licensure by endorsement of RDAs; requirements.**

Rule 1261. (1) An applicant who has never held a RDA 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 the applicant meets the requirements of the code, R 338.7001 to R 338.7005, any other rules promulgated under the code, and all of the following requirements:

(a) 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) Submits proof of current certification in BLS or ACLS for healthcare 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.

(d) Holds a license as a dental assistant that is active and in good standing in another state for at least 1 year before filing an application in this state.

(e) Discloses each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country on the application form.

(f) Satisfies 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.

(3) An applicant who currently holds a license as a dental assistant in Canada but who has never been licensed as a dental assistant in this state may apply for a license by endorsement and is presumed to meet the requirements of section 16186 of the code, MCL 333.16186, if the applicant meets the requirements of the code, R 338.7001 to R 338.7005, any other rules promulgated under the code, the requirements of section 16174 of the code, MCL 333.16174, submits a completed application on a form provided by the department together with the requisite fee, and provides proof of all of the following:

(a) The applicant's Canadian license is active and in good standing for 1 year before filing an application in this state.

(b) The applicant has met all the requirements of 1 of the following licensure paths:

(i) The applicant has graduated from a dental assistant educational program in Canada with all training completed in Canada and meets all of the following requirements:

(A) The applicant has passed the National Dental Assistant Examining Board examination in Canada.

(B) The applicant has 2 or more years of dental assisting experience.

(C) The applicant has completed the Washtenaw Community College Alternative Dental Assistant Education Project pathway or a substantially similar pathway approved by the board.

(D) The applicant has completed the board written examination, approved by the board under R 338.11239, with a score of not less than 75.

(ii) The applicant graduated from a dental assistant educational program that complies with the standards in R 338.11307, and completed both a written and clinical examination, approved by the board under R 338.11239, with a score of not less than

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75, on each section of both the written and clinical examination.

(c) The applicant discloses each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country on the application form.

(d) The applicant satisfies 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.

(e) The applicant submits proof of current certification in BLS or ACLS for healthcare 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.

(4) The board may deny an application for licensure by endorsement upon finding the existence of a board action in another 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.

History: 1989 AACCS; 2006 AACCS; 2011 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11263 Relicensure requirements; dentists.**

Rule 1263. (1) An applicant whose dentist license in this state 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:

For a dentist who has let a 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) 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 as that term is defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(c) Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(d) Submit proof of current certification in BLS or ACLS for healthcare 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) Submit 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 after the date of the application to complete the deficient hours. The department shall hold the application and 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) Not less than 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, which may be completed in 1 or more courses. (iii) One hour in infection control, which must include sterilization of hand pieces, personal protective equipment, and the CDC's infection control guidelines.	√	√	√
(f) Complete a 1-time training in identifying victims of human trafficking that meets the standards in R 338.11271.	√	√	√

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(g) Complete a 1-time training in opioids and other controlled substances awareness as required in R 338.3135.	√	√	√
(h) Meet the English language requirement under R 338.7002b and the implicit bias training required in R 338.7004.	√	√	√
(i) Verify with the application for relicensure, that the applicant complies with R 338.11801 to R 338.11821, and specify the make of each amalgam separator in the dentist's office and the year that each separator was installed, if the applicant is subject to R 338.11801 to R 338.11821.	√	√	√
(j) An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country, shall do both of the following: (i) Disclose each license, registration, or certification 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.	√	√	√
(k) If an applicant's license has lapsed for more than 3 years but less than 5 years, the applicant shall meet either of the following: (i) Retake and pass the ADEX clinical and written examination for dentists developed and scored by the CDCA-WREB-CITA or another testing agency with a passing score of not less than 75, within the 2-year period immediately preceding the application for relicensure. (ii) Provide the department documentation that the applicant holds or held a valid and unrestricted dentist's license in another state or in Canada within 3 years immediately preceding the application for relicensure.		√	
(l) If an applicant's license has lapsed 5 or more years, the applicant shall provide the department with documentation that proves the applicant holds or held a valid and unrestricted dentist license in another state or Canada within the 3 years immediately preceding the application for relicensure and meets all of the requirements in subdivisions (a) to (j) of this subrule or complies with all of the following: (i) Meets the requirements of section 16174 of the code, MCL 333.16174, and the rules. (ii) Provides proof of graduation from a dental educational program that meets the standards in R 338.11301 in which the applicant obtained a DDS or DMD degree. (iii) Provides proof of having ever passed all parts of the NBDE, or INBDE if the INBDE replaces the NBDE, conducted and scored by the JCNDE to qualify for the dental clinical and written examination. (iv) Provides proof of having passed the ADEX dental clinical			√

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and written examination conducted and scored by the CDCA-WREB-CITA or another regional agency within the 2-year period immediately preceding the application for relicensure.			
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(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: 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11265 Relicensure requirements; dental therapists.**

Rule 1265. (1) An applicant whose dental therapist license in this state 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:

For a dental therapist who has let a 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) 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 as that term is defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(c) Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(d) Submit proof of current certification in BLS or ACLS for healthcare 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) Submit proof of having completed 35 hours of continuing education in courses and programs approved by the board as required under R 338.11703, 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 after the date of the application to complete the deficient hours. The department shall hold the application and 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) Not less than 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, which may be completed in 1 or more courses. (iii) One hour in infection control, which must include sterilization of hand pieces, personal protective equipment, and the CDC's infection control guidelines.		√	√
(f) Submit proof of having completed a 1-time training in identifying victims of human trafficking that meets the standards in R 338.11271.	√	√	√
(g) Submit proof of having completed a 1-time training in opioids and other controlled substances awareness as required in R 338.3135.	√	√	√

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(h) Meet the English language requirement under R 338.7002b and the implicit bias training required in R 338.7004.	√	√	√
(i) An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country, shall do both of the following: (i) Disclose each license, registration, or certification 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.	√	√	√
(j) If an applicant's license has lapsed for more than 3 years but less than 5 years, the applicant shall meet either of the following: (i) Retake and pass a comprehensive, competency-based clinical examination approved by the department with a converted passing score of not less than 75, within the 2-year period immediately preceding the application for relicensure. (ii) Provide the department documentation that the applicant holds or held a valid and unrestricted dental therapist's license in another state within 3 years immediately preceding the application for relicensure.		√	
(k) If an applicant's license has lapsed for 5 years or more, the applicant shall provide the department with documentation that proves the applicant holds or held a valid and unrestricted dental therapist license in another state within the 3 years immediately preceding the application for relicensure and meets all of the requirements in subdivisions (a) to (i) of this subrule or complies with all of the following: (i) Meets the requirements of section 16174 of the code, MCL 333.16174, and the rules. (ii) Provides proof of graduation from a dental therapy program that meets the standards in R 338.11302. (iii) Provide 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.			√

(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: 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11267 Relicensure requirements; RDHs.**

Rule 1267. (1) An applicant whose RDH license in this state 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:

For a RDH who has let a 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) 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 as			

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that term is defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(c) Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(d) Submit proof of current certification in BLS or ACLS for healthcare 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) Submit 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 after the date of the application to complete the deficient hours. The department shall hold the application and 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) Not less than 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, which may be completed in 1 or more courses. (iii) One hour in infection control, which must include sterilization of hand pieces, personal protective equipment, and the CDC's infection control guidelines.	√	√	√
(f) Submit proof of having completed a 1-time training in identifying victims of human trafficking that meets the standards in R 338.11271.	√	√	√
(g) Meet the English language requirement under R 338.7002b and the implicit bias training required in R 338.7004.	√	√	√
(h) An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country, shall do both of the following: (i) Disclose each license, registration, or certification 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.	√	√	√
(i) If an applicant's license is lapsed for more than 3 years but less than 5 years, the applicant shall meet 1 of the following: (i) Provide proof of having passed the ADEX hygiene clinical and written examination conducted and scored by the CDCA-WREB-CITA 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 or in Canada within 3 years immediately preceding the application for licensure.		√	

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<p>(j) If an applicant's license has lapsed for 5 years or more, the applicant shall provide the department with documentation that proves the applicant holds or held a valid and unrestricted license in another state or in Canada within the 3 years immediately preceding the application for relicensure and meets all of the requirements in subrules subdivisions (a) to (h) of this subrule or complies with all of the following:</p> <p>(i) Meets the requirements of section 16174 of the code, MCL 333.16174, and the rules.</p> <p>(ii) Provides proof of graduation from a dental hygiene educational program that meets the standards in R 338.11303.</p> <p>(iii) Provides proof of having ever passed all parts of the NBDHE conducted and scored by the JCNDE to qualify for the dental hygiene clinical and written examination. This paragraph does not apply to an applicant who graduated from a dental hygiene program before 1962.</p> <p>(iv) Provides proof of having passed the ADEX hygiene clinical and written examination conducted and scored by the CDCA-WREB-CITA or another regional testing agency, within the 2-year period immediately preceding the application for relicensure.</p>			√
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(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: 1989 AACs; 2011 AACs; 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11269 RDA relicensure requirements.**

Rule 1269. (1) An applicant whose RDA license in this state 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:

For a RDA who has let a 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) 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 as that term is defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(c) Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(d) Submit proof of current certification in BLS or ACLS for healthcare 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) Submit 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 after the date of the application to complete the deficient hours. The department shall hold the application and not issue the license until the applicant has completed the continuing	√	√	√

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education requirements. The 36 hours of continuing education must include all of the following: (i) Not less than 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, which may be completed in 1 or more courses. (iii) One hour in infection control, which must include sterilization of hand pieces, personal protective equipment, and the CDC'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) Meet the English language requirement under R 338.7002b and the implicit bias training required in R 338.7004.	√	√	√
(h) An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country, shall do both of the following: (i) Disclose each license, registration, or certification 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.	√	√	√
(i) If an applicant's license has lapsed for more than 3 years but less than 5 years, the applicant 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 the applicant holds or held a valid and unrestricted license in another state or in Canada within the 3 years immediately preceding the application for relicensure.		√	
(j) If an applicant's license has lapsed for 5 years or more, the applicant shall provide the department with documentation that proves the applicant holds or held a valid and unrestricted license in another state or in Canada within the 3 years immediately preceding the application for relicensure and meets all of the requirements in subdivisions (a) to (h) of this subrule or complies with all of the following: (i) Meets the requirements of section 16174 of the code, MCL 333.16174, and the 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.			√

(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: 2021 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11271**

**Source:** 2021 AACS.

**PART 3. EDUCATION**

**R 338.11301 Approval of dental educational programs; accreditation standards; adoption by reference.**

Rule 1301. (1) The board adopts by reference the standards of CODA of the ADA, as set forth in the following publications:

- (a) "Accreditation Standards for Dental Education Programs," copyright 2021.
  - (b) "Accreditation Standards for Advanced Dental Education Programs in Oral and Maxillofacial Surgery," copyright 2021.
  - (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 2019.
  - (e) "Accreditation Standards for Advanced Dental Education Programs in Prosthodontics," copyright 2020.
  - (f) "Accreditation Standards for Advanced Dental Education Programs in Periodontics," copyright 2020.
  - (g) "Accreditation Standards for Advanced Dental Education Programs in Pediatric Dentistry," copyright 2021.
  - (h) "Accreditation Standards for Advanced Dental Education Programs in Oral and Maxillofacial Pathology," copyright 2021.
  - (i) "Accreditation Standards for Advanced Dental Education Programs in Oral Medicine," copyright 2020.
  - (j) "Accreditation Standards for Advanced Dental Education Programs in Orofacial Pain," copyright 2020.
  - (k) "Accreditation Standards for Advanced Dental Education Programs in Dental Public Health," copyright 2020.
  - (l) "Accreditation Standards for Advanced Dental Education Programs in Oral and Maxillofacial Radiology," copyright 2020.
  - (m) "Accreditation Standards for Advanced Dental Education Programs in Dental Anesthesiology," copyright 2020.
- (2) A dental educational program accredited by CODA, or a successor organization, is considered board approved.
- (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 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11302 Approval of dental therapy educational programs; accreditation standards; adoption by reference.**

Rule 1302. (1) The board adopts by reference 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 2021.

- (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 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**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, and the CHEA Recognition of Accrediting Organizations Policy and Procedures, copyright 2021. 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

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Department of Education at the Office of Postsecondary Education, <http://www.ed.gov/about/offices/list/OPE/index.html> and the CHEA website at <http://www.chea.org>. 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 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**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 2019. 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 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**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 2021. 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 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**PART 4A. DELEGATION, SUPERVISION, ASSIGNMENT OF  
UDAs, RDAs, AND RDHs**

**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 when 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 when 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 when the procedures are being performed.

(e) "Patient of record" means a patient who has been examined, evaluated, and diagnosed with a resulting treatment plan by a dentist, or dental therapist to the extent authorized by the supervising dentist, in-person at least once every 24 months. A patient of record includes a patient getting radiographic images by allied dental personnel with training pursuant to R 338.11411(4)(a) after receiving approval from the assigning dentist or dental therapist.

History: 1984 AACS; 1998-2000 AACS; 2014 AACS; 2021 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11402**

**Source:** 2021 AACS.

**R 338.11403**

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**Source:** 2021 AACS.

**R 338.11404**

**Source:** 2021 AACS.

**R 338.11404a**

**Source:** 2021 AACS.

**R 338.11405**

**Source:** 2021 AACS.

**R 338.11405a**

**Source:** 2021 AACS.

**R 338.11405b**

**Source:** 2021 AACS.

**R 338.11405c**

**Source:** 2021 AACS.

**R 338.11406**

**Source:** 2021 AACS.

**R 338.11408**

**Source:** 2021 AACS.

**R 338.11409**

**Source:** 2021 AACS.

**R 338.11410**

**Source:** 2021 AACS.

**R 338.11411 Delegated and assigned dental procedures for allied dental personnel.**

Rule. 1411. (1) Before a dentist may delegate a function to a UDA the UDA shall meet both of the following:

(a) Submit proof of current certification in BLS or ACLS for healthcare 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 delegated or assigned function.

(b) Submit proof of attending training of at least 1 hour in infection control, which must include sterilization of hand pieces, personal protective equipment, and the CDC's infection control guidelines.

(2) Before a dentist delegates functions to a UDA the dentist shall provide to the UDA a copy of the delegation and assigned duties in Table 1 and explain the levels of supervision.

(3) Except for the functions a dentist may delegate to a dental therapist, a dentist or dental therapist may only assign or delegate procedures to an unlicensed or licensed individual, including a UDA, RDA, or RDH under section 16611 of the code, MCL 333.16611, as provided in Table 1.:

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(4) Table 1 - Delegated and Assigned Dental Procedures for Allied Dental Personnel

	UDA	RDA	RDH	Procedure
(a)	A	A	A	Operating of dental radiographic equipment. A UDA shall successfully complete 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 a UDA, RDA or RDH.
(b)	G	A	A	Instructing in the use and care of dental appliances.
(c)	G	A	A	Taking impressions or digital scans for study and opposing models and matrices for temporary crowns and bridges.
(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	D	A	Removing orthodontic bands, brackets, and adhesives with hand instruments only. Use of high-speed rotary instruments is not in the scope of practice of a UDA, RDA, or RDH.
(i)	D**	A	A	Polishing assigned teeth with a slow-speed rotary hand piece immediately before an acid etch procedure.
(j)	D**	G*	G*	Etching and placing adhesives before placement of orthodontic brackets and attachment for aligners.
(k)	D**	D	D	Cementing orthodontic bands or initial placement of orthodontic brackets and attachments for aligners.
(l)		A		Removing excess temporary cement from supragingival surfaces of a tooth with hand instruments only.
(m)			A	Removing orthodontic or other cements from supragingival or subgingival surfaces with hand instruments or powered scaling instruments.
(n)	D**	A	A	Providing nutritional counseling for oral health and maintenance.
(o)	A	A	A	Providing commonly accepted medical emergency procedures.
(p)	D**	A	A	Inspecting and charting the oral cavity using a mouth mirror and radiographs including the classifying of occlusion.
(q)		A	A	Placing and removing dental dam.
(r)	D**	A	A	Applying anticariogenic agents including, but not limited to, sealants, fluoride varnish, and fluoride applications. UDAs may not place sealants.
(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, temporary crowns, and temporary bridges.
(u)		A	A	Placing a nonmetallic temporary or sedative restoration with non-tissue cutting instruments.
(v)	D**	A	A	Temporarily cementing and removing temporary crowns and bands.
(w)		G*	A	Preliminary examination including performing pulp vitality testing.
(x)		G*	A	Applying desensitizing agents.
(y)	D**	G*	A	Taking impressions for intraoral appliances including bite registrations.
(z)		G*		Placing and removing matrices and wedges.
(aa)		G*		Applying cavity liners and bases.
(bb)		G*		Drying endodontic canals with absorbent points.
(cc)		G*		Placing and removing nonepinephrine retraction cords or materials.
(dd)		D	A	Removing sutures.
(ee)		D	A	Applying and dispensing in-office bleaching products.

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(ff)		G	G	Before cementation by the dentist, adjusting and polishing contacts and occlusion of indirect restorations.
(gg)		D***		Placing, condensing, and carving amalgam restorations.
(hh)		D***		Placing Class I resin bonded restorations, occlusal adjustment, finishing and polishing with non-tissue cutting slow-speed rotary hand pieces.
(ii)		D***		Taking final impressions for indirect restorations and prosthesis including bite registration, intra-oral imaging, and in-office fabrication of restorations.
(jj)		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.
(kk)			A	Removing accretions and stains from the surfaces of the teeth and applying topical agents essential to complete prophylaxis.
(ll)			A	Root planing, debridement, deep scaling, and removal of calcareous deposits.
(mm)			A	Polishing and contouring restorations.
(nn)			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.
(oo)			A	Applying topical anesthetic agents by prescription of the dentist.
(pp)			A	Removing excess cement from tooth surfaces.
(qq)			A	Placing subgingival medicaments.
(rr)			A	Micro abrasion of tooth surfaces to remove defects, pitting, or deep staining.
(ss)			D	Performing soft tissue curettage with or without a dental laser.
(tt)	D	G	G	Taking digital scans for final restorations or intra-oral appliances.
(uu)			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 after 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 after completion of the approved course in paragraph (iii) of this subdivision. (v) Maintains and provides evidence of current certification in BLS or ACLS that meets the standards contained in R 338.11705.

(5) As used in subrule (4) of this rule:

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(a) “A” means assignment, as that term is defined in R 338.11401.

(b) “D” means direct supervision, as that term is defined in R 338.11401.

(c) “G” means general supervision, as that term is defined in R 338.11401.

\* A dentist shall assign these procedures to an RDA and RDH only if the allied dental personnel 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 delegate these procedures to a UDA only if the UDA has successfully completed an in-person or virtual training with performance evaluations on the following functions:

Polishing assigned teeth with a slow-speed rotary hand piece immediately before an acid etch procedure.

Etching and placing adhesives before placement of orthodontic brackets and attachment for aligners.

Cementing orthodontic bands or initial placement of orthodontic brackets and attachments for aligners.

Providing nutritional counseling for oral health and maintenance.

Inspecting and charting the oral cavity using a mouth mirror and radiographs including the classifying of occlusion.

Applying anticariogenic agents including, but not limited to, sealants, fluoride varnish, and fluoride applications.

Temporarily cementing and removing temporary crowns and bands.

Taking impressions for intraoral appliances including bite registrations.

\*\*\* A dentist shall assign these procedures to a 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.

\*\*\*\* The department fee for certification of completion of the requirements is \$10.

History: 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**PART 4B. SUPERVISION OF DENTAL THERAPISTS**

**R 338.11415**

**Source:** 2021 AACs.

**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 under section 16655(5) of the code, MCL 333.16655.

(3) A dental therapist may supervise no more than 3 UDAs or RDAs and 2 RDHs 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 section 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 section 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 sections 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 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11419**

**Source:** 2021 AACs.

**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) Endodontics.

(b) Oral and maxillofacial surgery.

(c) Oral and maxillofacial pathology.

(d) Orthodontics and dentofacial orthopedics.

(e) Pediatric dentistry.

(f) Periodontics.

(g) Prosthodontics.

(2) In addition to the specialties listed in subrule (1) of this rule, the department may issue a health profession specialty license in the following branches of dentistry:

(a) Dental anesthesiology.

(b) Dental public health.

(c) Oral and maxillofacial radiology.

(d) Oral Medicine

(e) Orofacial pain.

(3) 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.



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- (4) An applicant who currently holds a license as a dental specialist in endodontics, oral and maxillofacial surgery, oral and maxillofacial pathology, orthodontics and dentofacial orthopedics, periodontics, prosthodontics, dental public health, or oral and maxillofacial radiology from a province in Canada may apply for a license if the applicant submits a completed application, on a form provided by the department, together with the requisite fee, and provides proof of all of the following:
- (a) Meet the requirements of the code, R 338.7001 to R 338.7005, any other rules promulgated under the code, and the requirements of section 16174, of the code, MCL 333.16174.
  - (b) Hold a current license to practice dentistry in this state.
  - (c) Hold at least a master's degree in a specialty listed in subrule (4) of this rule, in Canada, from a dental institution that is accredited by the NDEB.
  - (d) Have graduated from a specialty program recognized by the CDAC with all training completed in Canada.
  - (e) Have passed the National Dental Specialty Examination (NDSE) and have NDSE certification.
- History: 1984 AACs; 1994 AACs; 2011 AACs; 2017 AACs; 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11502 Dental anesthesiology explained; licensure requirements; examination content.**

Rule 1502. (1) The practice of dental anesthesiology includes managing pain, anxiety, and overall patient health during dental, oral, maxillofacial, and adjunctive surgical or diagnostic procedures throughout the entire perioperative period. The specialty is dedicated to promoting patient safety as well as access to care for all dental patients, including the very young and patients with special healthcare needs.

(2) An applicant for licensure shall hold a current license to practice dentistry in this state and satisfy all the requirements of either subdivision (a) or (b) of this subrule:

(a) Meet both of the following:

(i) Have graduated from a CODA-approved program of dental anesthesiology approved by the board under R 338.11301 and submit a certification form from the program or hospital of completion of all requirements.

(ii) Provide the department with evidence of the successful passing of the American Board of Dental Anesthesiology (ADBA) written exam. The passing score accepted for licensure is the passing score established by the ADBA.

(b) Meet both of the following:

(i) Have completed a hospital-based anesthesia residence program in the United States before 1985 that was accredited by the Accreditation Council for Graduate Medical Education.

(ii) Petition the board for a review of credentials, which must be substantially equivalent to the current CODA standards.

History: 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11503**

Source: 2021 AACs.

**R 338.11504 Dental public health explained; licensure requirements; examination content.**

Rule 1504. (1) The practice of dental public health includes preventing and controlling dental diseases and promoting dental health through organized community efforts. It is the form of dental practice that serves the community as a patient rather than the individual. It is concerned with the dental health education of the public, with applied dental research, and with the administration of group dental care programs as well as the prevention and control of dental diseases on a community basis. Implicit in this definition is the requirement that the specialist have broad knowledge and skills in public health administration, research methodology, the prevention and control of oral diseases, and the delivery and financing of oral healthcare.

(2) An applicant for licensure shall comply with all of the following requirements:

(a) Hold a current license to practice dentistry in this state.

(b) Have graduated from a CODA-approved program of dental public health approved by the board under R 338.11301 and submit a certification form from the program or hospital of completion of all requirements.

(c) Provide the department with evidence of the successful passing of the American Board of Dental Public Health (ABDPH) written exam. The passing score accepted for licensure is the passing score established by the ABDPH.

History: 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11505**

Source: 2021 AACs.

**R 338.11506 Oral and maxillofacial radiology explained; licensure requirements; examination content.**

Rule 1506. (1) The practice of oral and maxillofacial radiology includes the production and interpretation of images and data produced by all modalities of radiant energy that are used for the diagnosis and management of diseases, disorders, and conditions of the oral and maxillofacial region.

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(2) An applicant for licensure shall comply with all of the following requirements:

- (a) Hold a current license to practice dentistry in this state.
- (b) Have graduated from a CODA-approved program of oral and maxillofacial radiology approved by the board under R 338.11301 and submit a certification form from the program or hospital of completion of all requirements.
- (c) Meet 1 of the following:
  - (i) Provide the department with evidence of the successful passing of the American Board of Oral and Maxillofacial Radiology (ABOMR) written exam. The passing score accepted for licensure is the passing score established by the ABOMR.
  - (ii) Petition the board for a review of credentials.

History: 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11507**

**Source:** 2017 AACS.

**R 338.11508 Oral Medicine explained; licensure requirements; examination content.**

Rule 1508. (1) The practice of oral medicine includes the oral healthcare of medically complex patients and for the diagnosis and management of medically related diseases, disorders, and conditions affecting the oral and maxillofacial region.

(2) An applicant for licensure shall comply with all of the following requirements:

- (a) Hold a current license to practice dentistry in this state.
- (b) Have graduated from a CODA-approved program of oral medicine approved by the board under R 338.11301 and submit a certification form from the program or hospital of completion of all requirements.
- (c) Meet 1 of the following:
  - (i) Provide the department with evidence of the successful passing of the American Board of Oral Medicine (AAOM) written exam. The passing score accepted for licensure is the passing score established by the AAOM.
  - (ii) Petition the board for a review of credentials.

History: 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11509**

**Source:** 2017 AACS.

**R 338.11510 Orofacial pain explained; licensure requirements; examination content.**

Rule 1510. (1) The practice of orofacial pain includes the diagnosis, management, and treatment of pain disorders of the jaw, mouth, face, head, and neck. The specialty of orofacial pain is dedicated to the evidenced-based understanding of the underlying pathophysiology, etiology, prevention, and treatment of these disorders and improving access to interdisciplinary patient care.

(2) An applicant for licensure shall comply with all of the following requirements:

- (a) Hold a current license to practice dentistry in this state.
- (b) Have graduated from a CODA-approved program of orofacial pain approved by the board under R 338.11301 and submit a certification form from the program or hospital of completion of all requirements.
- (c) Meet 1 of the following:
  - (i) Provide the department with evidence of the successful passing of the American Board of Orofacial Pain (AAOP) written exam. The passing score accepted for licensure is the passing score established by the AAOP.
  - (ii) Petition the board for a review of credentials.

History: 2023 MR 19, Eff. Oct. 2, 2023.

**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.

(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 CODA-approved program of oral and maxillofacial pathology approved by the board under R

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338.11301 and submit a certification form from the program or hospital of completion of all requirements.

(c) Provide verification of a passing score on the specialty certification examination by the American Board of Oral and Maxillofacial Pathology.

History: 1994 AACS; 2011 AACS; 2021 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**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 both of the following requirements:

(a) Hold a current license to practice dentistry in this state.

(b) Have graduated from a CODA-approved program of oral and maxillofacial surgery approved by the board under R 338.11301 and submit a certification form from the program or hospital of completion of all requirements. The board accepts the examinations and evaluative processes required to successfully complete a CODA-accredited oral and maxillofacial residency program as meeting the requirements of section 16608 of the code, MCL 333.16608.

History: 1984 AACS; 2011 AACS; 2014 AACS; 2021 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**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 CODA-approved program of orthodontics approved by the board under R 338.11301 and submit a certification form from the program or hospital of completion of all requirements.

(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.

History: 1984 AACS; 2011 AACS; 2017 AACS; 2021 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**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 CODA-approved program of prosthodontics approved by the board under R 338.11301 and submit a certification form from the program or hospital of completion of all requirements.

(c) Provide verification of a passing score on the written portion of the American College of Prosthodontics (ACP).

History: 1984 AACS; 1998-2000 AACS; 2011 AACS; 2014 AACS; 2021 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**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.

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(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 CODA-approved program of periodontics approved by the board under R 338.1130 and submit a certification form from the program or hospital of completion of all requirements. The board accepts the examinations and evaluative processes required to successfully complete a CODA-accredited oral and maxillofacial residency program as meeting the requirements of section 16608 of the code, MCL 333.16608.

History: 1984 AACCS; 2011 AACCS; 2017 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**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 CODA-approved program of pediatric dentistry approved by the board under R 338.11301 and submit a certification form from the program or hospital of completion of all requirements.
- (c) Provide verification of a passing score on the American Board of Pediatric Dentistry (ABPD) qualifying examination that is conducted and scored by the ABPD.

History: 1984 AACCS; 2011 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**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 CODA-approved program of endodontics approved by the board under R 338.11301 and submit a certification form from the program or hospital of completion of all requirements.
- (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.

History: 1984 AACCS; 2011 AACCS; 2014 AACCS; 2017 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11525**

**Source:** 2021 AACCS.

**R 338.11527 Dental license suspension or revocation; automatic suspension or revocation of specialty licensure; American board discipline.**

Rule 1527. (1) 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.

(2) A licensee who holds a dental specialty license shall notify the department of any action that results in a suspension or revocation of a certification by an American board of dentistry within 30 days after the date of the suspension or revocation.

History: 1984 AACCS; 2011 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**PART 6A. GENERAL ANESTHESIA AND SEDATION**

**R 338.11601 General anesthesia, deep sedation; requirements.**

Rule 1601. (1) A general dentist who does not hold a specialty license in dental anesthesiology or oral and maxillofacial surgery, shall not administer general anesthesia or deep sedation to a dental patient in a dental office unless the dentist complies with the following requirements:

(a) The dentist has demonstrated competency by meeting all the following requirements:

- (i) Completing 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 or oral and maxillofacial surgery meets the requirements of this subdivision.

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- (ii) Completing a course in managing medical emergencies that includes all of the following:
    - (A) Current monitoring guidelines for adults from the ADA or the American ASA, or the AAOMS for oral and maxillofacial surgeons, and for children from the ASA, or AAOMS for oral and maxillofacial surgeons, the AAP, and the AAPD.
    - (B) Equipment and material used in an anesthesia or sedation emergency.
    - (C) The personnel needed for anesthesia or sedation.
    - (D) The drugs needed for resuscitation in an emergency.
  - (iii) Maintaining certification in BLS and ACLS for healthcare 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 BLS and ACLS for healthcare providers with a hands-on component from AHA or BLS for the healthcare provider and PALS with a hands-on component from AHA meets the requirements of this subdivision.
  - (b) If general anesthesia or deep sedation is performed in a dental office, any allied dental personnel and dental therapists who are directly involved in the procedure shall complete a course in managing medical emergencies that includes all of the following:
    - (i) Current monitoring guidelines for adults from the ADA or the ASA, or AAOMS for oral and maxillofacial surgeons, and for children from the ASA, the AAP, and the AAPD or AAOMS for oral and maxillofacial surgeons.
    - (ii) Equipment and materials used in an anesthesia or sedation emergency.
    - (iii) The personnel needed for anesthesia or sedation.
    - (iv) The drugs needed for resuscitation in an emergency.
  - (2) A general dentist who does not hold a specialty license in dental anesthesiology or oral and maxillofacial surgery, shall not collaboratively provide general anesthesia or deep sedation with a physician anesthesiologist, oral surgeon, or nurse anesthetist, under section 17210 of the code, MCL 333.17210, in a dental office, unless the dentist, and allied dental personnel and dental therapists who are directly involved in the procedure, maintain certification in BLS for healthcare 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 BLS for healthcare providers with a hands-on component from AHA or BLS for the healthcare provider and PALS with a hands-on component from AHA meets the requirements of this subdivision.
  - (3) At no time is a RDA or RDH allowed to adjust medication levels during a procedure, other than nitrous oxide and oxygen, as allowed in R 338.11411(4).
- History: 1990 AACCS; 2011 AACCS; 2017 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11602 Moderate or minimal sedation; requirements.**

Rule 1602. (1) A general dentist who does not hold a specialty license in dental anesthesiology or oral and maxillofacial surgery, shall not administer moderate or minimal sedation to a dental patient in a dental office unless all of the following requirements are satisfied:

- (a) The dentist has demonstrated competency by meeting all of the following requirements:
  - (i) Completing either of the following:
    - (A) A comprehensive training program in moderate sedation that satisfies the requirements described in the moderate sedation section of the ADA Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students when the training was commenced, which must include 60 hours of classroom training and hands-on interaction in moderate sedation with 20 patients.
    - (B) An advanced education program accredited by CODA that provides comprehensive training to administer moderate sedation.
  - (ii) Maintaining certification in BLS and ACLS for healthcare 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 BLS and ACLS for healthcare providers with a hands-on component from AHA or basic life support for the healthcare provider and PALS with a hands-on component from AHA meets the requirements of this paragraph.
  - (iii) Completing a course in managing medical emergencies that includes all of the following:
    - (A) Current monitoring guidelines for adults from the ADA or the ASA, or AAOMS for oral and maxillofacial surgeons, and for children from the ASA, the AAP, and the AAPD, or AAOMS for oral and maxillofacial surgeons.
    - (B) Equipment used in an anesthesia or sedation emergency.
    - (C) The personnel needed for anesthesia or sedation.
    - (D) The drugs needed for resuscitation in an emergency.
  - (b) If moderate sedation is performed in a dental office, any allied dental personnel and dental therapists that are directly involved in the procedure shall complete a course in managing medical emergencies that includes all of the following:
    - (i) Current monitoring guidelines for adults from the ADA or the ASA, or AAOMS for oral and maxillofacial surgeons, and for children from the ASA, the AAP, and the AAPD, or AAOMS for oral and maxillofacial surgeons.

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(ii) Equipment and materials used in an anesthesia or sedation emergency.

(iii) The personnel needed for anesthesia or sedation.

(iv) The drugs needed for resuscitation in an emergency.

(2) A general dentist who does not hold a specialty license in dental anesthesiology or oral and maxillofacial surgery, shall not collaboratively provide moderate or minimal sedation with a physician anesthesiologist, oral surgeon, or nurse anesthetist, under section 17210 of the code, MCL 333.17210, in a dental office, unless the dentist, and allied dental personnel and dental therapists who are directly involved in the procedure, maintain certification in BLS for healthcare 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 BLS for healthcare providers with a hands-on component from AHA or BLS for the healthcare provider and PALS with a hands-on component from AHA meets the requirements of this subdivision.

(3) At no time is a RDA or RDH allowed to adjust medication levels during a procedure, other than nitrous oxide and oxygen, as allowed in R 338.11411(2).

History: 1990 AACCS; 1997 AACCS; 2011 AACCS; 2017 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**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 2020, 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 BLS and ACLS for healthcare 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 "2020 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care." A copy of the Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care may be obtained at an approximate cost of \$25.00 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.

History: 1990 AACCS; 1997 AACCS; 2006 AACCS; 2011 AACCS; 2014 AACCS; 2017 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11604**

**Source:** 2021 AACCS.

**R 338.11605 Rescinded.**

History: 2006 AACCS; 2011 AACCS; 2014 AACCS; 2017 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**PART 6B. TELEHEALTH**

**R 338.11611 Definitions.**

Rule 1611. As used in this part:

(a) "Telehealth" means the use of electronic information and telecommunication technologies to support or promote long-distance clinical healthcare, patient and professional health-related education, public health, or health administration. Telehealth may include, but is not limited to, telemedicine.

(b) "Telehealth service" means a healthcare service that is provided through telehealth. The requirement in R 338.11401 to have an "in-person" contact with the dentist or dental therapist once every 24 months does not apply to telehealth services unless the dentist or dental therapist delegates or assigns duties, other than radiographic images, to allied dental personnel.

(c) "Telemedicine" means the use of electronic media to link patients with healthcare professionals in different locations. To be considered telemedicine, the telemedicine services must be provided by a healthcare professional who is licensed,

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registered, or otherwise authorized to engage in the healthcare professional's healthcare profession in the state where the patient is located.

History: 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11613 Consent; scope of practice; standard of care.**

Rule 1613. (1) The licensee shall obtain informed consent for treatment before providing a telehealth service under section 16284 of the code, MCL 333.16284. Informed consent requires all of the following:

- (a) The licensee shall ensure that the patient understands the patient will be treated remotely using telehealth.
- (b) At the inception of care, any licensee who has contact with the patient shall identify themselves to the patient as a dentist, dental therapist, UDA, RDA, or RDH consistent with R 338.11103(a).
- (c) The licensee shall ensure that the patient is mentally capable of giving informed consent for diagnosis, care, or treatment.
- (d) The licensee shall explain the alternatives, capabilities, and limitations of telemedicine and that the patient may decline to receive telehealth services.
- (2) If the patient is less than 18 years of age, a parent or legal guardian must provide informed consent for the patient.
- (3) The licensee shall keep proof of consent for a telehealth service in the patient's up-to-date medical record and satisfy section 16213 of the code, MCL 333.16213.
- (4) A licensee who provides telehealth services shall comply with all 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 healthcare service.
  - (c) Verify that telemedicine is appropriate to evaluate, diagnose, and treat the patient based on the patient's unique presentation.
- (5) The licensee shall be able to examine the patient via a health insurance portability and accountability act (HIPAA) of 1996, Public Law 104-191 compliant, secure interactive audio or video, or both, telecommunications system, or through the use of store and forward online messaging.
- (6) Telehealth must be secure and compliant with federal and state security and privacy regulations.

History: 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11615 Prescribing medications.**

R 1615. A licensee who is authorized to prescribe may prescribe a drug during a telehealth service if the licensee complies with all of the following:

- (a) Is licensed in this state and is a prescriber in this state.
- (b) Is acting within the licensee's scope of practice in prescribing the drug.
- (c) Is acting in compliance with section 16285 of the code, MCL 333.16285.
- (d) If the licensee determines that it is medically necessary, the licensee shall refer the patient for other healthcare services or to another health professional that is geographically accessible to the patient.
- (e) After providing the telehealth service, the licensee or delegatee shall provide follow-up care services to the patient or refer the patient to another health professional for follow-up care.

History: 2023 MR 19, Eff. Oct. 2, 2023.

**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. A dental specialist license must be renewed at the same time as the dentistry license.

- (2) 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.
- (3) 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 of the required 60 hours in board-approved continuing education in the dental specialty field in which the applicant is licensed, within the 3-year period before the end of the license cycle.
- (4) 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

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the 3-year period before the end of the license cycle.

(5) An applicant shall possess current certification in BLS or ACLS for healthcare 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) In complying with the requirements of subrules (2) to (4) 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 not less than 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, which may be completed in 1 or more courses. 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 CDC'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, in-person or virtual, that provide for the opportunity of 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 30 hours of the required continuing education hours asynchronously, noninteractive.

(7) Except for the 1-time training in human trafficking, which may be used to comply with the requirement for the 1-time training and a continuing education requirement, an applicant may not earn continuing education credit for implicit bias training required by R 338.7004, and 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.

(8) 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 after 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.

(9) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department for the board's consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license. The public notice for the board meetings can be found at: <https://www.michigan.gov/lara/bureau-list/bpl/.health/hp-lic-health-prof/dental>.

History: 1991 AACCS; 2004 AACCS; 2011 AACCS; 2014 AACCS; 2017 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**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.



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(4) An applicant shall possess current certification in BLS or ACLS for healthcare 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 not less than 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 that includes the delegation of duties to allied dental personnel, which may be completed in 1 or more courses. 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 CDC'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, in-person or virtual, that provide for the opportunity of 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 continuing education credit for implicit bias training required by R 338.7004, and 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 after 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 for the board's consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license. The public notice for the board meetings can be found at: <https://www.michigan.gov/lara/bureau-list/bpl/.health/hp-lic-health-prof/dental>.

History: 1991 AACs; 2004 AACs; 2011 AACs; 2014 AACs; 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11704 License renewal for a RDH, RDH special volunteer, RDA, and RDA special volunteer; requirements; applicability.**

Rule 1704. (1) This rule applies to an application for the renewal of a RDH license and a RDA license under section 16201 of the code, MCL 333.16201, and a RDH special-retired volunteer license and a RDA special-retired volunteer license under section 16184 of the code, MCL 333.16184.

(2) An applicant for a RDH license renewal or a RDA 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 RDH license and a RDA 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 RDH functions and not less than 12 hours devoted to RDA functions.

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(4) In addition to meeting the requirements of section 16184 of the code, MCL 333.16184, an applicant for a special-retired volunteer RDA license renewal or a special-retired volunteer RDH 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 BLS or ACLS for healthcare 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 for the board's consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license. The public notice for the board meetings can be found at: <https://www.michigan.gov/lara/bureau-list/bpl/health/hp-lic-health-prof/dental>.

(7) In complying with the requirements of subrules (2) to (4) of this rule, an applicant for a RDA license, RDH license, special-retired volunteer RDA license, or special-retired volunteer RDH 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, in-person or virtual, that provide the opportunity for direct interaction between faculty and participants including, but not limited to, lectures, symposia, live teleconferences, workshops, and providing volunteer patient or supportive dental services 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 not less than 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) 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, which may be completed in 1 or more courses. 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) 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 CDC'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) Except for the 1-time training in human trafficking which may be used to comply with the requirement for the 1-time training and a continuing education requirement, an applicant may not earn continuing education credit for implicit bias training required by R 338.7004 and 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.

(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 after 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 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**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, RDH, special-retired volunteer RDHs, RDAs, and special-retired volunteer RDAs, unless otherwise noted:

Acceptable Continuing Education activities		
(a)	Completion of an approved continuing education program or activity related to the practice of dentistry. A	The number of hours earned are the number of hours approved by the sponsor

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	<p>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 healthcare and advancement of the licensee's dental education.</p> <p>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 AGD. The Commission on Continuing Education Provider Recognition ADA CERP.</p> <p>A continuing education program or activity is approved, regardless of the format in which it is offered, if it is offered for continuing education credit by any of the following: American Academy of Dental Hygiene (AADH). American Dental Hygienists' Association (ADHA). American Dental Assistants Association (ADAA). Michigan Dental Association (MDA). Michigan Dental Hygienists Association (MDHA). Michigan Dental Assistants Association (MDAA). Another state board of dentistry.</p> <p>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 the program was held or activity completed.</p>	<p>or the approving organization.</p> <p>If the activity was not approved for a set number of hours, then 1 credit hour for each 50 minutes of participation may be earned.</p> <p>No limitation on the number of hours earned.</p>
(b)	<p>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.</p> <p>If audited, an applicant shall submit an official transcript that reflects completion of the course and number of semester or quarter credit hours earned.</p>	<p>Ten hours may be earned for each quarter credit earned and 15 hours may be earned for each semester credit earned.</p> <p>No limitation on the number of hours earned.</p>
(c)	<p>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.</p> <p>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 the program was held or activity completed.</p>	<p>One hour may be earned for each 50 minutes of program attendance.</p> <p>A maximum of 30 hours for a dentist, and 18 hours for a dental therapist, RDH, and RDA may be earned in each renewal period.</p>

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(d)	<p>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.</p> <p>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.</p>	<p>Twenty hours may be earned in each calendar year for 7 months of participation in the calendar year.</p> <p>A maximum of 20 hours per calendar year may be earned.</p>
(e)	<p>For dentists, successful completion of an American-board specialty examination.</p> <p>If audited, an applicant shall submit proof of a passing score on the examination.</p>	<p>Ten hours may be earned in the year in which the applicant achieves a passing score on a specialty examination.</p> <p>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.</p>
(f)	<p>Renewal of a dentist, dental therapist, RDH, or RDA 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 these rules if the applicant resides and practices in another state.</p> <p>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 the program was held or activity completed.</p>	<p>For a dentist, 60 hours may be earned. For a dental therapist, 35 hours may be earned. For a RDH or RDA, 36 hours may be earned.</p> <p>A maximum of 60 hours for a dentist, 35 hours for a dental therapist, and 36 hours for a RDH or RDA may be earned in each renewal period.</p>
(g)	<p>For a RDA, meeting the requirements for recertification in R 338.11705(3).</p> <p>If audited, an applicant shall submit proof of current certification, other than emeritus certification, by the Dental Assisting National Board (DANB).</p>	<p>Thirty-six hours may be earned.</p> <p>A maximum of 36 hours may be earned in each renewal period.</p>
(h)	<p>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.</p> <p>If audited, an applicant shall submit a copy of the publication that identifies the applicant as the author or a publication acceptance letter.</p>	<p>Twenty-five hours may be earned per publication.</p> <p>A maximum of 25 hours may be earned in each renewal period.</p>
(i)	<p>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.</p>	<p>Twelve hours may be earned per publication.</p> <p>A maximum of 12 hours may be earned in each renewal period.</p>

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	If audited, an applicant shall submit a copy of the publication that identifies the applicant as the author or a publication acceptance letter.	
(j)	<p>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.</p> <p>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.</p>	<p>One hour for each 50 minutes of participation may be earned per activity.</p> <p>A maximum of 10 hours may be earned in each renewal period.</p>
(k)	<p>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.</p> <p>If audited, an applicant shall submit a copy of the curriculum and a letter from the program sponsor verifying the length and date of the presentation.</p>	<p>One hour for each 50 minutes devoted to the development and initial presentation.</p> <p>A maximum of 10 hours may be earned in each renewal period.</p>
(l)	<p>Attendance at a dental-related program that is approved by the board pursuant to subrule (3) of this rule and that is relevant to healthcare and advancement of the licensee's dental education.</p> <p>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 the program was held or activity completed.</p>	<p>Ten hours may be credited per year.</p> <p>A maximum of 10 hours may be earned in each renewal period.</p>
(m)	<p>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 or required under a board order or agreement and that complies with the following:</p> <p>The program is a public or nonprofit entity, program, or event, or a school or nursing home.</p> <p>The program provides patient or supportive dental services to the indigent or dentally underserved populations.</p> <p>The licensee does not receive direct or indirect remuneration of any kind including, but not limited to, remuneration for materials purchased or used.</p> <p>The licensee shall sign in and sign out daily upon commencement and termination of the provision of services.</p> <p>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.</p> <p>If audited, an applicant shall submit proof from the sponsor of the assignments and the hours of service provided.</p>	<p>One hour for each 120 minutes of providing patient or supportive dental services.</p> <p>A dentist or special-retired volunteer dentist may earn a maximum of 20 hours per renewal period.</p> <p>A dental therapist, RDH, RDA, special-retired volunteer dental therapist, special-retired volunteer RDH, and special-retired volunteer RDA may earn a maximum of 12 hours per renewal period.</p>

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(n)	<p>Providing patient or supportive dental services in this state to indigent or dentally underserved populations that is part of the licensee's regular job description but is not required under a board order or agreement.</p> <p>If audited, an applicant shall submit proof from an employer of the assignments and the hours worked.</p>	<p>One hour for each 120 minutes of providing patient or supportive dental services.</p> <p>A dentist or special-retired volunteer dentist may earn a maximum of 20 hours per renewal period.</p> <p>A dental therapist, RDH, RDA, special-retired volunteer dental therapist, special-retired volunteer RDH, and special-retired volunteer RDA may earn a maximum of 12 hours per renewal period.</p>
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(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 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 completed application, on forms provided by the department, which includes submission of a curriculum vitae or biography for all instructors and speakers.

(b) A completed application form must be submitted to the department not less than 70 days before the date the course or program is conducted and not less than 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 healthcare 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, or 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 not less than 70 days before the date the continuing education course or program is offered to participants and not less than 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 not less than 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) Other than the beginning term of approval, specific dates of the continuing education course or program and the number of times the course or program are 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.

(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, sponsor, or both.

(ii) Continuing education approval number issued by the board.

(iii) Course title.

(iv) Date the approved continuing education course was conducted.

(v) Number of continuing education hours awarded.

(vi) Signature of the individual responsible for attendance.

(vii) Dates of the current approval term.

(viii) 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.

(k) The continuing education applicant 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.

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- (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 AACCS; 2006 AACCS; 2011 AACCS; 2014 AACCS; 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 338.11704b**

**Source:** 2021 AACCS.

**R 338.11704c**

**Source:** 2021 AACCS.

**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 August 2021." 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](http://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 January 2022." A copy of this publication may be obtained at no cost from the association at ADA CERP, 211 East Chicago Avenue, Chicago, Illinois, 60611-2678 or at no cost from the association's internet website at [www.ada.org](http://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 2022." A copy of the publication may be obtained at no cost from the Dental Assisting National Board, Inc., 444 North Michigan Avenue, Suite 900, Chicago, Illinois, 60611 or at no cost from the national board's internet website at [www.danb.org](http://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 BLS and ACLS for healthcare providers with a hands-on



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component set forth by the AHA in the standards and guidelines for cardiopulmonary resuscitation and emergency cardiac care for professional providers, published in "2020 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care." A copy of the guidelines for cardiopulmonary resuscitation and emergency cardiovascular care may be obtained at a cost of approximately \$25.00 from the AHA's website at [www.cpr.heart.org](http://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 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**PART 8. DENTAL AMALGAM**

**R 338.11801**

**Source:** 2021 AACS.

**R 338.11811 Amalgam separator; installation and operation; requirements.**

Rule 1811. (1) A dentist shall have installed an amalgam separator on each wastewater drain in the dentist's 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, under 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 and maxillofacial pathologists.
  - (d) Orthodontists.
  - (e) Periodontists.
  - (f) Dentists while providing services in a dental 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 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**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 AACS; 2023 MR 19, Eff. Oct. 2, 2023.



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**R 338.11815**

Source: 2021 AACS.

**R 338.11817**

Source: 2021 AACS.

**R 338.11819**

Source: 2021 AACS.

**R 338.11821 Compliance and enforcement.**

Rule 1821. Failure to comply with the requirements of these rules, or the Department of Environment, Great Lakes, and Energy's amalgam reporting requirements 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. The amalgam reporting requirements can be found at: <https://www.michigan.gov/egle/about/organization/Water-Resources/industrial-pretreatment/epa-dental-rule>.

History: 2012 AACS; 2021 AACS; 2023 MR 19, Eff. Oct. 2, 2023.

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**DIRECTOR'S OFFICE**

**CHIROPRACTIC - GENERAL RULES**

**PART 1. GENERAL PROVISIONS**

**R 338.12001**

Source: 2022 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.

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**R 338.12009**

Source: 2014 AACCS.

**R 338.12010**

Source: 2019 AACCS.

**R 338.12011**

Source: 2019 AACCS.

**R 338.12011a**

Source: 2019 AACCS.

**R 338.12011b**

Source: 2019 AACCS.

**R 338.12012**

Source: 1997 AACCS.

**R 338.12013**

Source: 1982 AACCS.

**R 338.12014**

Source: 2019 AACCS.

**R 338.12015**

Source: 2019 AACCS.

**PART 2. EDUCATION**

**R 338.12021 Educational program standards; adoption by reference.**

Rule 21. (1) The process and requirements for the CCE's accreditation of chiropractic educational programs as set forth in the publication titled "CCE Accreditation Standards: Principles, Processes & Requirements for Accreditation" July 2021, which are available from the council's website at <http://www.cce-usa.org> at no cost, are approved and adopted by reference. Copies are available for inspection and distribution at a cost of 10 cents per page from the Board of Chiropractic, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P. O. Box 30670, Lansing, Michigan 48909.

(2) Any chiropractic educational program accredited by the CCE is considered approved.

History: 2019 AACCS; 2022 AACCS; 2023 MR 6, Eff. March 29, 2023.

**PART 3. LICENSURE**

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

Rule 31. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure or who is licensed shall complete training in identifying victims of human trafficking that 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 healthcare settings.
- (iii) Identifying the warning signs of human trafficking in healthcare 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 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-reviewed journal, healthcare journal, or professional or scientific journal.

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

- (i) Teleconference or online seminar.
- (ii) Online presentation.
- (iii) Live presentation.
- (iv) Printed or electronic media.

(2) The department may select and audit an individual and request documentation of proof of completion of training. If audited by the department, the 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 the 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-reviewed journal, healthcare journal, or professional or scientific journal, and the 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: 2019 AACS; 2022 AACS; 2023 MR 6, Eff. March 29, 2023.

**R 338.12032 Educational limited license; requirements.**

Rule 32. An applicant for a nonrenewable educational limited license under section 16412 of the code, MCL 333.16412, shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof, as directed by the department, verifying the completion of 2 years of education in a college of arts and sciences.
- (c) Provide proof, as directed by the department, verifying the completion of 1 of the following requirements:
  - (i) Two years of attendance in a program or institution of chiropractic that satisfies the educational requirements under R 338.12021.
  - (ii) Four semesters of attendance in a program or institution of chiropractic that satisfies the educational requirements under R 338.12021.
  - (iii) Six quarter terms of attendance in a program or institution of chiropractic that satisfies the educational requirements under R 338.12021.
- (d) Provide proof, as directed by the department, verifying that a licensed chiropractor shall supervise the applicant.

History: 2019 AACS; 2022 AACS; 2023 MR 6, Eff. March 29, 2023.

**R 338.12033**

**Source:** 2022 AACS.

**R 338.12034 Licensure by examination; requirements.**

Rule 34. An applicant for a chiropractic license by examination shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof, as directed by the department, verifying graduation from a program or institution of chiropractic that satisfies the educational requirements under R 338.12021.
- (c) Provide proof, as directed by the department, verifying passing scores on parts I, II, III, and IV of the national board examination conducted and scored by the NBCE, under R 338.12033.

History: 2019 AACS; 2022 AACS; 2023 MR 6, Eff. March 29, 2023.

**R 338.12035 Licensure by endorsement; requirements.**

Rule 35. (1) An applicant for a chiropractic license by endorsement shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof, as directed by the department, verifying a current and full chiropractic license in another state or in a province of Canada.
- (c) If the applicant is licensed as a chiropractor in a province of Canada, provide proof, as directed by the department, verifying that the applicant completed the educational requirements in Canada or in the United States for licensure as a

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chiropractor in Canada or the United States.

(d) Provide proof, as directed by the department, verifying passing scores on either of the following examinations for a chiropractic license in another state or in a province of Canada to obtain licensure as a chiropractor in another state or in a province of Canada:

(i) Parts I, II, III, and IV of the national board examination conducted and scored by the NBCE, under R 338.12033.  
(ii) Component A – Chiropractic Knowledge, Component B – Clinical Decision Making, and Component C – Clinical Skills Demonstration of the Canadian Chiropractic Examining Board's (CCEB) examinations.

(2) An applicant that provides proof, as directed by the department, verifying a current and full chiropractic license in good standing in another state or in a province of Canada for not less than the last 5 years before the date of filing the application for a chiropractic license by endorsement is presumed to satisfy the requirements of subrule (1)(c) and (d) of this rule.

(3) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another 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, including 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; 2022 AACS; 2023 MR 6, Eff. March 29, 2023.

**R 338.12036 Relicensure requirements.**

Rule 36. (1) An applicant whose chiropractic license has lapsed 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 the requirements of the code and the rules promulgated under the code, as well as 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 in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.  
(c) Provides proof, as directed by the department, verifying the completion of, in the 3-year period immediately preceding the application for relicensure, 45 hours of continuing education in programs approved under R 338.12041, that include both the following requirements:

(i) The required continuing education hours listed in R 338.12041(1)(d) to (h).  
(ii) Not more than 15 continuing education hours in distance learning programs.

(2) An applicant whose chiropractic license has lapsed 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 the requirements of the code and the rules promulgated under the code, as well as 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 in, and determined 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) Provides proof, as directed by the department, verifying either of the following:

(i) The completion of, in the 3-year period immediately preceding the application for relicensure, 45 hours of continuing education in programs approved under R 338.12041 that include all the following requirements:

(A) Twenty-four live and in-person continuing education hours on chiropractic adjusting techniques.  
(B) The required continuing education hours listed in R 338.12041(1)(d) to (h).

(C) Not more than 15 continuing education hours in distance learning programs.

(ii) The applicant holds or has held a valid and unrestricted license in another state or a province of Canada in the 3-year period immediately preceding the application for relicensure.

(3) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another 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, including 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; 2022 AACS; 2023 MR 6, Eff. March 29, 2023.

**R 338.12037 License renewal; continuing education.**

Rule 37. (1) An applicant for renewal shall satisfy the requirements of the code and the rules promulgated under the code.

(2) An applicant for renewal shall complete 30 hours of continuing education in the 2-year period immediately preceding the renewal application that satisfy R 338.12041.

(3) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of

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this rule. The licensee shall keep documentation of satisfying the requirements of this rule for 4 years after 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 shall receive a request for a waiver of continuing education requirements for the board's consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license.

History: 2019 AACs; 2022 AACs; 2023 MR 6, Eff. March 29, 2023.

**PART 4. CONTINUING EDUCATION**

**R 338.12041 Acceptable continuing education.**

Rule 41. (1) The 30 hours of continuing education required under R 338.12037 must satisfy all the following requirements:

- (a) No more than 12 credit hours of continuing education may be earned during one 24-hour period.
- (b) Not less than 15 hours of continuing education must be completed by attending a live, in-person program.
- (c) Credit for a continuing education program or activity that is identical to or substantially identical to a program or activity for which the licensee has already earned credit during the license cycle must not be granted.
- (d) Under section 16431(2) of the code, MCL 333.16431, at least 1 hour of continuing education must be in pain and symptom management. Continuing education in pain and symptom management includes, but is not limited to, courses in any of the following:
  - (i) Chiropractic manipulative treatment.
  - (ii) Manual therapies.
  - (iii) Therapeutic exercises for pain management.
  - (iv) Behavior management.
  - (v) Psychology of pain.
  - (vi) Pharmacology.
  - (vii) Behavior modification.
  - (viii) Stress management.
  - (ix) Clinical applications.
  - (x) Drug interventions as they related to the practice of chiropractic.
- (e) At least 1 hour of continuing education must be in sexual boundaries.
- (f) At least 1 hour of continuing education must be in ethics.
- (g) Not less than 2 hours of continuing education must be in physical measures.
- (h) Not less than 2 hours of continuing education must be in performing and ordering tests.

(2) In addition to those programs approved under R 338.12042, the following are considered acceptable continuing education:

(a) Attendance at or participation in a continuing education program or activity related to the practice of chiropractic, or any non-clinical subject relevant to the practice of chiropractic education, administration, management, or science, which includes, but is not limited to, live in-person programs, interactive or monitored teleconferences, audio-conferences, web-based programs, online programs, and review of journal articles or other self-study programs approved or offered by the Michigan Association of Chiropractors (MAC) according to the following:

- (i) If audited, the licensee shall provide a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, the provider's name or the name of the organization that approved the program or other activity, and the date the program or activity was completed.
- (ii) The number of continuing education hours for a specific program or activity is the number of hours approved by the approving organization for the specific program or activity.
- (iii) A maximum of 30 hours of continuing education may be earned for this category in each renewal period.

(b) Successful completion of a course or courses related to the practice of chiropractic, offered by a chiropractic school approved under R 338.12021, according to the following:

- (i) If audited, the licensee shall provide a copy of a letter or certificate of completion showing the licensee's name, the number of continuing education hours earned, the school's name, and the date the course or courses was completed.
- (ii) The number of continuing education hours for a specific course or courses is the number of hours approved by the school for the specific course or courses.
- (iii) A maximum of 30 hours of continuing education may be earned for courses completed in this category in each renewal period.

(c) Initial presentation by the licensee of a continuing education program related to the practice of chiropractic to a state, regional, national, or international 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 the American Chiropractic Association (ACA), the International Chiropractors Association (ICA), or an approved program under this rule or R

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338.12042. Continuing education under this subdivision is subject to the following:

- (i) If audited, the licensee shall provide a copy of the presentation notice, advertisement, or letter from the approved program under this rule or R 338.12042, showing the date of the presentation and the licensee's name listed as a presenter.
  - (ii) Two hours of continuing education credit are granted for each 50 to 60 minutes of presentation. No other credit is granted for preparation of a presentation.
  - (iii) A maximum of 10 hours of continuing education may be earned in this category in each renewal period.
- (3) Continuing education programs approved before the effective date of this amended rule are considered approved.

History: 2019 AACS; 2022 AACS; 2023 MR 6, Eff. March 29, 2023.

**R 338.12042 Approval of continuing education programs.**

Rule 42. (1) A continuing education program provider that is not pre-approved under R 338.12041(2) shall petition the board for approval of a continuing education program.

(2) The continuing education program provider shall complete an application provided by the department, file the application and supporting documentation with the department for review not less than 120 days before the program date, and satisfy the requirements of subrule (3) of this rule.

(3) The application and supporting documentation must include all the following information:

- (a) A description of the sponsoring organization.
- (b) Name, title, and address of the program director.
- (c) An outline of the course.
- (d) A resumé for all speakers or presenters, or both.
- (e) A description of the delivery method.
- (f) The dates and location or locations that the course will be delivered.
- (g) A description of how attendance is monitored, sample documents, and identification of the individual monitoring attendance.
- (h) A sample certificate or other document that will be issued after completion and a description of how the participant will be notified.
- (i) If appropriate, a request for recognition in a specific topic area required by R 338.12041(1)(d) to (h).

(4) Continuing education programs approved before the effective date of this amended rule are considered approved.

History: 2019 AACS; 2022 AACS; 2023 MR 6, Eff. March 29, 2023.

**PART 5. STANDARDS OF PRACTICE**

**R 338.12051**

Source: 2019 AACS.

**R 338.12052**

Source: 2022 AACS.

**R 338.12053**

Source: 2022 AACS.

**R 338.12054**

Source: 2022 AACS.

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**DIRECTOR'S OFFICE**

**ACUPUNCTURE – GENERAL RULES**

**PART 1. GENERAL RULES**

**R 338.13001**

Source: 2021 AACS.

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**R 338.13002**  
Source: 2022 AACS.

**R 338.13003**  
Source: 2021 AACS.

**R 338.13004**  
Source: 2022 AACS.

**PART 2. LICENSURE**

**R 338.13005**  
Source: 2022 AACS.

**R 338.13006**  
Source: 2022 AACS.

**R 338.13007**  
Source: 2022 AACS.

**R 338.13008**  
Source: 2022 AACS.

**R 338.13010**  
Source: 2022 AACS.

**R 338.13011**  
Source: 2022 AACS.

**R 338.13012 L**  
Source: 2022 AACS.

**R 338.13013**  
Source: 2022 AACS.

**R 338.13014**  
Source: 2022 AACS.

**R 338.13015**  
Source: 2021 AACS.

**R 338.13016**  
Source: 2022 AACS.

**R 338.13017**  
Source: 2022 AACS.

**R 338.13020**  
Source: 2021 AACS.

**R 338.13025**  
Source: 2022 AACS.

**PART 3. LICENSE RENEWAL, LIMITED LICENSE RENEWAL, AND CONTINUING EDUCATION**

**R 338.13026**  
Source: 2022 AACS.

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**R 338.13028**  
Source: 2022 AACS.

**R 338.13030**  
Source: 2021 AACS.

**R 338.13031**  
Source: 2022 AACS.

**R 338.13033**  
Source: 2022 AACS.

**R 338.13035**  
Source: 2022 AACS.

**R 338.13040**  
Source: 2019 AACS.

**PART 4. REGISTERED ACUPUNCTURIST, DELEGATION**

**R 338.13041**  
Source: 2022 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 Definitions.**

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

- (a) "Appropriate health professional" means any individual licensed, registered, or otherwise authorized to engage in a health profession under article 15 of the code, MCL 333.16101 to 333.18838, who is referred to, consulted with, or collaborates with a licensed midwife.
  - (b) "Board" means the Michigan board of licensed midwifery.
  - (c) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
  - (d) "CPM" means a certified professional midwife who has met the standards for certification set by the North American Registry of Midwives (NARM). The CPM credential is accredited by the National Commission for Certifying Agencies (NCCA). The CPM credential with NARM requires a midwife to:
    - (i) Validate education.
    - (ii) Pass an examination.
    - (iii) Complete a workshop, module, or course on cultural awareness.
    - (iv) Meet general education requirements.
    - (v) Maintain current adult CPR and current neonatal resuscitation program certification (NRP) with a hands-on component.
    - (vi) Complete obstetric emergency skills training.
  - (e) "Department" means the department of licensing and regulatory affairs.
  - (f) "Peer review" means the process utilized by midwives to confidentially discuss patient cases in a professional forum, which includes support, feedback, follow-up, and learning objectives.
- (2) Unless otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.  
History: 2019 AACS; 2023 MR 6, Eff. March 21, 2023.



**PART 2. PRELICENSURE LICENSED MIDWIFERY EDUCATION**

**R 338.17111 Training standards for identifying victims of human trafficking: requirements.**

Rule 111. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or who is licensed shall complete a training in identifying victims of human trafficking that meets all the following standards:

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

- (i) Understanding the types and venues of human trafficking in the United States.
- (ii) Identifying victims of human trafficking in health care settings.
- (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
- (iv) Resources for reporting suspected victims of human trafficking.

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

- (i) Training offered by a nationally-recognized or state-recognized health-related organization.
  - (ii) Training offered by, or in conjunction with, a state or federal agency.
  - (iii) Training obtained in an educational program that has been approved by the board for initial license or registration, or by a college or university.
  - (iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
- (c) Acceptable modalities of training may include any of the following:

- (i) Teleconference or webinar.
- (ii) Online presentation.
- (iii) Live presentation.
- (iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide 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 the article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the first renewal cycle after August 1, 2019, and for initial licenses issued after August 1, 2024.

History: 2019 AACs; 2023 MR 6, Eff. March 21, 2023.

**R 338.17113**

**Source:** 2019 AACs.

**R 338.17115 Licensed midwifery credentialing program.**

Rule 115. The board may approve a licensed midwifery credentialing program only if the program meets all of the following:

- (a) The standards and evaluative criteria are equivalent to the credential of a CPM from the NARM, or its successor entity.
- (b) It satisfies the criteria of section 16148 of the code, MCL 333.16148.
- (c) It is accredited by the National Commission for Certifying Agencies (NCCA), or its successor entity, or another accrediting organization approved by the board if the standards and evaluative criteria of the accrediting organization are determined to be equivalent to the standards of NCCA, or its successor entity.

History: 2019 AACs; 2023 MR 6, Eff. March 21, 2023.

**PART 3. LICENSURE**

**R 338.17121 Licensure.**

Rule 121. (1) In addition to meeting the requirements of sections 16174 of the code, MCL 333.16174, and R 338.7001 to R 338.7005, an applicant for licensure shall submit a completed application on a form provided by the department, together

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with the requisite fee, and meet all of the following requirements:

- (a) Meet 1 of the following:
    - (i) Submit proof to the department of completion of an educational program or pathway accredited by MEAC, or its successor entity, or by another accrediting organization approved by the board under R 333.17113.
    - (ii) If before January 1, 2020, the applicant holds a current credential of CPM from NARM, its successor entity, or an equivalent credential from another midwifery credentialing program that is approved by the board under R 383.17115, and satisfies both of the following:
      - (A) Submits proof to the department that the applicant holds a midwifery bridge certificate awarded by NARM, its successor entity, or an equivalent credential from another midwifery credentialing program that meets the criteria of section 16148 of the code, MCL 333.16148.
      - (B) The midwifery credentialing program is accredited by the NCCA, its successor entity, or another accrediting organization approved by the board if the standards and evaluative criteria of the accrediting organization are determined to be equivalent to the standards of NCCA, or its successor entity.
  - (b) Submit proof to the department of holding a current credential of CPM from NARM, or its successor entity, or an equivalent credential from another midwifery credentialing program, that is approved by the board under R 383.17115.
  - (c) Submit proof to the department of successfully passing the examination developed and scored by NARM or another exam approved by the board under subrule (3) of this rule.
  - (2) The board approves and adopts the examination developed and scored by NARM.
  - (3) An applicant for licensure may petition the board to evaluate whether another examination meets the requirements of section 16178(1) of the code, MCL 333.16178.
  - (4) A licensed midwife shall have obtained his or her recredential or maintain his or her CPM credential from NARM, or equivalent credential approved by the board, pursuant to R 338.17115, during the license cycle.
- History: 2019 AACCS; 2023 MR 6, Eff. March 21, 2023.

**R 338.17122**

**Source:** 2019 AACCS.

**R 338.17123 Licensure by endorsement from another state.**

Rule 123. (1) An applicant who currently holds an active midwifery license in good standing in another state and who has never been licensed as a midwife in this state may apply for a license by endorsement and is presumed to meet the requirements of section 16186 of the code, MCL 333.16186, if the applicant meets the requirements of section 16174 of the code, MCL 333.16174, and R 338.7001 to R 338.7005; submits a completed application, on a form provided by the department, together with the requisite fee; and complies with all of the following:

- (a) Submits proof to the department of completion of an educational program or pathway accredited by MEAC, or its successor entity, or by another accrediting organization approved by the board under R 333.17113.
  - (b) Submits proof to the department of holding a current credential of CPM from NARM or another midwifery credentialing program approved by the board under R 333.17115.
  - (c) Submits proof of successfully passing the examination developed and scored by NARM or another exam approved by the board under R 338.17121(3).
  - (d) Discloses each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country on the application form.
  - (e) Satisfies 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.
  - (f) Submits proof to the department of meeting the human trafficking training required in R 338.17111.
- (2) An applicant who is licensed as a midwife in a state that does not require completion of an educational program or pathway that is MEAC approved, may apply to the department for a determination that the applicant has met the requirements of subrule (1)(a) of this rule if the applicant satisfies both of the following:
- (a) The applicant meets all the other requirements for licensure.
  - (b) The applicant holds a midwifery bridge certificate awarded by NARM or an equivalent credential from another midwifery credentialing program that meets the criteria of section 16148 of the code, MCL 333.16148, and is accredited by NCCA, or another accrediting organization approved by the board, if the standards and evaluative criteria of the accrediting organization are determined to be equivalent to the standards of NCCA or its successor entity.

History: 2019 AACCS; 2023 MR 6, Eff. March 21, 2023.

**R 338.17125 Relicensure requirements.**

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Rule 125. (1) An applicant for relicensure who has let his or her license from this state lapse, 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 (√):

(a) For a midwife who has let his or her license from this state lapse and who does not hold a license in another state:	Lapsed less than 3 years	Lapsed more than 3 years, but less than 7 years	Lapsed 7 or more years
(i) Submit a completed application on a form provided by the department, together with the requisite fee.	√	√	√
(ii) Establish that the applicant 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 30 hours of continuing education in courses and programs and not less than 1 hour in pain and symptom management, 2 hours of cultural awareness, and 1 hour of pharmacology related to the practice of midwifery, as required under R 338.17141, and that was earned within the 3-year period immediately before 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 may not be issued until the continuing education requirements are met.	√	√	√
(v) Complete a 1-time training in identifying victims of human trafficking that meets the standards in R 338.17111.	√	√	√
(vi) Meet the English language requirement under R 338.7002b and the implicit bias training required in R 338.7004.	√	√	√
(vii) Within the 3-year period immediately before the application for relicensure, retake and pass the examination approved by the board pursuant to R 338.17121.			√
(viii) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by another 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 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.	√	√	√

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(ix) Submit proof of an active credential of CPM from the NARM or an equivalent credential from another midwifery credentialing program that is approved by the board and accredited by the NCCA or another accrediting organization approved by the board. A licensed midwife shall maintain his or her credential of CPM from NARM, or equivalent credential approved by the board, during the license cycle.		√	√
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(b) For a midwife who has let his or her license from this state lapse, but who holds a current midwife license in good standing in another state:	Michigan license lapsed Less than 3 years	Michigan license lapsed more than 3 years, but less than 7 years	Michigan license lapsed 7 or more years
(i) Submit a completed application on a form provided by the department, together with the requisite fee.	√	√	√
(ii) Establish that the applicant 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 30 hours of continuing education in courses and programs and not less than 1 hour in pain and symptom management, 2 hours of cultural awareness, and 1 hour of pharmacology related to the practice of midwifery, as required under R 338.17141, and that was earned within the 3-year period immediately before 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 are met.		√	√
(v) Complete a 1-time training in identifying victims of human trafficking that meets the standards in R 338.17111.	√	√	√
(vi) Meet the English language requirement under R 338.7002b and the implicit bias training required in R 338.7004.	√	√	√

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(vii) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by another 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 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.	√	√	√
(viii) Submit proof of an active credential of CPM from the NARM or an equivalent credential from another midwifery credentialing program that is approved by the board and accredited by the NCCA or another accrediting organization approved by the board. A licensed midwife shall maintain his or her credential of CPM from NARM, or equivalent credential approved by the board, during the license cycle.	√	√	√

(2) 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 of the board may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

History: 2019 AACCS; 2023 MR 6, Eff. March 21, 2023.

**R 338.17127 Rescinded.**

History: 2019 AACCS; 2023 MR 6, Eff. March 21, 2023.

**PART 4. PRACTICE, CONDUCT, AND CLASSIFICATION OF CONDITIONS**

**R 338.17131**

**Source:** 2019 AACCS.

**R 338.17132**

**Source:** 2019 AACCS.

**R 338.17133**

**Source:** 2019 AACCS.

**R 338.17134 Consultation and referral.**

Rule 134. (1) A licensed midwife shall consult with or refer a patient to a physician, physician's assistant, or advanced practice registered nurse licensed under article 15 of the code, MCL 333.16101 to 333.18838, document the consultation or referral, and follow up with the patient regarding the consultation or referral, if the patient presents with any of the following conditions:

(a) Antepartum:

(i) Hypertension in pregnancy as defined as systolic blood pressure greater than 140 mm Hg and diastolic blood pressure greater than 90 mm Hg measured on 2 separate occasions more than 4 hours apart.

(ii) Persistent, severe headaches, epigastric pain, or visual disturbances.

(iii) Persistent symptoms of urinary tract infection.

(iv) Significant vaginal bleeding before the onset of labor not associated with uncomplicated spontaneous abortion.

(v) Rupture of membranes before the 36.6 weeks of gestation without active labor.

(vi) Noted abnormal decrease in or cessation of fetal movement.

(vii) Hemoglobin level less than 9 and resistant to supplemental therapy.

(viii) A temperature of 100.4 degrees Fahrenheit or 38.0 degrees Celsius or greater for more than 24 hours.

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- (ix) Isoimmunization, Rh-negative sensitization, or any other positive antibody titer, which would have a detrimental effect on the mother or fetus.
- (x) Abnormally elevated blood glucose levels unresponsive to dietary management.
- (xi) Positive HIV antibody test.
- (xii) TORCH (Toxoplasmosis, other, rubella, cytomegalovirus, and herpes simplex infections.)
- (xiii) Symptoms of severe malnutrition, severe persistent dehydration, or protracted weight loss.
- (xiv) Symptoms of deep vein thrombosis.
- (xv) Documented placenta previa.
- (xvi) Documented placenta overlying the site of a previous uterine scar.
- (xvii) Active labor before 36.0 weeks of gestation.
- (xviii) Fetus with diagnosed congenital abnormalities that will require immediate medical intervention at birth.
- (xix) History of myomectomy.
- (xx) Prior history of early preterm birth, 32 weeks or less.
- (xxi) Pelvic or uterine abnormalities affecting normal vaginal births, including tumors and malformations.
- (xxii) Marked abnormal fetal heart tones.
- (xxiii) Abnormal non-stress test or abnormal biophysical profile.
- (xxiv) Marked or severe hydramnios or oligohydramnios.
- (xxv) Suspected intrauterine growth restriction.
- (xxvi) Gestation beyond 42.0 weeks.
- (xxvii) Suspected perinatal mood disorder or uncontrolled current serious psychiatric illness.
- (xxviii) Suspected active alcohol use disorder.
- (xxix) Suspected active substance use disorder.
- (xxx) Receiving opioid replacement therapy.
- (xxxi) Sexually transmitted infection.
- (xxxii) Symptoms of ectopic pregnancy
- (xxxiii) Second or third trimester fetal demise.
- (xxxiv) Symptoms or evidence of hydatidiform mole.
- (xxxv) Thrombocytopenia with a count less than 100,000 platelets per microliter.
- (xxxvi) Vaginal infection unresponsive to treatment.
- (xxxvii) Symptoms or clinical evidence of hepatitis.
- (xxxviii) Abnormal liver or metabolic panel.
- (xxxix) Significant proteinuria.
- (xl) Abnormal PAP test results.
- (xli) Significant hematological disorders or coagulopathies, or pulmonary embolism.
- (xlii) Hyperreflexia.
- (xliii) Clonus.
- (xliv) Rheumatoid arthritis.
- (xlv) Chronic pulmonary disease.
- (xlvi) Uncontrolled gestational diabetes.
- (xlvii) Hyperthyroidism treated with medication.
- (xlviii) Suspected coagulation disorder.
- (xlix) Inflammatory bowel disease.
- (l) Addison's disease.
- (li) Scleroderma.
- (lii) Any other condition or symptom that could threaten the health of the mother or fetus, as assessed by a licensed midwife exercising reasonable skill and judgment.
- (b) Intrapartum:
  - (i) Persistent, severe headaches, epigastric pain or visual disturbances.
  - (ii) Temperature over 100.4 degrees Fahrenheit or 38.0 degrees Celsius in absence of environmental factors.
  - (iii) Signs or symptoms of maternal infection.
  - (iv) Confirmed ruptured membranes without onset of labor after 24 hours.
  - (v) Excessive vomiting, dehydration, acidosis, or exhaustion unresponsive to treatment.
  - (vi) Uncontrolled current serious psychiatric illness.
  - (vii) Fetal heart rate abnormalities of severe bradycardia, fetal tachycardia, or sustained deceleration of fetal heart rate.
  - (viii) Any other condition or symptom that could threaten the health of the mother or fetus, as assessed by a licensed midwife exercising reasonable skill and judgment.

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(c) Postpartum:

- (i) Failure to void bladder within 6 hours of birth or catheterization.
- (ii) Temperature of 101.0 degrees Fahrenheit or 39 degrees Celsius for more than 12 hours.
- (iii) Signs or symptoms of uterine sepsis.
- (iv) Symptoms of deep vein thrombosis.
- (v) Suspected perinatal mood disorder or uncontrolled current serious psychiatric illness.
- (vi) Suspected active alcohol use disorder.
- (vii) Suspected active substance use disorder.
- (viii) Lacerations requiring repair beyond the scope of practice of the licensed midwife.
- (ix) Systolic blood pressure greater than 140 mm Hg and diastolic blood pressure greater than 90 mm Hg measured on 2 separate occasions more than 4 hours apart after delivery of the baby.
- (x) Any other condition or symptom that could threaten the health of the mother, as assessed by a licensed midwife exercising reasonable skill and judgment.

(2) A licensed midwife shall consult with or refer a patient to a physician, physician's assistant, or advanced practice registered nurse licensed under article 15 of the code, MCL 333.16101 to 333.18838, document the consultation or referral, and follow up with the patient regarding the consultation or referral, if the infant presents with any of the following conditions:

- (a) Abnormal blood spot infant screening.
  - (b) Failed hearing screening.
  - (c) Failed critical congenital heart defect screening (CCHD).
  - (d) Jaundice occurring outside of normal range.
  - (e) Failure to urinate within 36 hours of birth.
  - (f) Failure to pass meconium within 48 hours of birth.
  - (g) Medically significant nonlethal congenital anomalies.
  - (h) Suspected birth injury.
  - (i) Signs of clinically significant dehydration.
  - (j) Signs and symptoms of neonatal abstinence syndrome.
  - (k) Weight less than 2500 grams or 5 pounds, 8 ounces, singleton.
  - (l) Any other abnormal infant behavior or appearance that could adversely affect the health of the infant, as assessed by a licensed midwife exercising reasonable skill and judgment.
- (3) When a referral to a physician, physician's assistant, or advanced practice registered nurse licensed under article 15 of the code, MCL 333.16101 to 333.18838, is made, after referral the licensed midwife may, if possible, remain in communication with the physician, physician's assistant, or advanced practice registered nurse until resolution of the concern.
- (4) If the patient elects not to accept a referral or the physician, physician's assistant, or advanced practice registered nurse's advice, the licensed midwife shall do the following:
- (a) Obtain full informed consent from the patient and document the refusal in writing.
  - (b) Discuss with the patient what the continuing role of the licensed midwife will be and whether the licensed midwife will continue or discontinue care of the patient.
  - (5) Neither consultation nor referral preclude the possibility of continued care by a licensed midwife or the possibility of an out-of-hospital birth. The licensed midwife may maintain care of the patient to the greatest degree possible.

History: 2019 AACCS; 2023 MR 6, Eff. March 21, 2023.

**R 338.17135**

**Source:** 2019 AACCS.

**R 338.17136**

**Source:** 2019 AACCS.

**R 338.17137 Administration of prescription drugs or medications.**

Rule 137. (1) Pursuant to section 17111 of the code, MCL 333.17111, a licensed midwife who has appropriate pharmacology training and holds a standing prescription from an appropriate health professional with prescriptive authority, is permitted to administer the following prescription drugs and medications:

- (a) Prophylactic vitamin K to an infant, either orally or through intramuscular injection.
- (b) Antihemorrhagic agents to a postpartum mother after the birth of the infant.
- (c) Local anesthetic for the repair of lacerations to a mother.
- (d) Oxygen to a mother or infant.

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- (e) Prophylactic eye agent to an infant.
  - (f) Prophylactic Rho(D) immunoglobulin to a mother.
  - (g) Agents for group B streptococcus prophylaxis, recommended by the federal Centers for Disease Control and Prevention, to a mother.
  - (h) Intravenous fluids, excluding blood products, to a mother.
  - (i) Antiemetics to the mother.
  - (j) Epinephrine.
- (2) Administration of any of the drugs included in subrule (1) of this rule must comply with this rule. The indications, dose, route of administration, duration of treatment, and contraindications relating to the administration of drugs or medications identified under subrule (1) of this rule are shown in Table 1 and Table 2:



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Table 1

Maternal - Administration of Prescription Drugs and Medications

Medication	Indication	Dose	Route of Administration	Duration of Treatment	Contraindications	Comments
Oxygen	Maternal distress or fetal distress.	10-12 L/minute.	Free-flow, nasal cannula, mask.	Until stabilized or transfer of care.	None, with indications present.	
Pitocin 10 units/ml	Prevention and treatment of postpartum hemorrhage.	10 units/ml.	Intramuscular.	1-2 doses, PRN.		
Pitocin 10 units/ml	Prevention and treatment of postpartum hemorrhage.	20 units in 1000 ml IV fluids, initial bolus rate 1000 ml/hour bolus for 30 minutes (equals 10 units) followed by a maintenance rate 125 ml/hour over 3.5 hours (equals remaining 10 units).	Intravenous.	4 hours.		
Methyl-ergonovine (Methergine) 0.2 mg/ml	Prevention and treatment of postpartum hemorrhage.	0.2 mg/ml.	Intramuscular.	0.2 mg IM q2-4hr PRN; not to exceed 5 doses.	Contraindicated for patient with hypertension or Reynaud's disease. Can be used in conjunction with Pitocin after delivery of the placenta.	IM preferred for acute postpartum use. Oral methergine can help to lessen continued bleeding after hemorrhage.
Methyl-ergonovine (Methergine) 0.2 mg		0.2 mg tab.	Oral.	0.2-0.4 mg PO q6-8hr PRN for 2-7 days .	Contraindicated for patient with hypertension or Reynaud's disease.	IM preferred for acute postpartum use. Oral methergine can help to lessen continued bleeding after hemorrhage.
Medication	Indication	Dose	Route of Administration	Duration of Treatment	Contraindications	Comments

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Misoprostol (Cytotec)	Treatment of postpartum hemorrhage.	600 mcg oral or 800 mcg buccal or rectal.	Oral, buccal, rectal.	1 dose.		
Hemabate (Carboprost)	Treatment of postpartum hemorrhage.	0.25mg IM.		Every 15-90 minutes; not to exceed 8 doses.	Asthma.	Relative contraindications: hypertension.
Tranexamic Acid (TXA or Lystdea)	Treatment of postpartum hemorrhage.	1g in 10 ml IV at 1 ml/min, administered over 10 minutes.	Intravenous.	Use within 3 hours and as early as possible after onset of postpartum hemorrhage.	Contraindicated for patient with deep vein thrombosis, history of coagulopathy, or active hypersensitivity to TXA.	TXA should be administered slowly as an IV injection over 10 minutes because bolus injection carries a potential risk of hypotension.  Should not be mixed with blood or solutions containing penicillin or mannitol.
RHo (D) Immune Globulin (Rhogam)	Prophylactic dose: RH- patient at 28-30 weeks gestation; RH- patient after a miscarriage; postpartum RH- patient with an RH+ baby. A prenatal dose can also be given after an injury under advisement of a physician.	300 mcg pre-filled syringe.	Intramuscular.	Administer within 72 hours of birth or antenatal event.	RH positive; IgA deficiency.	
Penicillin G	Group Beta Strep (GBS) prophylaxis in labor.	Initial loading dose: 5 million units IV. Subsequent doses: 2.5–3.0 million units IV every 4 hours.	Administer via IV with prepared minibag.	Until delivery.	Allergy to penicillin.	No saline limitation when administering antibiotics.
Ampicillin	Group Beta Strep prophylaxis in labor.	Initial loading dose: 2 g IV. Subsequent doses: 1 g IV every 4 hours.	Administer via IV with prepared minibag.	Until delivery.	Allergy to penicillin.	No saline limitation when administering antibiotics.

Medication	Indication	Dose	Route of Administration	Duration of Treatment	Contraindications	Comments
Cefazolin	Group Beta Strep prophylaxis in labor.	Initial loading dose: 2g IV. Subsequent doses: 1g IV	Administer via IV with prepared minibag.	Until delivery.	Allergy to cefazolin.	Cefazolin is the first choice for patients who have a history of allergy to penicillin but no history of anaphylactic reaction to penicillin. Use clindamycin

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		every 8 hours.				or vancomycin for patients who have a history of anaphylactic penicillin allergy. No saline limitation when administering antibiotics.
Clindamycin	Group Beta Strep prophylaxis in labor.	900 mg IV every 8 hours until delivery.	Administer via IV with prepared minibag.	Until delivery.	Allergy to clindamycin.	Use only with patient with history of anaphylactic reaction to penicillin and the GBS isolate is laboratory proven to be susceptible to Clindamycin. No saline limitation when administering antibiotics.
Vancomycin	Group Beta Strep prophylaxis in labor.	1 g IV every 12 hours.	Administer via IV with prepared minibag.	Until delivery.	Allergy to vancomycin.	Use only with patient with history of anaphylactic reaction to penicillin and the GBS isolate is laboratory proven to be resistant to Clindamycin. No saline limitation when administering antibiotics.
Epinephrine	Severe allergic reaction.	Single dose of 0.3 mg, USP, 1:1000 (0.3 ml) in a sterile solution.		5-15 minutes. Transport to hospital should be initiated.		Discontinue medication that is causing reaction; place patient supine and elevate lower extremities. Protect the airway. Transport to hospital should follow.
Lactated Ringers solution	Dehydration during labor.	Up to 2L.	Intravenous.	Over the course of 3-5 hours.		Most patients respond to intravenous hydration and a short period of gut rest, followed by reintroduction of oral intake. Preferred over normal saline.
Medication	Indication	Dose	Route of Administration	Duration of Treatment	Contraindications	Comments
0.9% Normal Saline solution	Dehydration during labor, when LR not available. Postpartum hemorrhage. Allergic reactions.	1L- 2L bolus.	Intravenous.	During course of infusion.		Intrapartum: the addition of 5% Dextrose to solution can increase success rate with nausea or vomiting.
Lidocaine	Postpartum repair of vulvo-vaginal lacerations.	Injectable: up to 20 ml 2%, up to 30 ml 1%, or up to 60 ml	Injection.	2 hours.	Known allergy or signs or symptoms of allergic reaction.	Do not use lidocaine with epinephrine, max dose 4.5 mg/kg infiltration.

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		0.5%.				
Lidocaine	Postpartum repair of vulvo-vaginal lacerations.		Topical cream, spray, or gel.		Known allergy or signs or symptoms of allergic reaction.	
Diphenhydramine (Benadryl)	To reduce vomiting during labor.	25 to 50 mg every 4 to 6 hours / 10-50 mg every 4-6 hours.	Oral; intravenous.			
Ondansetron (Zofran)	To reduce vomiting during labor.	4-8 mg IVP / 4 mg (up to twice PRN).	Oral; intravenous.			May produce headache as side effect.

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Table 2  
Neonatal - Administration of Prescription Drugs and Medications

Medication	Indication	Dose	Route of Administration	Duration of Treatment	Contraindications	Comments
Oxygen	Neonatal resuscitation, if indicated; abnormal pulse oximetry readings.	10L/minute, or as indicated.	Bag and mask, free-flow.	Until pulse-oximetry readings are within target range of infant age, or transfer of care.	None, with indications present.	Administration of oxygen to a neonate should be in accordance with NRP standards. When an oxygen blender is not accessible, free-flow oxygen may be used combined with pulse oximetry. Current research cautions that inappropriate use of oxygen can cause free radical and oxidative stress damage in the neonate.
0.5% Erythromycin Ophthalmic ointment	Prophylaxis of neonatal ophthalmia neonatorum due to N. gonorrhoeae or chlamydia trachomatis.	1 cm ribbon of 0.5% ointment in each eye within 24 hours of birth.	Ocular, in lower eyelid.	1 dose.	Hypersensitivity to drug class or component.	May cause ocular irritation or blurred vision.
Vitamin K 1.0 mg/0.5 ml	Prophylaxis and therapy of hemorrhagic disease of the newborn.	0.5-1.0 mg.	Intramuscular.	1 dose.	Family history of hypoprothrombinemia; hypersensitivity to drug class or component.	Vitamin K 1.0 mg/0.5 ml
Epinephrine	Neonatal resuscitation.	0.1 - 0.3ml/kg (0.01 - 0.03 mg/kg) of body weight in a 1:10,000 concentration.	Administered in the umbilical venous catheter followed by 1 – 3 ml flush of sterile normal saline.	Repeat every 3-5 min if HR <60 bpm with chest compressions.		EMS services should be en route.
Epinephrine	Neonatal resuscitation.	1 ml/kg 1:10,000 concentration.	Endotracheal.	Repeat every 3-5 min if HR <60 bpm with chest compressions.		Max 3 ml/dose, EMS services should be en route.

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Administration of Prescription Drugs and Medications

Maternal						
Cefazolin	Group Beta Strep prophylaxis in labor.	Initial loading dose: 2g IV. Subsequent doses: 1g IV every 8 hours.	Administer via IVPB with prepared minibag.	Until delivery.	Allergy to cefazolin.	Cefazolin is the first choice for patients who have a history of allergy to penicillin but no history of anaphylactic reaction to penicillin. Use clindamycin or vancomycin for patients who have a history of anaphylactic penicillin allergy.
Clindamycin	Group Beta Strep prophylaxis in labor.	900 mg IV every 8 hours until delivery.	Administer via IVPB with prepared minibag.	Until delivery.	Allergy to clindamycin.	Use only with history of anaphylactic reaction to penicillin. Clindamycin and Vancomycin are the drugs of choice for GBS prophylaxis for patients who have a history of anaphylactic reactions to penicillin.
Vancomycin	Group Beta Strep prophylaxis in labor.	1 g IV every 12 hours.	Administer via IVPB with prepared minibag.	Until delivery.	Allergy to vancomycin.	Use only with history of anaphylactic reaction to penicillin. Clindamycin and Vancomycin are the drugs of choice for GBS prophylaxis for patients who have a history of anaphylactic reactions to penicillin.
Epinephrine	Severe allergic reaction.	Single dose of 0.3 mg, USP, 1:1000 (0.3 mL) in a sterile solution.		5-15 minutes. Transport to hospital should be initiated.		Discontinue medication that is causing reaction; place patient supine and elevate lower extremities. Protect the airway. Transport to hospital should follow.
Lactated Ringers Solution	Dehydration during labor.	Up to 2L.	Intravenous.	Over the course of 3-5 hours.		Most patients respond to intravenous hydration and a short period of gut rest, followed by reintroduction of oral intake. Preferred over normal saline.
0.9% Normal Saline solution	Dehydration during labor, when LR not available. Postpartum hemorrhage. Allergic reactions.	1L- 2L bolus.	Intravenous.	During course of infusion.		Intrapartum: the addition of 5% Dextrose to solution can increase success rate with nausea or vomiting.
	Postpartum repair of vulvo-	Injectable: up to 5 ml 2%, 10 ml 1%, or 20 ml			Known allergy or signs	Do not use lidocaine with, epinephrine,

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Lidocaine	vaginal lacerations.	0.5%. Topical cream, spray, or gel.	Injection.	2 hours.	or symptoms of allergic reaction.	max dose 3 mg/kg.
Antiemetic ranitidine zantac	To reduce vomiting during labor.	150 mg every 6 hours.	Oral.	Treat until symptoms subside.		
Diphenhydramine	To reduce vomiting during labor.	25 to 50 mg every 4 to 6 hours / 10-50 mg every 4-6 hours.	Oral; intravenous.			
Ondansetron	To reduce vomiting during labor.	4-8 mg IVP / 4 mg (up to twice PRN).	Oral; intravenous.			May produce headache as side effect.
Neonatal						
Oxygen	Neonatal: neonatal resuscitation, if indicated; abnormal pulse oximetry readings.	Neonatal: 10L/minute, or as indicated.	Neonatal: bag and mask, free-flow.	Neonatal: until pulse- oximetry readings are within target range of infant age, or transfer of care.	None, with indications present.	Administration of oxygen to a neonate should be in accordance with NRP standards. When an oxygen blender is not accessible, free-flow oxygen may be used combined with pulse oximetry. Current research cautions that inappropriate use of oxygen can cause free radical and oxidative stress damage in the neonate.
0.5% Erythromycin Ophthalmic ointment	Prophylaxis of neonatal ophthalmia neonatorum due to N. gonorrhoeae or chlamydia trachomatis.	1 cm ribbon of 0.5% ointment in each eye within 24 hours of birth.	Ocular, in lower eyelid.	1 dose.	Hypersensitivity to drug class or component.	May cause ocular irritation or blurred vision.
Vitamin K 1.0 mg/0.5 ml	Prophylaxis and therapy of hemorrhagic disease of the newborn.	0.5-1.0 mg.	Intramuscular.	Single dose.	Family history of hypoprothrombinemia; hypersensitivity to drug class or component.	Vitamin K 1.0 mg/0.5 ml
Epinephrine	Neonatal resuscitation.	0.1 - 0.3 mL/kg (0.01 - 0.03	Administered in the umbilical venous catheter followed by 1 - 3 mL flush of	Repeat every 3-5 min if HR <60 bpm with chest compressions.		EMS services should be en route.

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		mg/kg) of body weight in a 1:10,000 concentration.	sterile normal saline.			
Epinephrine	Neonatal resuscitation.	1 ml/kg 1:10,000 concentration.	Endotracheal.	Repeat every 3-5 min if HR <60 bpm with chest compressions.		Max 3 ml/dose, EMS services should be en route.

History: 2019 AACS; 2023 MR 6, Eff. March 21, 2023.



**PART 5. LICENSE RENEWAL AND CONTINUING EDUCATION**

**R 338.17141 License renewals; requirements; applicability.**

Rule 141. (1) In addition to meeting the requirements of section 16201 of the code, MCL 333.16201, an applicant for renewal shall submit a completed application on a form provided by the department, together with the requisite fee and, before renewal, shall hold the credential of CPM from NARM, or equivalent credential approved by the board.

(2) Pursuant to section 16201 of the code, MCL 333.16201, an applicant for license renewal who has been licensed for the 2-year period immediately before renewal shall accumulate all of the following, during the prior 2 years by the end of the license cycle:

(a) Not less than 30 hours of continuing education that is met by obtaining or maintaining, the credential of CPM from NARM, or an equivalent credential approved by the board.

(b) One hour of continuing education in pain and symptom management pursuant to section 16204(2) of the code, MCL 333.16204. Acceptable methods of continuing education in pain and symptom management includes online and in-person presentations, courses or programs and may include, but is not limited to, the following subject areas:

(i) Behavior management.

(ii) Psychology of pain.

(iii) Behavior modification.

(iv) Stress management.

(v) Clinical applications as they relate to professional practice.

(c) Two hours of continuing education on cultural awareness that include examination of disparate maternal infant mortality and morbidity experienced by the African American and indigenous populations. Acceptable methods of continuing education in cultural awareness include online and in-person presentations, courses, programs, or reading an article that is published in a peer-reviewed journal, health care journal, or professional or scientific journal.

(d) Two hours of implicit bias training required in R 338.7004. The implicit bias training required in R 338.7004 may also be used for credit for the cultural awareness training in subdivision (c) of this subrule if the training meets all of the requirements in subdivision (c) of this subrule.

(e) One hour of continuing education in pharmacology applicable to the practice of midwifery.

(f) Submit proof to the department of meeting the human trafficking training required in R 338.17111.

(3) "Continuing education hour" as used in these rules means the cumulative number of program minutes divided by 60. When the fractional part of an hour is 55 minutes or more, it counts as 1 hour. Any portion of an hour between 30 and 54 minutes counts as half of an hour. Any part of an hour less than 30 minutes will be discarded. Breaks are not counted.

(4) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule.

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

(6) The board may require an applicant or licensee to submit evidence to demonstrate compliance with this rule.

(7) A self-certification statement by an individual that includes the title of the article, author, publication name, date, volume, and issue of publication, as applicable, is acceptable evidence of reading an article that is published in a peer-reviewed journal, health care journal, or professional or scientific journal.

(8) Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.

(9) 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. A CPM credential from NARM, or equivalent credential approved by the board, may not be waived.

(10) The requirements of this part do not apply to an applicant during an initial 1-year licensure cycle.

History: 2019 AACs; 2023 MR 6, Eff. March 21, 2023.

**DEPARTMENT OF LABOR & ECONOMIC GROWTH**

**DIRECTOR'S OFFICE**

**PREPAID FUNERAL & CEMETERY SALES**

**PART 1. GENERAL PROVISIONS**

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**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 Definitions.**

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

- (a) "Act" means the Michigan unarmed combat regulatory act, 2004 PA 403, MCL 338.3601 to 338.3661a.
  - (b) "Department representative" means an employee of the department, as defined by section 10(1) of the act, MCL 338.3610, or an inspector approved by the department who ensures compliance with the law and rules at an unarmed combat event.
  - (c) "Down" means when any part of a boxer's body, except his or her feet, touches the ring floor, or when the boxer is hanging helplessly over the ropes as a result of a legal blow as ruled by the referee.
  - (d) "Drug" means a controlled substance as regulated under sections 7101 to 7231 of the public health code, 1978 PA 368, MCL 333.7101 to 333.7231, and any substance referenced in section 48(5)(a) of the act, MCL 338.3648.
  - (e) "Fight Record" means a record of a contestant's previous fight results, including, but not limited to, wins, losses, knockouts, and technical knockouts, and any other information required by the department.
  - (f) "Gong" means a bell, horn, buzzer, or other audible device approved by the department representative that has a clear tone loud enough for the contestants and referee to hear.
  - (g) "Grounded" means when a mixed martial artist has any part of the body, other than fingers and the soles of both feet, touching the fighting area floor. A mixed martial artist is grounded if the palm or closed fist of 1 hand, or any other body part, is touching the fighting area floor.
  - (h) "Kickboxing" means a form of boxing in which blows are delivered with the hand and any part of the leg below the hip, including the foot.
  - (i) "Manager" means a person who represents the interest of a second person, by contract, agreement, or other arrangements, in arranging for the establishment of a professional or amateur contest in which that second person shall participate as a contestant. An attorney licensed to practice in this state, if his or her participation is restricted solely to legal representation of the interests of an amateur or professional licensee, does not fall within this definition.
  - (j) "Mandatory count of 8" means a required count of 8 given by a referee to a boxer who has been knocked down.
  - (k) "Muay thai" means a form of boxing in which blows are delivered with the hand, elbow, any part of the leg below the hip, including the foot, and clinching.
  - (l) "No decision" means that neither contestant wins the contest.
  - (m) "Reinstatement" means the granting of a license to a person whose license has been revoked or suspended as a result of a disciplinary action pursuant to chapter 4 of the act, MCL 338.3640 to 338.3649a.
  - (n) "Relicensure" means the granting of a license to a person whose license has lapsed for failure to renew the license within 60 days after the expiration date.
  - (o) "Ring" or "cage" means the enclosure in which a contest takes place.
  - (p) "Sanctioned" means a contest approved by USA Boxing or a public body charged with overseeing unarmed combat contests.
  - (q) "Second" means an individual assisting a contestant during a contest, such as cornerman or a contestant's cutman, and may include a manager serving in that capacity. An impartial cutman is not a second.
  - (r) "Stalling and faking" means that a contestant is pulling his or her punches or holding an opponent or deliberately maintaining a clinch.
  - (s) "Standing mandatory count of 8" means a count of 8 given at the discretion of a referee to a boxer who has been dazed by a blow and is unable to defend himself or herself.
- (2) The terms defined in the act have the same meanings when used in these rules.

History: 2005 AACS; 2009 AACS; 2016 AACS; 2019 AACS; 2023 MR 6, Eff. March 21, 2023.

**R 339.102**

**Source:** 2016 AACS.

**R 339.103**

**Source:** 2016 AACs.

**R 339.104 Kickboxing and muay thai events and contests; applicability of act and Rules.**

Rule 104. (1) All kickboxing and muay thai events must adhere to the requirements for boxing events in section 54a of the act, MCL 338.3654a.

(2) Unless specifically identified by these rules, all kickboxing and muay thai contests must adhere to the rules for boxing contests under part 2 of these rules.

History: 2023 MR 6, Eff. March 21, 2023.

**PART 2. PROFESSIONAL BOXING, AMATEUR AND PROFESSIONAL MIXED MARTIAL ARTS, AMATEUR  
AND PROFESSIONAL KICKBOXING, AND AMATEUR AND PROFESSIONAL MUAY THAI**

**R 339.201 Weight classifications for contestants.**

Rule 201. (1) The department may refuse to permit a contest in which the contestants are not fairly matched. In determining if contestants are fairly matched, the department shall consider the following factors:

(a) The win-loss record of the contestants.

(b) The weight differential.

(c) The caliber of opponents.

(d) Each contestant's number of contests.

(e) Any other factor relating to a contestant's past conduct as a contestant, in this jurisdiction or another, that would reasonably give rise to concerns regarding the health and safety of the public or a contestant or contestants.

(2) Pursuant to section 54a(2)(e) of the act, MCL 338.3654a, boxing contestants shall be divided into the following classes, and there shall not be more than a 5-pound weight differential for contestants weighing up to 126 pounds, a 7-pound weight differential for contestants weighing 126.1 to 175 pounds, and a 15-pound weight differential for contestants weighing 175.1 pounds to 199 pounds. The weight differential applicable to the lowest weight contestant applies.

(a) Mini flyweight: Up to and including 105 pounds.

(b) Light flyweight: Over 105 pounds to 108 pounds.

(c) Flyweight: Over 108 pounds to 112 pounds.

(d) Super flyweight: Over 112 pounds to 115 pounds.

(e) Bantamweight: Over 115 pounds to 118 pounds.

(f) Super bantamweight: Over 118 pounds to 122 pounds.

(g) Featherweight: Over 122 pounds to 126 pounds.

(h) Super featherweight: Over 126 pounds to 130 pounds.

(i) Lightweight: Over 130 pounds to 135 pounds.

(j) Super lightweight: Over 135 pounds to 140 pounds.

(k) Welterweight: Over 140 pounds to 147 pounds.

(l) Super welterweight: Over 147 pounds to 154 pounds.

(m) Middleweight: Over 154 pounds to 160 pounds.

(n) Super middleweight: Over 160 pounds to 168 pounds.

(o) Light heavyweight: Over 168 pounds to 175 pounds.

(p) Cruiserweight: Over 175 pounds to 200 pounds.

(q) Heavyweight: Over 200 pounds.

(3) Pursuant to section 54a(2)(e) of the act, MCL 338.3654a, mixed martial arts contestants shall be divided into the following classes, and there shall not be more than a 3-pound weight differential for contestants weighing up to 155 pounds and a 5-pound weight differential for contestants weighing 155.1 pounds up to 205 pounds. The weight differential applicable to the lowest weight contestant applies.

(a) Atomweight: Up to and including 105 pounds.

(b) Strawweight: Over 105 pounds to 115 pounds.

(c) Flyweight: Over 115 pounds to 125 pounds.

(d) Bantamweight: Over 125 pounds to 135 pounds.

(e) Featherweight: Over 135 pounds to 145 pounds.

(f) Lightweight: Over 145 pounds to 155 pounds.

(g) Super lightweight: Over 155 pounds to 165 pounds.

(h) Welterweight: Over 165 pounds to 170 pounds.

(i) Super welterweight: Over 170 pounds to 175 pounds.

(j) Middleweight: Over 175 pounds to 185 pounds.

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- |                         |                                |
|-------------------------|--------------------------------|
| (k) Super middleweight: | Over 185 pounds to 195 pounds. |
| (l) Light heavyweight:  | Over 195 pounds to 205 pounds. |
| (m) Cruiserweight:      | Over 205 pounds to 225 pounds. |
| (n) Heavyweight:        | Over 225 pounds to 265 pounds. |
| (o) Super heavyweight:  | Over 265 pounds.               |

History: 2005 AACS; 2009 AACS; 2016 AACS; 2019 AACS; 2023 MR 6, Eff. March 21, 2023.

**R 339.202**

**Source:** 2019 AACS.

**R 339.202a**

**Source:** 2009 AACS.

**R 339.203 Licensing requirements; contestants.**

Rule 203. (1) A contestant shall not have an active license as a timekeeper, judge, referee, promoter, or matchmaker.

(2) A contestant shall have an active license at the time of the contest.

(3) An applicant for a professional boxer license shall have the department's determination that he or she is able to compete as a professional contestant and either of the following:

(a) A record of having fought a minimum of 7 amateur contests or 28 amateur rounds.

(b) An active professional boxer license in this state or another state, territory, country, or tribal nation.

(c) The commission's approval based on proven competence.

(4) An applicant for a professional mixed martial artist license shall have the department's determination that he or she is able to compete as a professional contestant and either of the following:

(a) A record of having fought a minimum of 5 sanctioned amateur contests.

(b) An active professional mixed martial artist license in this state or another state, territory, country, or tribal nation.

(c) The commission's approval based on proven competence.

(5) An applicant for a professional kickboxing or muay thai contestant license shall have the department's determination that he or she is able to compete as a professional contestant and either of the following:

(a) A record of having fought a minimum of 5 amateur contests. A kickboxing or muay thai applicant shall provide the department with contest results of 5 amateur contests.

(b) An active professional kickboxing or muay thai license in this state or another state, territory, country, or tribal nation.

(c) The commission's approval based on proven competence.

(6) All professional kickboxing or muay thai contestant licensees must obtain a national identification card.

History: 2005 AACS; 2009 AACS; 2016 AACS; 2019 AACS; 2023 MR 6, Eff. March 21, 2023.

Editor's Note: An obvious error in R 339.203 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*, 2023 MR 6. The memorandum requesting the correction was published in *Michigan Register*, 2023 MR 6.

**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 339.204a Duty of impartiality of approved event officials.**

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Rule 204a. (1) Judges, timekeepers, and referees must remain impartial before, during, and immediately after an unarmed combat event.

(2) The approved event officials listed in subrule 1 of this rule shall not in any manner publicly criticize or praise the performance of any other official 30 days before, during, or immediately after an unarmed combat event.

(3) The approved event officials shall not in any manner publicly criticize or praise the performance of any contestant 30 days before, during, or immediately after an unarmed combat event.

(4) The approved event officials shall not in any manner publicly criticize the appointment of any other event official 30 days before, during, or immediately after an unarmed combat event.

(5) The approved event officials shall refrain from communicating with a promoter or a promoter's employee before a contest or event unless the communications relate to travel accommodations, hotel accommodations, or compensation for their services as an event official.

(6) The approved event officials shall refrain from communicating with or establishing a financial relationship with a manager, second, trainer, or contestant 30 days before an unarmed combat event.

(7) The approved event officials are prohibited from placing wagers of any type on any event or contest involving unarmed combat.

History: 2023 MR 6, Eff. March 21, 2023.

**R 339.205**

**Source:** 2019 AACS.

**R 339.205a Mixed martial arts cage; dimensions and construction.**

Rule 205a. (1) A promoter shall ensure that a mixed martial arts cage meets all of the following requirements:

(a) The cage canvas must be no smaller than 18 by 18 feet and no larger than 32 by 32 feet.

(b) Two sides opposite of each other must have a designated color. One side must be blue; the opposite side must be red.

(c) The floor of the cage area must be padded with ensolite or another similar closed-cell foam, with at least a 1-inch layer of foam padding, with a top covering of canvas, duck, or similar material tightly stretched and laced to the platform of the cage. Material that tends to gather in lumps or ridges must not be used.

(d) The platform of the cage must not be more than 4 feet above the floor of the building and must have suitable steps for use by the contestants and officials.

(e) Cage posts must be made of metal, not more than 6 inches in diameter, extending from the floor of the building to 5 to 7 feet above the floor of the cage, and must be properly padded in a manner approved by the department.

(f) The fencing used to enclose the cage must be made of a material that will prevent a contestant from falling out or breaking through the cage onto the floor of the building or onto spectators.

(g) Any metal portion on the interior of the cage must be covered and padded in a manner approved by the department and must not be abrasive to the contestants.

(h) The cage must have a minimum of 1 entrance. The entrance must be padded or covered so that there is not exposed metal on the interior of the cage.

(i) There must not be any obstruction on any part of the cage surrounding the area in which the contestants are competing.

(j) Any metal parts used to enforce the cage wall must be positioned as to not interfere with the safety of the contestants.

(k) There must be an area of at least 4 feet between the cage and the first row of public seating that allows freedom of movement of contest officials and department personnel.

(2) The area immediately surrounding the cage is subject to the control of the department. Event security staff shall control access. The seating around the apron of the cage must not be sold. An area for credentialed media personnel may be allowed with the approval of the department.

(3) There must be adequate space provided in each contestant's corner for seconds to sit during a round.

(4) The department may request a promoter of a mixed martial arts event or contest to place at least 2 video screens that meet the approval of the department, which will allow patrons to view action inside the cage.

History: 2009 AACS; 2016 AACS; 2019 AACS; 2023 MR 6, Eff. March 21, 2023.

**R 339.205b**

**Source:** 2019 AACS.

**R 339.206**

**Source:** 2016 AACS.

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**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 339.223b Injuries and cuts; kickboxing.**

Rule 223b. (1) If an intentional foul causes an injury that is severe enough to terminate the contest immediately, the contestant causing the foul shall lose by disqualification.

(2) If the referee determines that a contest may continue despite an injury caused by an intentional foul, the referee shall immediately inform the department representative and the judges. The judges shall deduct the points as determined by the referee.

(3) If an injury caused by an intentional foul results in the contest being stopped later in the contest or a later round, the referee shall do either of the following:

(a) If the injured contestant is ahead in the scorecard, the referee shall declare the contestant winner by a technical decision.

(b) If the injured contestant is behind on or even on the scorecards, the referee shall declare the contest a technical draw.

(4) If a contestant injures himself or herself while attempting to intentionally foul his or her opponent, but can continue contesting, the referee shall take no action and treat the injury as if it was the result of a legal maneuver. If the referee determines the contestant who injured himself or herself while attempting an intentional foul is unable to continue to compete, the referee shall declare the contestant as having lost by a technical knockout or knockout.

(5) If an accidental foul causes an injury that is severe enough to terminate the contest immediately and a contest has not completed the rounds necessary to score a technical decision, the contest shall result in a no decision.

(6) If an accidental foul causes an injury severe enough to terminate the contest and the contest is considered official, the contest shall be awarded to the contestant ahead on the scorecards as a technical decision. For purposes of this subrule, "official" means when the contest completes 3 rounds of a 5 round contest or completed 4 rounds of any contest more than 5 rounds.

(7) If the injury from a contestant's accidental foul is not severe enough to immediately stop the contest but later becomes

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aggravated and causes the contest to be stopped, the contest shall be awarded to the contestant ahead on the scorecards as a technical decision.

(8) If the referee feels that a contestant has conducted himself or herself in an unsportsmanlike manner, the referee may stop the contest and disqualify the contestant.

(9) A physician shall immediately examine and administer aid to a contestant who is knocked out or injured, if, in the physician's professional judgment, there is a concern for the contestant's safety.

(10) If a contestant is knocked out or incapacitated, then the referee or second shall not handle the contestant, except for the removal of a mouthpiece, unless directed by the physician to do so.

(11) A contestant shall not refuse to be examined by a physician.

(12) A contestant who has been knocked out shall not leave the site of the event until 1 hour has elapsed from the time of the examination or until released by the physician.

(13) The attending physician shall file a written report with the department on each contestant who has been knocked out or injured.

History: 2023 MR 6, Eff. March 21, 2023.

**R 339.223c Injuries and cuts; muay thai.**

Rule 223c. (1) If the referee determines that a contest may not continue because of an injury caused by an intentional foul, the contestant who committed the intentional foul loses by disqualification.

(2) If the referee determines that a contest may continue despite an injury caused by an intentional foul, the referee shall immediately inform the department representative and the judges and shall deduct 2 points from the score of the contestant who committed the intentional foul.

(3) If an injury caused by an intentional foul results in the contest being stopped in a later round, either of the following must occur:

(a) If the injured contestant is ahead on the scorecards, the contestant wins by technical decision.

(b) If the injured contestant is behind or even on the scorecards, the contest must be declared a technical draw.

(4) If a contestant injures himself or herself while attempting to foul his or her opponent, the referee shall not take any action in his or her favor and the injury must be treated the same as an injury produced by a fair blow.

(5) If a contest is stopped because of an accidental foul, the referee shall determine whether the contestant who has been fouled can continue or not. If the contestant's chance of winning has not been seriously jeopardized because of a foul and if the foul did not involve a concussive impact to the head of the contestant who was fouled, the referee may order the contest continued after a reasonable interval. Before the contest begins again, the referee shall inform the judges and department representative of his or her determination that the foul was accidental.

(6) If the referee determines that the contest may not continue because of an injury suffered as the result of an accidental foul, the contest must be declared a no decision if the foul occurs during the first 3 rounds of a contest that is scheduled for 6 rounds or less or the first 4 rounds if scheduled for more than 6 rounds.

(7) If an injury inflicted by an accidental foul later becomes aggravated by fair blows and the referee orders the contest stopped because of the injury, the outcome must be determined by scoring the completed rounds and the round during which the referee stops the contest.

(8) A physician shall immediately examine and administer aid to a contestant who is knocked out or injured, if, in the physician's professional judgment, there is a concern for the contestant's safety.

(9) If a contestant is knocked out or incapacitated, then the referee or second shall not handle the contestant, except for the removal of a mouthpiece, unless directed by the physician to do so.

(10) A contestant shall not refuse to be examined by a physician.

(11) A contestant who has been knocked out shall not leave the site of the event until 1 hour has elapsed from the time of the examination or until released by the physician.

(12) The attending physician shall file a written report with the department on each contestant who has been knocked out or injured.

History: 2023 MR 6, Eff. March 21, 2023.

**R 339.225 Knockouts; boxing.**

Rule 225. (1) A contestant in a boxing contest who is knocked down shall take a minimum mandatory count of 8.

(2) If a contestant in a boxing contest is dazed by a blow and, in the referee's opinion, is unable to defend himself or herself, then the referee shall give a standing mandatory count of 8 or stop the contest. If on the count of 8 the contestant, in the referee's opinion, is unable to continue, then the referee may count him or her out on his or her feet or stop the contest on the count of 8.



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- (3) If there is a knockdown in a boxing contest, then the timekeeper shall immediately start the count loud enough to be heard by the referee, who, after waving the opponent to the farthest neutral corner, shall pick up the count from the timekeeper and proceed from there. The referee shall stop the count if the opponent fails to remain in the corner. The count shall be resumed when the opponent has returned to the corner.
- (4) The timekeeper shall signal the count to the referee.
- (5) If the contestant taking the count in a boxing contest is still down when the referee calls the count of 10, then the referee shall wave both arms to indicate that the contestant has been knocked out. The referee shall summon the physician and then raise the opponent's hand as the winner. The referee's count is the official count.
- (6) If at the end of a round a contestant in a boxing contest is down and the referee is in the process of counting, then the gong indicating the end of the round must not be sounded, except for the last round. The gong must only sound when the referee gives the command to box indicating the continuation of the contest.
- (7) In the final round, the timekeeper's gong terminates the fight contest.
- (8) A referee shall award a technical knockout decision to the opponent if a contestant is unable or refuses to continue when the gong sounds to begin the next round. The decision is awarded in the round started by the gong.
- (9) The referee and timekeeper shall resume their count at the point it was suspended if a contestant in a boxing contest rises before the count of 10 is reached and falls down immediately without being struck.
- (10) If both contestants in a boxing contest go down at the same time, then counting continues as long as 1 of them is still down or until the referee or the ringside physician determines that 1 or both of the contestants need immediate medical attention. If both contestants remain down until the count of 10, then the contest must stop and the decision is scored as a double knockout.

History: 2005 AACS; 2009 AACS; 2023 MR 6, Eff. March 21, 2023.

**R 339.225a Knockouts; kickboxing and muay thai.**

Rule 225a. (1) In the event of a knockdown, the referee shall send the standing contestant to a neutral corner and administer a mandatory 10 count to the downed contestant.

(2) For purposes of this rule, a knockdown is either of the following:

- (a) When a contestant touches the mat with anything other than the soles of his or her feet as the result of a legal and damaging strike.
  - (b) When a contestant is in a defenseless position grabbing the opponent or hanging on or over the ropes.
- (3) If a contestant goes down from what the referee indicates is a slip but fails to rise after the referee's repeated commands, the referee shall initiate a count of 10 and follow the procedures of a knockdown. If the contestant does not rise after a count of 10, the contest ends as a technical knockout.
- (4) The referee shall have sole discretion in determining a knockdown versus a slip.
- (5) If a contestant injures himself or herself and then fails to intelligently defend himself or herself by turning his or her back on the opponent, the referee may do either of the following:
- (a) Treat the injury the same as one produced by a fair blow from the opponent and follow the procedures for a knockdown,
  - (b) Terminate the contest and declare the opponent winner by technical knockout.
- (6) The 3-knockdown rule is in effect only when a contestant has been knocked down 3 times in the same round by strikes or kicks to the head. If a contestant is knocked down 3 times, the contest ends, and contestant is determined to have lost the contest by technical knockout.
- (7) A standing 8 count in professional kickboxing or muay thai contests is not allowed.
- (8) In an amateur kickboxing and muay thai contest, a referee may issue a standing 8 count to determine if a contestant can continue the contest.
- (9) A contestant who has been knocked down shall not be saved by the bell in any round, including the final round.

History: 2023 MR 6, Eff. March 21, 2023.

**R 339.226 Types of contest results for mixed martial arts events.**

Rule 226. The following are the types of contest results for mixed martial arts events:

- (a) Submission by either of the following:
  - (i) Tap out: When a contestant physically uses his hand to indicate that he or she no longer wishes to continue.
  - (ii) Verbal tap out: When a contestant verbally announces to the referee that he or she does not wish to continue.
- (b) Technical knockout by any of the following:
  - (i) Referee stops the contest.
  - (ii) When an injury as a result of a legal maneuver is severe enough to terminate a contest.
  - (iii) If a contestant fails to answer the bell or does not want to continue the contest.
- (c) Knockout by failure to rise from the canvas.

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- (d) Decision via scorecards including any of the following:
  - (i) Unanimous decision: When all 3 judges score the contest for the same contestant.
  - (ii) Split decision: When 2 judges score the contest for 1 contestant and 1 judge scores for the opponent.
  - (iii) Majority decision: When 2 judges score the contest for same contestant and only 1 judge scores a draw.
- (e) Draw including any of the following:
  - (i) Unanimous Draw: When all 3 judges score the contest a draw.
  - (ii) Majority Draw: When 2 judges score the contest a draw.
  - (iii) Split Draw: When 1 judge scores in favor of one contestant, 1 judge scores in favor of the other contestant, and 1 judge scores the contest as a draw.
- (f) Disqualification: When an injury sustained during competition as a result of an intentional foul is severe enough to terminate the contest.
- (g) Forfeit: When a contestant fails to begin competition or prematurely ends the contest for reasons other than injury or by indicating a tap out.
- (h) Technical draw: When an injury sustained during competition as a result of an intentional foul causes the injured contestant to be unable to continue and the injured contestant is even or behind on the scorecards at the time of stoppage.
- (i) Technical decision: When the contest is prematurely stopped due to injury and a contestant is leading on the scorecards.
- (j) No contest: When a contest is prematurely stopped due to accidental injury and a sufficient number of rounds have not been completed to render a decision via the scorecards.
- (k) Double knockout: If the referee determines that both contestants are in a condition that to continue might subject the contestants to serious injury, the referee shall stop the contest and the contest is considered a technical draw.  
History: 2009 AACS; 2019 AACS; 2023 MR 6, Eff. March 21, 2023.

**R 339.226**

**Source:** 2019 AACS.

**R 339.226a**

**Source:** 2019 AACS.

**R 339.226b Types of contest results for kickboxing events.**

Rule 226b. The following are the types of contest results for kickboxing events:

- (a) Points decision: When both contestants finish the scheduled rounds, victory is awarded by majority decision of the judging panel according to the following:
  - (i) Unanimous decision: When all 3 judges score the contest for the same contestant.
  - (ii) Split decision: When 2 judges score the contest for 1 contestant and 1 judge scores for the opponent.
  - (iii) Majority decision: When 2 judges score the contest for same contestant and only 1 judge scores a draw.
- (b) Knockout: If a contestant is incapable of resuming the contest within the referee's 10-count due to legal strikes.
- (c) Technical knockout by any of the following:
  - (i) If the official determines a contestant shows no will to or is incapable of resuming the contest due to a legal technique.
  - (ii) If the official determines the contestant can no longer intelligently defend himself or herself.
  - (iii) If the contestant does not leave his or her corner to take part in the contest following the sounding of the bell.
  - (iv) If the referee is of the opinion that 1 contestant is outmatched by the opponent and continuing the match would jeopardize the athlete's health and safety.
  - (v) If the contest is terminated for medical reasons due to injury resulting from a legal technique.
  - (vi) Where a contestant's corner indicates to the official that the contestant no longer wishes to continue the contest and throws in the towel. If a contestant or his or her second gives up the contest, the contestant or his or her second will indicate this to the referee or the department representative.
- (d) Disqualification: The referee disqualifies the contestant for any reason including intentional, deliberate, flagrant, or repeated fouling.
- (e) Draw: If, following the end of all rounds, at least 2 of the 3 judges do not pronounce 1 of the contestants a winner. If both contestants go down at the same time and neither can resume the contest within the referee's 10-count.
- (f) No decision: If a contestant cannot continue as the result of an accidental foul and the bell has not yet sounded completing the second round of a 3-round contest or completed the third round of a 5-round contest or completed the fourth round of a contest scheduled for more than 5 rounds. If the referee decides, both contestants must be disqualified.

History: 2023 MR 6, Eff. March 21, 2023.

**R 339.226c Types of contest results for muay thai events.**

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Rule 226c. The following are the types of contest results for muay thai events:

(a) Knockout: If a contestant is incapable of resuming the contest within the referee's 10-count due to legal strikes.

(b) Technical knockout by any of the following:

(i) When the referee orders the contest to stop because a contestant is not fit to continue.

(ii) When a contestant cannot answer the bell for the upcoming round.

(iii) The contestant is so badly cut that it is too dangerous to continue.

(c) Submission: When a contestant notifies the referee that he or she no longer wishes to continue.

(d) Unanimous decision: When all 3 judges score in favor of 1 contestant.

(e) Split decision: When 2 judges score in favor of 1 contestant, while 1 judge scores in favor of the other contestant.

(f) Majority decision: When 2 judges score in favor of 1 contestant and 1 judge determines it is a draw.

(g) Disqualification: When a referee stops a contest due to a contestant's intentional foul or accidental foul.

(h) Technical draw: In case of an intentional foul which causes injury, and the contest continues but is later stopped because of the initial foul, the referee shall stop the contest and declare a technical draw if the scores are equal or if the fouled contestant is behind on the cards.

(i) Technical decision by any of the following:

(i) In case of an intentional foul which causes injury, and the contest is

continued but is later stopped because of the initial foul, the referee shall declare a victory for the fouled contestant if he or she is ahead on the cards.

(ii) If a contest cannot continue due to an accidental foul but enough rounds

have been completed, the referee shall declare a victory for the contestant ahead on the score cards.

(j) No contest: In case of an accidental foul which causes injury so

serious that the contest cannot be continued but less than enough rounds have been completed.

(k) Draw: When scoring of the rounds results in a 3-way tie amongst the judges.

(l) Majority draw: When 2 judges score the fight a draw and 1 judge declares 1 of the contestants the victor.

History: 2023 MR 6, Eff. March 21, 2023.

**R 339.227**

**Source:** 2019 AACS.

**R 339.229**

**Source:** 2019 AACS.

**R 339.230 Judging; mixed martial arts.**

Rule 230. (1) Three judges shall evaluate all mixed martial arts contests.

(2) The 10-Point Must Scoring System must be the standard system for scoring a contest. Under the 10-Point Must Scoring System, 10 points must be awarded to the winner of the round and 9 points or fewer must be awarded to the loser, except for a rare even round, which is scored (10-10).

(3) Judges shall evaluate mixed martial arts techniques, such as effective striking, effective grappling, effective aggressiveness, control of the cage, and defense.

(4) Evaluation must be made in the order in which the techniques appear in subrule (2) of this rule. Effective striking and grappling must be the priority for round scoring. Effective aggressiveness must only be considered for round scoring if the judge does not see any advantage in effective striking and grappling. A judge may only take into consideration the control of the cage for round scoring when effective striking, grappling, and aggressiveness are even for both contestants. In the rare event that control of the cage is even for both contestants, a judge may take into consideration the effective defense of contestants.

(5) Effective striking is judged by determining the legal blows that have an immediate or cumulative impact with the potential to contribute toward the end of the round. The immediate impact must weigh more heavily than the cumulative impact in a judge's scoring of a round.

(6) Effective grappling is judged by considering the successful execution of takedowns, submission attempts, reversals, and the achievement of advantageous positions that produce immediate or cumulative impact with the potential to contribute to the end of the round. The immediate impact must weigh more heavily than the cumulative impact in a judge's scoring of a round. A successful takedown is not merely a changing of position, but the establishment of an attack from the use of the takedown. Top and bottom position fighters shall be assessed more on the impactful and effective result of their actions than their position.

(7) Effective aggressiveness is judged by considering a contestant aggressively making effective attempts to finish the contest. A judge shall not consider a contestant merely chasing after an opponent with no effective result or impact in the

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scoring of a round.

- (8) The control of the cage is assessed by determining who is dictating the pace, place, and position of the contest.
- (9) Effective defense means avoiding being struck, taken down, or reversed while countering with offensive attacks.
- (10) The judges shall use the following objective scoring criteria when scoring a round:
  - (a) A round must be scored as a 10-10 round when both contestants appear to be competing evenly and neither contestant shows clear dominance in a round.
  - (b) A round must be scored as a 10-9 round when a contestant wins by a close margin, landing effective strikes or utilizing effective grappling during the competition.
  - (c) A round must be scored as a 10-8 round when 1 contestant has dominated the action of the round, had duration of the domination, and impacted his or her opponent with either effective strikes or effective grappling maneuvers that diminished the abilities of his or her opponent.
  - (d) A round must be scored as a 10-7 round when a contestant totally dominates by striking or grappling in a round— and stoppage is warranted.
- (11) Judges shall use a sliding scale and recognize the length of time the contestants are either standing or on the ground, as follows:
  - (a) If the mixed martial arts contestant spent a majority of a round on the canvas, then both of the following apply:
    - (i) Effective grappling is weighed first.
    - (ii) Effective striking is weighed second.
  - (b) If the mixed martial arts contestant spent a majority of a round standing, then both of the following apply:
    - (i) Effective striking is weighed first.
    - (ii) Effective grappling is weighed second.
  - (c) If a round ends with a relatively even amount of standing and canvas competition, striking and grappling are weighed equally.
- (12) Officials who score the contest shall mark their cards in ink or in indelible pencil at the end of each round.
- (13) Officials who score the contest shall sign their scorecards.
- (14) Except as provided in subrule (15) of this rule, at the conclusion of each contest, the judges shall total the points for each contestant and indicate the winner by writing the winner's name at the designated area on the scorecard and circle the same name where it appears on the top of the scorecard.
- (15) If a contest is scored on individual scorecards for each round, the referee shall, at the end of a round, collect the scorecard for the round from each judge and shall give the scorecards to the department representative for computation.
- (16) Referees and judges shall be discreet at all times and shall not discuss their decisions with anyone during an event.
- (17) Unless the department representative determines that a computation of the scorecards shows a clerical or mathematical error giving the decision to the wrong contestant, the decision at the end of a mixed martial arts contest must not change. If such an error occurs, the department representative may change the decision.
- (18) The referee shall collect the scorecards from the judges and give them to the department representative for tabulation. After the cards have been tabulated, the referee shall collect the tabulated scorecards and give them to the announcer, who shall announce the decision to the spectators.
- (19) After a contest, the department representative shall collect the scorecards and tabulation sheets and give them to the promoter. The promoter shall maintain the scorecards and tabulation sheets for 1 year pursuant to section 54a of the act, MCL 338.3654a.
- (20) If a referee becomes incapacitated and is unable to complete a mixed martial arts contest, then the other referee previously approved by the department for the event shall assume the duties of the referee.
- (21) If a judge becomes incapacitated and is unable to complete the scoring of a mixed martial arts contest, then the referee shall call a time-out and a licensed judge previously approved by the department must score the contest from the point at which he or she assumed the duties of a judge. If the incapacity of a judge is not noticed during a round, the referee shall score that round and the substitute judge shall score all subsequent rounds.

History: 2009 AACS; 2016 AACS; 2019 AACS; 2023 MR 6, Eff. March 21, 2023.

**R 339.230a Judging; kickboxing.**

Rule 230a. (1) The 10-Point Must System must be the standard system of scoring a kickboxing contest. Under the 10-Point Must Scoring System, 10 points must be awarded to the winner of the round. The contestant who has lost the round may be awarded 9, 8, or 7 points. If a judge determines a round is an even round, a score of 10 shall be awarded to each contestant. Partial or incomplete rounds shall be scored. If no significant action has occurred, the round shall be scored as an even round.

(2) Judges shall evaluate kickboxing contests in the order of the following:

- (a) The total number of knockdowns landed by a contestant.
- (b) The cumulative effective impact a contestant has on an opponent.

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- (c) The total number of clean scoring strikes landed by a contestant.
  - (d) The ring area control or aggressiveness a contestant has over an opponent.
  - (3) Officials who score the contest shall mark their cards in ink or in indelible pencil at the end of each round.
  - (4) Officials who score the contest shall sign their scorecards.
  - (5) Except as provided in subrule (6) of this rule, at the conclusion of each contest, the judges shall total the points for each contestant and indicate the winner by writing the winner's name at the designated area on the scorecard and circle the same name where it appears on the top of the scorecard.
  - (6) If a contest is scored on individual scorecards for each round, the referee shall, at the end of a round, collect the scorecard for the round from each judge and give the scorecards to the department representative for computation.
  - (7) Referees and judges shall be discreet at all times and shall not discuss their decisions with anyone during an event.
  - (8) Unless the department representative determines that a computation of the scorecards shows a clerical or mathematical error giving the decision to the wrong contestant, the decision at the end of a kickboxing contest must not change. If such an error occurs, the department representative may change the decision.
  - (9) The referee shall collect the scorecards from the judges and give them to the department representative for tabulation. After the cards have been tabulated, the referee shall collect the tabulated scorecards and give them to the announcer, who shall announce the decision to the spectators.
  - (10) After a contest, the department representative shall collect the scorecards and tabulation sheets and give them to the promoter. The promoter shall maintain the scorecards and tabulation sheets for 1 year pursuant to section 54a of the act, MCL 338.3654a.
  - (11) If a referee becomes incapacitated and is unable to complete a kickboxing contest, then the other referee previously approved by the department for the event shall assume the duties of the referee.
  - (12) If a judge becomes incapacitated and is unable to complete the scoring of a kickboxing contest, then the referee shall call a time-out and a licensed judge previously approved by the department must score the contest from the point at which he or she assumed the duties of a judge. If the incapacity of a judge is not noticed during a round, the referee shall score that round and the substitute judge shall score all subsequent rounds.
- History: 2023 MR 6, Eff. March 21, 2023.

**R 339.230b Judging; muay thai.**

Rule 230b. (1) Three judges shall evaluate all muay thai contests.

(2) The 10-Point Must Scoring System must be the standard system for scoring a muay thai contest. Under the 10-Point Scoring System, 10 points must be awarded to the winner of the round and 9 points or fewer must be awarded to the loser, except for a rare even round, which is scored 10-10.

(3) Judges shall evaluate the following muay thai techniques:

- (a) Effective striking.
- (b) Control of the ring.
- (c) Effective aggressiveness.
- (d) Effective defense.

(4) Evaluation must be made in the order in which the techniques appear in subrule (3) of this rule.

(5) Effective striking is judged by determining the total number of legal strikes landed by a contestant and the significance of these legal strikes.

(6) Ring cage area control is judged by determining who is dictating the pace, location, and position of the contest.

(7) Effective aggressiveness means moving forward and landing a legal strike.

(8) Effective defense means avoiding being struck while countering with offensive attacks.

(9) The judges shall use the following objective scoring criteria when scoring a round:

- (a) A round is to be scored as a 10-10 round when both contestants appear to be competing evenly and neither contestant shows clear dominance in a round.
- (b) A round is to be scored as a 10-9 round when a contestant wins by a close but clear margin, landing the greater number of effective legal strikes and other maneuvers.
- (c) A round is to be scored as a 10-8 round when a contestant wins a round by a wide margin and damages his opponent.
- (d) A round is to be scored as a 10-7 round when a contestant totally and completely dominates in a round and damages his or her opponent.

(10) Officials who score the contest shall mark their cards in ink or in indelible pencil at the end of each round.

(11) Officials who score the contest shall sign their scorecards.

(12) Except as provided in subrule (13) of this rule, at the conclusion of each contest, the judges shall total the points for each contestant and indicate the winner by writing the winner's name at the designated area on the scorecard and circle the

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same name where it appears on the top of the scorecard.

(13) If a contest is scored on individual scorecards for each round, the referee shall, at the end of a round, collect the scorecard for the round from each judge and shall give the scorecards to the department representative for computation.

(14) Referees and judges shall be discreet at all times and shall not discuss their decisions with anyone during an event.

(15) Unless the department representative determines that a computation of the scorecards shows a clerical or mathematical error giving the decision to the wrong contestant, the decision at the end of a muay thai contest must not change. If this error occurs, the department representative may change the decision.

(16) The referee shall collect the scorecards from the judges and give them to the department representative for tabulation. After the cards have been tabulated, the referee shall collect the tabulated scorecards and give them to the announcer, who shall announce the decision to the spectators.

(17) After a contest, the department representative shall collect the scorecards and tabulation sheets and give them to the promoter. The promoter shall maintain the scorecards and tabulation sheets for 1 year pursuant to section 54a of the act, MCL 338.3654a.

(18) If a referee becomes incapacitated and is unable to complete a mixed martial arts contest, then the other referee previously approved by the department for the event shall assume the duties of the referee.

(19) If a judge becomes incapacitated and is unable to complete the scoring of a muay thai contests, then the referee shall call a time-out and a licensed judge previously approved by the department must score the contest from the point at which he or she assumed the duties of a judge. If the incapacity of a judge is not noticed during a round, the referee shall score that round and the substitute judge shall score all subsequent rounds.

History: 2023 MR 6, Eff. March 21, 2023.

**R 339.231**

**Source:** 2019 AACs.

**R 339.232 Fouls; mixed martial arts.**

Rule 232. (1) A referee of a mixed martial arts contest may disqualify or penalize a contestant by deducting points from a round for any of the following fouls:

(a) Holding or grabbing the fence.

(b) Holding opponent's shorts or gloves.

(c) The presence of more than 1 second on the cage area perimeter during a round.

(d) The presence of more than 2 seconds inside the ring or cage during a rest period or more than 2 seconds on the ring or cage perimeter.

(e) Butting with the head.

(f) Eye gouging of any kind.

(g) Biting or spitting at an opponent.

(h) Hair pulling.

(i) Fish hooking.

(j) Groin attacks of any kind.

(k) Intentionally placing a finger in any opponent's orifice or into any cut or laceration on an opponent.

(l) Downward pointing of elbow strikes.

(m) Small joint manipulation.

(n) Strikes to the spine or back of the head.

(o) Heel kicks to the kidney.

(p) Throat strikes of any kind, including, but not limited to, grabbing the trachea.

(q) Clawing, pinching, twisting the flesh or grabbing the clavicle.

(r) Kicking the head of a grounded contestant.

(s) Kneeing the head of a grounded contestant.

(t) Stomping of a grounded contestant.

(u) The use of abusive language in competing area.

(v) Any unsportsmanlike conduct that causes an injury to opponent.

(w) Attacking an opponent on or during the break.

(x) Attacking an opponent who is under the referee's care at the time.

(y) Timidity, for example, avoiding contact, consistent dropping of mouthpiece, or faking an injury.

(z) Interference from a second.

(aa) Throwing an opponent out of the cage.

(bb) Intentional disregard of the referee's instructions.

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- (cc) Spiking an opponent to the canvas on his or her head or neck.
- (dd) Attacking an opponent after the bell has sounded the end of the round.
- (ee) While in a standing position, movement of arm or arms with open hands towards an opponent with fingers outstretched towards an opponent's face or eyes.
- (2) Disqualification occurs after any combination of 3 of the fouls listed in subrule (1) of this rule or after a referee determines that a foul is intentional.
- (3) Fouls result in a point being deducted from the offending contestant's score.
- (4) Only a referee may assess a foul.
- (5) A fouled contestant has up to 5 minutes to recover.
- (6) If the referee assesses a foul, the referee shall do all of the following:
  - (a) Call time.
  - (b) Check the fouled contestant's condition and safety.
  - (c) Assess the foul to the offending contestant, deduct points, and notify each corner's second, the judges, and the department representative responsible for tabulating scores.
  - (7) If a bottom contestant commits a foul, unless the top contestant is injured, the contest will continue so as not to jeopardize the top contestant's superior positioning at the time. In addition, the referee shall do both of the following:
    - (a) Verbally notify the bottom contestant of the foul.
    - (b) At the end of the round, assess the foul to the offending contestant, deduct points, and notify each corner's second, the judges, and the department representative responsible for tabulating scores.
  - (8) The referee may terminate a contest based on the severity of the foul. If the referee deems the foul intentional, the contestant shall lose by disqualification.

History: 2009 AACS; 2019 AACS; 2023 MR 6, Eff. March 21, 2023.

**R 339.232a Fouls; kickboxing.**

Rule 232a. (1) A referee of a kickboxing contest may penalize a kickboxing contestant by deducting points from a round for any of the following fouls:

- (a) Head butts.
- (b) Groin strikes.
- (c) Thrusting or linear kicks directed at the knee joint.
- (d) Striking the back of the head or the spine.
- (e) Attacks to the throat.
- (f) Striking a downed contestant.
- (g) Failure to obey the referee's commands.
- (h) Striking on a break.
- (i) Striking after a bell.
- (j) Holding or using the ropes while striking or clinching.
- (k) Repeatedly and intentionally avoiding engagement or contact with the opponent.
- (l) Use of abusive language or gestures, or both.
- (m) Causing intentional delays in the contest.
- (n) Thumbing.
- (o) Holding the opponent's leg without executing a legal strike or while executing more than 1 striking technique. A contestant may grab the opponent's kicking leg and immediately execute 1 legal strike while taking 1 step, and then he or she must immediately release the leg.
- (p) Any effort to down a contestant by a method other than a legal strike or strikes including, but not limited to, the following:
  - (i) Joint locks.
  - (ii) Submission attempts.
  - (iii) Sweeps.
  - (iv) Reaps.
  - (v) Takedowns.
  - (vi) Throw.
- (q) Biting.
- (r) Spiting at the opponent.
- (s) Striking with the elbow, arm, wrist, or other part of the glove that is not the padded part of the glove.
- (t) Repeatedly grabbing, grasping, or tying up an opponent in order to prevent the opponent from striking. A contestant may

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clinch an opponent to immediately launch a credible knee attack. If, in the referee's discretion, the attack or counter knee attack is consistent and effective, he or she may allow it to continue for up to 5 seconds at which point he or she shall separate the contestants. If, within the 5 seconds, the knee attack or counterattack wanes or appears ineffective, the referee shall immediately separate the contestants.

(u) A contestant's second person enters the ring during the contest or touches 1 of the contestants during the contest, other than during the rest period or when permitted by the department representative.

(2) Disqualification occurs after any combination of 3 of the fouls listed in subrule (1) of this rule or after a referee determines that a foul was intentional.

(3) Fouls result in a point being deducted from the offending contestant's score.

(4) Only a referee may assess a foul.

(5) A fouled contestant has up to 5 minutes to recover.

(6) If the referee assesses a foul, the referee shall do all of the following:

(a) Call time.

(b) Check the fouled contestant's condition and safety.

(c) Assess the foul to the offending contestant, deduct points, and notify each corner's second, the judges, and the department representative responsible for tabulating scores.

(7) The referee may terminate a contest based on the severity of the foul. If the referee considers the foul to be intentional, the contestant shall lose by disqualification.

History: 2023 MR 6, Eff. March 21, 2023.

**R 339.232b Fouls; muay thai.**

Rule 232b. (1) A referee of a muay thai contest may penalize a muay thai contestant by deducting points from a round for any of the following fouls:

(a) Head butting.

(b) Strikes to the groin.

(c) Direct attacks to the back of the knee.

(d) Strikes to the back of the head.

(e) Strikes to the spine.

(f) Strikes to the throat.

(g) Striking a fighter while he or she is down.

(h) Striking a fighter while he or she is under the referee's care.

(i) Shoving, throwing, or wrestling an opponent when pushing in a legal clinch.

(j) Striking when the referee has called a break.

(k) Striking after the bell has sounded.

(l) Holding the ropes or using the ropes as a weapon.

(m) Timidity or intentionally avoiding contact.

(n) The use of abusive language or abusive gestures.

(o) Spitting out a mouthpiece causing intentional delay in action.

(p) Eye gouging.

(q) Hair pulling.

(r) Biting or spitting.

(s) Holding the opponent's shorts.

(t) Interference from a contestant's seconds.

(u) Illegal tripping or sweeping the back of an instep supporting leg of an opponent.

(v) Hip, shoulder, or leg throws.

(w) Grasping the opponent's lower back while also forcing an opponent's spine to hyperextend.

(x) Intentionally falling on a down opponent or pressing the elbow or knee upon the opponent.

(y) Wrestling, back or arm locks, or any similar judo or wrestling hold.

(z) Attempting to pile-drive an opponent's head into the canvas.

(aa) Catching an opponent's kick and pushing an opponent for more than 3 steps without attempting to deliver an attacking technique.

(bb) Pretending to throw himself or herself down on ring floor after his or her kicking leg is caught by the opponent.

(2) Disqualification occurs after any combination of 3 of the fouls listed in subrule (1) of this rule or after a referee determines that a foul was intentional.

(3) Fouls result in a point being deducted from the offending contestant's score.

(4) Only a referee may assess a foul.



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(5) A fouled contestant has up to 5 minutes to recover.

(6) If the referee assesses a foul, the referee shall do all of the following:

(a) Call time.

(b) Check the fouled contestant's condition and safety.

(c) Assess the foul to the offending contestant, deduct points, and notify each corner's second, the judges, and the department representative responsible for tabulating scores.

(7) The referee may terminate a contest based on the severity of the foul. If the referee deems the foul intentional, the contestant shall lose by disqualification.

History: 2023 MR 6, Eff. March 21, 2023.

**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 339.246b Dress and protective equipment for kickboxing and muay thai contestants.**

Rule 246b. (1) A contestant in a kickboxing or muay thai contest must wear kickboxing shorts, or muay thai shorts or trunks.

(2) A contestant must wear a fitted mouthpiece, which the referee shall examine before a contest.

(3) Gloves must meet the requirements of section 54a of the act, MCL 338.3654a.

(4) Contestants shall not wear shoes in kickboxing or muay thai contests.

(5) Male contestants shall not wear a shirt, rash guard, or other items on the upper body. Female contestants may wear a breast protection plate, rash guard, sports bra, or body shirt.

(6) Contestants shall not wear jewelry or a piercing during a contest.

(7) Amateur kickboxing and muay thai contestants shall wear protective headgear and shin and instep protectors if either contestant requests before a contest to wear protective headgear and shin and instep protectors.

History: 2023 MR 6, Eff. March 21, 2023.

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**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 Filing of documents by promoter; accuracy of promotional materials; contract requirements; contracted purse.**

Rule 261. (1) A matchmaker is responsible for verifying the identity, ring record, eligibility, and suspensions of each contestant. A promoter is responsible for the accuracy of the names and records of each of the participating contestants in all publicity or promotional material.

(2) A contestant shall use his or her legal name to sign a contract; however, a contestant who is licensed under another name may sign the contract using his or her licensed name if the contestant's legal name appears in the body of the contract as the name under which the contestant is otherwise known.

(3) All contracts must be between a promoter and a contestant. There shall not be a contract between the promoter and a manager. However, a contract may be signed by a contestant's manager on behalf of the contestant. If a contestant does not have a manager, then the contestant shall sign the contract. The contracted purse amount paid to a professional contestant must not be less than \$100 per contracted round.

(4) The contract that is filed with the department must embody all of the agreements between the parties. Secret contracts that contradict the terms of the contracts that are filed with the department are prohibited.

(5) The contract between a promoter and a contestant must be for the use of the contestant's skills in a contest and shall not require the contestant to sell tickets in order to be paid for his or her services.

History: 2005 AACS; 2009 AACS; 2016 AACS; 2023 MR 6, Eff. March 21, 2023.

**R 339.263**

Source: 2005 AACS.

**R 339.265 Compensation for contest officials.**

Rule 265. (1) Each official approved to officiate a contest regulated by the department must be paid an amount not less than the base fees shown in table 1:

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TABLE 1  
Compensation for Event Officials

Gross Purses Contracted		Referees	Judges	Timekeepers
\$0.00 to \$7,500.00		\$100.00	\$75.00	\$50.00
\$7,501.00 to \$20,000.00		\$150.00	\$100.00	\$75.00
\$20,001.00 to \$50,000.00		\$250.00	\$150.00	\$100.00
\$50,001.00 to \$100,000.00		\$350.00	\$250.00	\$150.00
Over \$100,000.00		\$700.00	\$450.00	\$200.00

(2) The department shall adjust and publish these fees annually and index the fees to the Detroit consumer price index, as published by the Bureau of Labor Statistics, United States Department of Labor.

(3) The promoter shall disclose the amount paid to officials to the department on a form satisfactory to the department and required to be submitted under section 54a of the act, MCL 338.3654a.

(4) Licensees may request that information furnished to the department under this rule be treated as confidential under section 61a of the act, MCL 338.3661a.

History: 2005 AACS; 2009 AACS; 2016 AACS; 2019 AACS; 2023 MR 6, Eff. March 21, 2023.

**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.

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**R 339.601**  
**Source:** 2014 AACS.

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**DIRECTOR'S OFFICE**

**OCCUPATIONAL CODE RENEWALS**

**PART 1. LICENSE AND REGISTRATION RENEWALS**

**R 339.1001**  
**Source:** 2014 AACS.

**R 339.1001a**  
**Source:** 2021 AACS.

**PART 2. LICENSE AND REGISTRATION RENEWALS**

**R 339.1002**  
**Source:** 2021 AACS.

**R 339.1003**  
**Source:** 2021 AACS.

**R 339.1003a**  
**Source:** 2021 AACS.

**R 339.1004**  
**Source:** 2014 AACS.

**R 339.1005**  
**Source:** 1997 AACS.

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**OCCUPATIONAL CODE—DISCIPLINARY RULES**

**PART 1. GENERAL RULES**

**R 339.1701**  
**Source:** 2015 AACS.

**R 339.1702**  
**Source:** 2021 AACS.

**R 339.1703**  
**Source:** 2021 AACS.

**R 339.1705**  
**Source:** 2015 AACS.

**R 339.1706**  
**Source:** 2021 AACS.

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**R 339.1707**  
Source: 1997 AACS.

**R 339.1708**  
Source: 2021 AACS.

**R 339.1709**  
Source: 2015 AACS.

**R 339.1710**  
Source: 2021 AACS.

**R 339.1711**  
Source: 1997 AACS.

**PART 2. HISTORICAL RECORDS**

**R 339.1712**  
Source: 2021 AACS.

**R 339.1713**  
Source: 2015 AACS.

**PART 3. INVESTIGATIONS**

**R 339.1714**  
Source: 2021 AACS.

**R 339.1715**  
Source: 1997 AACS.

**PART 4. CONTESTED CASE PROCEEDINGS**

**R 339.1716**  
Source: 2021 AACS.

**R 339.1721**  
Source: 2015 AACS.

**R 339.1725**  
Source: 1997 AACS.

**PART 5. COMPLIANCE CONFERENCE AND  
REQUEST FOR ADJOURNMENT**

**R 339.1726**  
Source: 2021 AACS.

**R 339.1727**  
Source: 1997 AACS.

**R 339.1728**  
Source: 1997 AACS.

**R 339.1731**  
Source: 2021 AACS.

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**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**

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**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**

**Source:** 2005 AACS.

**R 339.3217**

**Source:** 2005 AACS.

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**R 339.3218**  
Source: 2005 AACs.

**R 339.3219**  
Source: 2005 AACs.

**R 339.3220**  
Source: 2005 AACs.

**R 339.3221**  
Source: 2005 AACs.

**R 339.3222**  
Source: 2005 AACs.

**R 339.3223**  
Source: 2005 AACs.

**R 339.3224**  
Source: 2005 AACs.

**R 339.3225**  
Source: 2005 AACs.

**R 339.3226**  
Source: 2005 AACs.

**R 339.3227**  
Source: 2005 AACs.

**R 339.3228**  
Source: 2005 AACs.

**R 339.3229**  
Source: 2005 AACs.

**R 339.3230**  
Source: 2005 AACs.

**R 339.3231**  
Source: 2005 AACs.

**R 339.3232**  
Source: 2005 AACs.

**R 339.3233**  
Source: 2005 AACs.

**R 339.3234**  
Source: 2005 AACs.

**R 339.3235**  
Source: 2005 AACs.

**R 339.3236**  
Source: 2005 AACs.

**R 339.3199**



**Source:** 1985 AACS.

**PART 2. PROFESSIONAL BOXING**

**R 339.3201**

**Source:** 1995 AACS.

**R 339.3202**

**Source:** 1995 AACS.

**R 339.3203**

**Source:** 1995 AACS.

**R 339.3204**

**Source:** 1995 AACS.

**R 339.3205**

**Source:** 1995 AACS.

**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**

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**Source:** 1995 AACS.

**R 339.3218**

**Source:** 1995 AACS.

**R 339.3219**

**Source:** 1995 AACS.

**R 339.3220**

**Source:** 1995 AACS.

**R 339.3221**

**Source:** 1995 AACS.

**R 339.3222**

**Source:** 1995 AACS.

**R 339.3223**

**Source:** 1995 AACS.

**R 339.3224**

**Source:** 1995 AACS.

**R 339.3225**

**Source:** 1995 AACS.

**R 339.3226**

**Source:** 1995 AACS.

**R 339.3227**

**Source:** 1995 AACS.

**R 339.3228**

**Source:** 1995 AACS.

**R 339.3229**

**Source:** 1995 AACS.

**R 339.3230**

**Source:** 1995 AACS.

**R 339.3231**

**Source:** 1995 AACS.

**R 339.3232**

**Source:** 1995 AACS.

**R 339.3233**

**Source:** 1995 AACS.

**R 339.3234**

**Source:** 1985 AACS.

**R 339.3235**

**Source:** 1995 AACS.

**R 339.3236**

**Source:** 1995 AACS.

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**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**

**BUREAU OF CONSTRUCTION CODES**

**SKILLED TRADES REGULATION RULES**

**PART 1. GENERAL PROVISIONS**

**R 339.5101 Definitions.**

Rule 101. (1) As used in these rules, “act” means the skilled trades regulation act, 2016 PA 407, MCL 339.5101 to 339.6133.  
(2) A term defined in the act has the same meaning when used in these rules.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5102 Advertising.**

Rule 102. (1) An individual who does not hold a license issued under the act shall not advertise for work that requires a license, as that term is defined in section 105 of the act, MCL 339.5105.

(2) A violation of this rule constitutes false advertising pursuant to section 607(f) of the act, MCL 339.5607.

History: 2023 MR 8, Eff. May 3, 2023.

**PART 2. ISSUANCE OF LICENSES**

**R 339.5111 Verification of licensure.**

Rule 111. An individual who is seeking written verification that a person is or is not licensed shall submit to the department a written request for this verification, along with a \$30.00 fee.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5112 License; name or address change, or both; duplicate license request.**

Rule 112. Except as provided in the act, a licensee who is seeking to amend his or her contact name, address, phone number, or email address shall submit the department form with 1 of the following fees, as applicable:

- (a) Name change with reprint ..... \$10.00.
- (b) Address change with reprint ..... \$10.00.
- (c) Name change, no reprint..... No fee.
- (d) Address change, no reprint ..... No fee.
- (e) No data change, duplicate license request ..... \$10.00.
- (f) Online data change, no reprint ..... No fee.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5113 License classification.**

Rule 113. (1) A licensee who is seeking an additional mechanical license classification shall submit to the department an application provided by the department along with the nonrefundable application fee.

(2) A boiler licensee who is seeking to upgrade his or her license to a higher classification shall maintain his or her current license in good standing for at least 1 year and take the prescribed examination. A boiler licensee may only upgrade his or her license 1 classification at a time.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5114 License examination; minimum grade.**

Rule 114. (1) An individual who is applying for licensure pursuant to section 203 of the act, MCL 339.5203, shall take a written examination approved by the department. A score of 75% is required to pass the written examination.

(2) A written examination may include a duplicate question or questions, as needed.

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(3) If a hands-on examination, commonly referred to as a practical exam in the industry, is administered as part of a license examination, the practical exam must be either pass or fail. The practical exam may be in addition to a written examination, as provided in subrule (1) of this rule.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5115 Minimal standards.**

Rule 115. (1) The minimal standard of acceptable practice is the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531. A licensee who deviates from the minimal standard of acceptable practice or the specified requirements of the codes adopted pursuant to the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531, its rules, these rules, or any acts by which the licensee operates may be considered to have committed an act demonstrating incompetence as described in section 607(g) of the act, MCL 339.5607.

(2) The department may verify any work or experience information provided by an applicant for licensure to establish the applicant's minimum practical experience in the applicant's desired license trade or classification. This work may be inspected, when practical, or it may be proven by the applicant submitting to the department pictures, diagrams, or other evidence as considered necessary and appropriate by the department.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5116 Renewal for licensure application.**

Rule 116. Unless otherwise specified in the act, a licensee who fails to submit the renewal for licensure application within 60 days after the license's expiration date shall pay to the department, in addition to the renewal fee, a late renewal fee of \$100.00 for renewal.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5117 License renewal.**

Rule 117. Unless otherwise specified in the act, an individual's license for his or her trade expires on December 31 of every calendar year.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5118 Relicensure.**

Rule 118. Unless otherwise specified in the act, a licensee who fails to renew a license 3 or more years after the license expired or who had his or her license revoked shall meet the requirements in section 411 of the act, MCL 339.5411, and shall take and pass the required examination.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5119 Code update courses; instructors; standards.**

Rule 119. (1) Unless otherwise provided in the act, the department shall approve instructor-provided code update courses that comply with the act and these rules. Instructors shall be approved by the department. A certificate of completion must be issued, either electronically or by paper, by a course provider to an individual who has successfully completed the code update class by required attendance. The certificate must contain all of the following information: A course approval number granted by the department. The name and address of the individual, school, organization, or company who sponsors or administers the course. The date the certificate was issued. The student's name and license number.

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

History: 2023 MR 8, Eff. May 3, 2023.

**PART 4. LICENSE FEES**

**R 339.5121 Nonrefundable application fee.**

Rule 121. The nonrefundable application fee is the initial license fee, as established pursuant to the respective cycle duration, as specified in the applicable article within the act.

History: 2023 MR 8, Eff. May 3, 2023.

## **PART 5. COMPLAINTS**

### **R 339.5131 Complaints.**

Rule 131. A complaint filed under the act must be made within 12 months after the latest of the following:

Last day at jobsite.

Final approval from the inspector.

Payment or partial payment tendered.

History: 2023 MR 8, Eff. May 3, 2023.

## **PART 6. PENALTIES AND REMEDIES**

### **R 339.5141 Violations.**

Rule 141. (1) A licensee shall respond to the department within 30 days of the date a citation is issued against a licensee. Failure to respond to the department within 30 days is a violation of the act.

(2) A licensee may receive written communication from the department requesting information for any reason. The licensee shall respond to the department, with the requested information, within the timeline allocated by the department in the written request, no later than the date that is prescribed in a letter to the licensee. Failure to respond to the department within the timeline allocated is a violation of the act.

History: 2023 MR 8, Eff. May 3, 2023.

## **PART 7. ELECTRICIANS AND ELECTRICAL CONTRACTORS**

### **R 339.5151 Licenses; issuance.**

Rule 151. (1) If a master electrician ceases to represent an electrical contractor, both the electrical contractor and the master electrician who was employed by the electrical contractor shall notify the department immediately of any changes in the employment status of the master electrician. The contractor license may be summarily suspended pursuant to section 507 of the act, MCL 339.5507, until the contractor designates an employee or officer who is a licensed master electrician to qualify for the contractor.

If a fire alarm specialty technician ceases to represent a fire alarm contractor, both the fire alarm contractor and the fire alarm specialty technician who was employed by the fire alarm contractor shall notify the department immediately of any changes in the employment status of the fire alarm specialty technician. The contractor license may be summarily suspended pursuant to section 507 of the act, MCL 339.5507, until the contractor designates an employee or officer who is a licensed fire alarm specialty technician to qualify for the contractor license.

If a sign specialist ceases to represent a sign contractor, both the sign contractor and the sign specialist who was employed by the sign contractor shall notify the department immediately of any changes in the employment status of the sign specialist. The contractor license may be summarily suspended pursuant to section 507 of the act, MCL 339.5507, until the contractor designates an employee or officer who is a licensed sign specialist to qualify for the contractor license.

History: 2023 MR 8, Eff. May 3, 2023.

## **PART 8. MECHANICAL CONTRACTORS**

### **R 339.5161 Mechanical specialty license classifications.**

Rule 161. (1) A mechanical specialty license is a license limited to a specific type of mechanical installation. Specialty licenses are not required if the work is covered under a different license classification, as follows:

Limited to solar heating and cooling. Solar heating and cooling means the installation of equipment and systems intended to utilize solar energy for space heating or cooling.

Limited to solid fuel and vented decorative gas appliances. Solid fuel equipment and vented decorative gas appliances means the installation of equipment that utilizes combusted solid fuel to produce heat or a vented fuel gas appliance in which the primary function lies in the aesthetic effect of the flames.

Limited to liquefied petroleum gas (LP) distribution piping. LP distribution piping means it is limited to the installation of fuel gas piping from the outlet of the first stage regulator to the inlet of the second stage regulator.

Limited to fuel gas piping. Fuel gas piping means the installation of piping, valves, and fittings from the outlet of the point of delivery to the outlet of the appliance shut off valve used to convey natural gas, manufactured gas, LP, or a mixture of these gases.

Limited to fuel gas piping and venting. Fuel gas piping and venting means the installation of fuel gas piping and the

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installation of a continuous open passageway from the flue collar or draft hood of an appliance to the outside atmosphere for the purpose of removing flue or vent gases.

(2) An individual who holds a heating, ventilation and air conditioning (HVAC) equipment license is not required to obtain a specialty license limited to solid fuel and vented decorative gas appliances, LP distribution piping, solar heating and cooling, fuel gas piping, or fuel gas piping and venting.

History: 2023 MR 8, Eff. May 3, 2023.

**PART 9. BOILER**  
**SUBPART A. BOILER LICENSES**

**R 339.5171 Scope of rules; adoption of national examination.**

Rule 171. (1) The rules in this subpart establish minimum requirements for each of the following:

The licensing of boiler inspectors, boiler repairers, boiler installers, and stationary engineers.

The requirements for the issuance of permits to install, repair, and alter boilers, boiler external piping, and non-boiler external piping.

The fees charged by the department for the issuance of a boiler license or boiler permit.

(2) Under section 927 of the act, MCL 339.5927, the board adopts the examination prepared by the National Institute for Uniform Licensing of Power Engineers (NIULPE), Inc., 510 N. Wolcott Ave., Chicago, Illinois 60622. The examination topics may be reviewed under the certification requirements for each level of boiler operator or stationary engineer at <https://niulpe.org>. The written examination for all classifications of boiler operator and stationary engineer must be delivered and administered by NIUPLE.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5172 Out-of-state applicant for licensure in this state.**

Rule 172. If an individual holds a national organization's license as a boiler repairer or boiler installer in another state, that individual may be licensed in this state for the work he or she is licensed to perform by the national organization. The individual shall submit to the department both of the following:

An application with a copy of his or her current and valid national license.

Payment of the nonrefundable application fee.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5173 Boiler installer's or repairer's license.**

Rule 173. (1) A boiler installer or repairer shall be licensed as required by section 939 of the act, MCL 339.5939.

An individual who is applying for a boiler installer's license must have at least 5 years of experience in all phases of boiler installation in the class of license for which the applicant is applying. A credit of 2 years of experience toward the 5 years of experience may be given for 2 years of experience in the design, construction, manufacture, or inspection of boilers.

An individual who is applying for a boiler repairer's license must have at least 5 years of experience in all phases of boiler repair in the class of license for which the applicant is applying. A credit of 3 years of experience toward the 5 years of experience may be given for 3 years of experience in the design, construction, manufacture, or inspection of boilers.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5174 Classes of boiler installer's licenses.**

Rule 174. (1) A class 1B installer's license qualifies an individual to install a low-pressure boiler that does not exceed a firing rate of 1,000,000 British thermal units (BTU) per hour as certified by the boiler manufacturer. For a class 1B license, the sum of all modules in a modular boiler must not exceed a firing rate of 1,000,000 BTU per hour as certified by the boiler manufacturer.

(2) A class 2B installer's license qualifies an individual to do both of the following:

Install a low-pressure boiler of any capacity or firing rate.

Perform work covered by a class 1B license.

(3) A class 3B installer's license qualifies an individual to do all the following:

Install a power boiler that has a capacity of not more than 5,000 pounds of steam per hour. Install or replace non-boiler external piping as defined by the American Society of Mechanical Engineers (ASME), as defined in Subpart B Part1, code B31.1, 2018, and R 339.5209. Perform work covered by a class 2B license.

(4) A class 4B installer's license qualifies an individual to do all the following:

Install a power boiler that has a capacity of not more than 300,000 pounds of steam per hour. Install or replace non-boiler

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external piping as defined by ASME code B31.1 and R 339.5209. Perform work covered by a class 3B license.

(5) A class 5B installer's license qualifies an individual to do all of the following:

Install a power boiler of any capacity or firing rate, except for a nuclear heat source boiler.

Install or replace non-boiler external piping as defined by ASME code B31.1 and R 339.5209.

Perform work covered by a class 4B license.

(6) A class 6B installer's license qualifies an individual to install a boiler that utilizes a nuclear heat source or its parts, appurtenances, or system components. Before a license is issued, an individual who is applying for a class 6B license shall submit evidence of both of the following:

Familiarity with and knowledge of all federal rules and regulations regarding the installation of a boiler that has a nuclear heat source.

Employment by a company in possession of a valid ASME nuclear code symbol applicable to the portions of any nuclear boiler system that the company proposes to install.

(7) A class P license qualifies an individual to install or replace non-boiler external piping or repair non-boiler external piping as defined by ASME code B31.1 and R 339.5209.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5175 Boiler repairers; classes of licenses.**

Rule 175. (1) A class I license allows a licensee to repair a low-pressure boiler by means other than welding, riveting, or other fabrication process.

(2) A class II license allows a licensee to do both of the following:

Repair a low-pressure boiler, a hot water supply boiler, and a fire tube boiler of any pressure. Perform work covered by a class I license.

(3) A class III license allows a licensee to do all of the following:

Repair a high-pressure boiler. Repair or replace non-boiler external piping, as defined by ASME code B31.1 and R 339.5209. Perform work covered by a class II license.

(4) A class IV license allows a licensee to do both of the following:

Repair or field-erect a boiler of any pressure, except for a boiler that has a nuclear heat source. Repair or replace non-boiler external piping as defined by ASME code B31.1 and R 339.5209.

(5) A class V license allows a licensee to erect and repair a boiler or its parts that has a nuclear heat source, appurtenances, or system components, and also provides that the licensee may repair or replace non-boiler external piping, as defined by ASME code B31.1 and R 339.5209. Before a license is issued, an applicant for a class V license shall submit evidence of the following:

Familiarity with and knowledge of all federal rules and regulations regarding the construction of a boiler that has a nuclear heat source.

Employment by a company in possession of a valid ASME N-type symbol stamp applicable to the portions of any nuclear boiler system he or she proposes to repair.

(6) A class P license qualifies a person to install or repair non-boiler external piping as defined by ASME code B31.1, 2018, and R 339.5209.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5176 Fees.**

Rule 176. (1) Fees for licenses, examinations, boiler operator and stationary engineer registration; permit applications, certificates, and inspections are as follows:

(a) Licenses:

Installer license	\$100.00.
Installer examination	\$100.00.
Installer renewal	\$100.00.
Repairer license	\$100.00.
Repairer examination	\$100.00.
Repairer renewal	\$100.00.
Inspector license	\$100.00.
Inspector examination	\$100.00.
Inspector renewal	\$75.00.
Boiler operator registration	\$80.00.
Boiler operator examination	\$100.00.



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Boiler operator registration renewal	\$80.00.
Stationary engineer registration	\$100.00.
(xiv) Stationary engineer written examination	\$100.00.
(xv) Stationary engineer registration renewal	\$100.00.
(xvi) Out of state applicant	\$200.00.
(b) Permit applications:	
Nuclear installation permit application	\$1,500.00.
Nuclear repair permit application	\$500.00.
Low-pressure installation permit application	\$100.00.
High pressure installation permit application	\$130.00 + .06 cents per foot of piping.Repair permit application
	\$75.00.
(c) Certificates:	
Certificates	\$75.00.
Reprinting of certificate more than 30 days after issuance	\$40.00.
(d) Inspections:	
Power boilers-150 square feet or less	\$85.00.
Power boilers-more than 150 square feet to 4,000 square feet	\$175.00.
Power boilers-more than 4,000 square feet to 10,000 square feet	\$200.00.
Power boilers-more than 10,000 square feet	\$225.00.
Low-pressure heating boiler without manhole	... \$85.00.
(vi) Inspection of an additional low-pressure heating boiler without a manhole at the same physical location, on the same date	\$70.00.
(vii) Low-pressure heating boiler with manhole	\$85.00.
(viii) Low-pressure hot water supply boilers	\$85.00.
(ix) Inspection of an additional low-pressure hot water supply boiler at the same physical location, on the same date	\$65.00.
(x) Low-pressure process boiler without manhole	\$85.00.
(xi) Low-pressure process boiler with manhole	\$85.00.
(xii) Miniature hobby locomotive boiler	\$15.00.
Permit application fees are nonrefundable.	
Certificate inspection reports submitted to the department's boiler division for data entry must be assessed a fee of \$5.00 per page.	
A copy of a boiler report will be provided by the department at a cost of \$1.00 per page. Payment must be received by the department before a copy of a report will be released.	
The department's boiler division shall provide special inspections not otherwise covered in subrule (1) of this rule or section 919 of the act, MCL 339.5919. The fee assessed by the department for special inspections must be at the rate of \$100.00 for the first hour and \$120.00 for each additional hour, plus lodging, meals, transportation, and other related expenses incurred for performing special inspections.	
History: 2023 MR 8, Eff. May 3, 2023.	

**SUBPART B. BOILER INSPECTORS, INSTALLERS, REPAIRERS, AND  
OPERATORS AND STATIONARY ENGINEERS**

**PART 1. GENERAL PROVISIONS**

**R 339.5201 Scope.**

Rule 201. The rules in this part establish minimum standards of safety for the use, construction, installation, inspection, alteration, and repair of boilers, boiler external piping, and non-boiler external piping, licensing of boiler inspectors, boiler repairers, and boiler installers, requirements for permits to install, repair, and alter, and fees to be changed.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5202 Definitions.**

Rule 202. (1) As used in this part:

(a) "Accident" means a sudden and accidental breakdown of a boiler or a part of a boiler that results in physical damage to the boiler that necessitates the repair or replacement of the boiler or a part of the boiler. Accident does not mean a breakdown due to any of the following unless a unique or unusual explosion hazard exists as a result of the breakdown:

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Normal erosion.

Corrosion.

Wastage of metal that requires restoration.

Leaking tubes.

Weakened metal, such as water legs or handhole areas.

(b) “Aftercooler” means a device used for lowering the temperature of a boiler blowoff discharge before it enters the building drain.

(c) “Alteration” means any change in the item described on the original manufacturer’s data report that affects the pressure-containing capability of the boiler or its piping. A nonphysical change such as an increase in the maximum allowable pressure, whether internal or external, or design temperature of a boiler or its piping is an alteration.

(d) “ASME”, “ASME boiler and pressure vessel code”, “ASME code”, or “code” means the boiler and pressure vessel code of the American Society of Mechanical Engineers, with addenda, as prescribed and approved by the council of the society.

(e) “Authorized inspector” means an individual who is designated as an authorized inspector by an authorized inspection agency, who holds a valid certificate of competency and national board commission with an “A” or “B” endorsement, and who is employed by the authorized inspection agency that assumes responsibility for the individual’s actions.

“Boiler assembler” means a corporation, company, partnership, or individual who assembles a boiler that has been delivered in pieces. For ASME code section I power boiler assemblies, a boiler assembler shall possess the appropriate code symbol stamps.

“Boiler blowoff piping” means the piping, fittings, and valves from the boiler to the blowoff tank, blowoff separator, or other safe point of discharge through which the water in the boiler may be blown out under pressure, except for drains such as those used in water columns, gauge glasses, or piping to feed water regulators and similar devices.

“Boiler blowdown vessel” means an unfired pressure vessel into which water is discharged above atmospheric pressure from a boiler blowoff line.

“Boiler installation” means the installation of a boiler, including all connected piping, valves, fittings, flanges, firing equipment, controls, appurtenances, and auxiliaries. The term includes the field assembly of boilers.

“CSD-1” means the 2018 ASME code for controls and safety devices for automatically fired boilers.

“Certificate of competency” means a certificate issued to a person that has passed an examination for inspectors prescribed by the board of boiler rules.

“Chief inspector” means the chief boiler inspector appointed under the act.

“Condemned boiler” means a boiler that has been inspected and declared unsafe or rejected for use by an inspector who is qualified to take such action and who has applied a stamping or marking designating its rejection.

“Deputy inspector” means an inspector who is licensed under the act and employed by the director.

“Existing installation” means any steam boiler constructed, installed, placed in operation, or contracted for before August 10, 1917, or any hot water heating or supply boiler constructed, installed, placed in operation, or contracted for before the effective date of these rules.

“Existing steam boilers,” means steam boilers that are in actual use, or that are installed and ready for use before August 10, 1917. Existing steam boilers does not include secondhand boilers, rental boilers, or boilers that are subject to change in ownership or are to be reset, in which case the rules for new construction apply.

“External inspection” means an inspection that is conducted while the boiler is under pressure and that does not involve examination of the internal surfaces of the pressure parts of the boiler.

“Field assembly” means assembling prefabricated boiler pressure parts without field welding or riveting.

“Field erection” means the erecting and assembling of boiler parts by welding, riveting, or other fabrication process.

“Flash tank” means a closed vessel equipped with internal baffles or an apparatus for the purpose of separating moisture from flash steam as it passes through the vessel.

(u) “Hobby” means an interest or activity that an individual pursues in his or her leisure time without compensation.

(v) “Hot water heating and hot water supply boiler:” means a boiler that operates at pressure of not more than 160 pounds per square inch (PSI) or temperatures of not more than 250 degrees Fahrenheit, at or near the boiler outlet.

(w) “Inspector” means an individual who holds a valid certificate of competency and national board commission.

(x) “Internal inspection” means an inspection made when a boiler is shut down and handholes or manholes are opened for inspection of the interior.

(y) “Labeled” means devices, equipment, appliances, or material to which a label, seal, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of the production of the items has been affixed and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

(z) “Licensed boiler installer” means a person licensed under the act to engage in the business of making piping connections

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to a boiler or in the business of field-assembling boilers.

(aa) “Licensed boiler repairer” means a person licensed under the act to engage in making or supervising all phases of boiler repair, alterations, or field erection.

(bb) “Listed” means equipment, appliances, or material included in a list published by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of production of listed equipment, appliances, or materials, and whose listing states either that the equipment, appliances, or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner. The authority having jurisdiction shall utilize the system employed by the listing organization to identify a listed product.

(cc) “Maximum allowable working pressure” or “MAWP” means the maximum gage pressure permissible for the boiler to operate.

(dd) “Maximum operating pressure” means the maximum operating pressure of the complete boiler system as designed, which includes supply, return, feed, and blow off piping.

(ee) “Mechanical assembly” means the work necessary to establish or restore a pressure retaining boundary whereby pressure retaining capability is established through a mechanical, chemical, or physical interface.

(ff) “Mechanical repair” means a method of repair which restores a pressure retaining boundary whereby pressure retaining capability is established through a mechanical, chemical, or physical interface.

(gg) “Miniature boiler” means a power boiler that does not have any of the following:

An inside diameter of the shell of more than 16 inches.

A working pressure of more than 100 p.s.i.g.

A gross volume of more than 5 cubic feet.

More than 20 square feet of heating surface.

(hh) “Miniature locomotive boiler” means a miniature hobby steam locomotive boiler that operates on a narrow-gauge track that is less than 24 inches wide and that is for public display or use.

(ii) “Modular boiler” means a steam or hot water heating assembly consisting of a grouping of individual boilers called modules, intended to be installed as a unit, with a single inlet and a single outlet. Modules may be under 1 jacket or may be individually jacketed.

(jj) “NBIC” means national board inspection code.

(kk) “Nonstandard boiler” means a boiler that does not bear the National Board Stamping or stamp of any state or political subdivision that has adopted a standard of construction equivalent to that required by the board of boiler rules.

(ll) “New boiler” means a boiler constructed, installed, placed in operation, or contracted for after July 1, 1966.

(mm) “Owner or user” means a person, firm, partnership, or corporation that owns or operates a boiler within this state.

(nn) “Out-of-use boiler” means a boiler not ready for use having the fuel supply, electricity, and all piping that may pressurize the boiler disconnected.

(oo) “Portable boiler” means a boiler that is primarily intended for temporary location and that is, by its construction and usage, obviously portable.

(pp) “Pressure-retaining items” means any boiler, pressure vessel, piping, or material used for the containment of pressure, either internal or external. The pressure may be obtained from an external source, by the application of heat from a direct source, or any combination of these methods.

(qq) “Reinstalled boiler” means a boiler that is removed from its original setting and that is reinstalled at the same location or reinstalled at a new location.

(rr) “Reinstatement” means the granting of a license or registration, with or without limitations or conditions, to a person whose license or registration has been suspended by the chief inspector.

(ss) “Rental boiler” means a boiler that is in temporary use for not more than 1 year regardless of whether installed inside a boiler room, temporary room, temporary shed, or without external covering.

(tt) “Repair” means the work necessary to restore a boiler or its piping to a safe and satisfactory operating condition.

(uu) “Safe point of discharge” means a point of discharge that will protect personnel and property from injury due to discharge.

(vv) “Special inspector” means a boiler inspector who holds a license in this state pursuant to the act, and who is regularly employed by an insurance company authorized to insure against a loss from boiler accidents in this state or by any city that is exempt under the act and has an authorized boiler inspection department.

(ww) “Standard boiler” means a boiler that bears the stamp of the National Board of Boiler and Pressure Vessel Inspectors or of another state or political subdivision that has adopted a standard of construction equivalent to that required by the board of boiler rules of this state.

(xx) “Traction boiler” means a boiler designed for the express purpose of pulling farm equipment or to convert steam power into flywheel energy driving farm apparatus such as threshers, saws, or grinding equipment.

(yy) “Used boiler” means a boiler that is being reinstalled by the same owner.

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(zz) “Water heater” means a heater, in commercial or industrial size, that provides corrosion resistance for supplying potable hot water at pressure not exceeding 160 psi or temperatures not exceeding 210 degrees Fahrenheit. A water heater that does not exceed any of the following is exempt from these rules:

A heat input of more than 200,000 BTU per hour.

A water temperature of more than 210 degrees Fahrenheit.

A nominal water-containing capacity of more than 120 gallons.

(2) Terms defined in the act have the same meanings when used in these rules.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5203 Adoption by reference of the NBIC.**

Rule 203. (1) An owner of a boiler shall ensure the inspection, repair, and alteration of boilers, piping, and blowdown vessels is pursuant to the NBIC, 2019 edition. The code is adopted and amended by reference in these rules and available for inspection and purchase at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 611 W. Ottawa, Lansing, Michigan 48933 or for purchase from the National Board of Boiler and Pressure Vessels Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229, phone: 1(614) 888-8320, <https://www.nationalboard.org>, at a cost as of the time of adoption of these rules of \$325.00 for each code book.

The accreditation program described in the NBIC for repairs and alterations to pressure retaining items is mandatory for repairs to all power boilers and high-pressure high temperature water boilers and alterations to any boiler not exempted by these rules. Repair companies in possession of a certificate of authorization issued by the National Board of Boiler and Pressure Vessel Inspectors to repair and alter pressure-retaining items shall have in their employ an individual who has an appropriate class repairer license issued by the department’s boiler division. Repair companies not currently in possession of the certificate of authorization or a certificate of authorization issued by ASME have 1 year from the date of adoption of this rule to secure the certificate. Companies currently in possession of a valid certificate issued by ASME have until the next certificate review or 1 year, whichever is greater, to secure the certificate of authorization identified above. The board may waive the time requirement if appropriate justification is presented.

Where the text of the NBIC refers to the “certificate holder,” the reference applies to all licensed boiler repairers, except when the reference is in relation to completion of NBIC forms and NBIC stamping, the reference refers to repair companies in possession of a valid certificate of authorization issued by the National Board of Boiler and Pressure Vessel Inspectors to repair and alter pressure retaining items.

The standard welding procedures referenced in the NBIC are accepted for use in this state but are not mandatory. A licensed boiler repairer who elects to use 1 or more of the standard welding procedures shall file a list of the standard welding procedure identification numbers with the department’s boiler division before conducting any repairs or alterations requiring welding.

**R 339.5204 ASME code adoption by reference.**

Rule 204. (1) A boiler, blow down vessel, and expansion tank must be constructed as prescribed by these rules and the ASME boiler and pressure vessel code, section I, II, III, IV, V, VIII, IX, X, XI, 2019 edition, and ASME code B31.1, 2018 edition, power piping, which are adopted by reference as amended in these rules and are available for inspection and purchase at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 611 W. Ottawa, Lansing, Michigan 48933 or purchase from the ASME International, Two Park Avenue, New York, New York 10016-5990, phone: 1(800) 843-2763, <https://www.asme.org>, at a cost indicated below, as of the time of adoption of these rules:

Section I (1 volume)       \$500.00.

Section II (4 volumes)     \$3,150.00.

Section III (11 volumes)..\$6,385.00.

Section IV (1 volume)...\$510.00.

Section V (1 volume)       \$570.00.

Section VIII (3 volumes).\$2,240.00.

Section IX (1 volume)       \$580.00.

Section X (1 volume)       \$450.00.

Section XI (2 volumes)      \$1,450.00.

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CSD-1 (1 volume) \$103.00.

B31.1 (1 volume) \$335.00.

(2) An owner of a boiler shall not recalculate design maximum allowable working pressures based on ASME codes published after 1998 for boilers in service before December 31, 1998.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5205 Inspection and stamping during construction.**

Rule 205. A manufacturer shall register a boiler, blowdown vessel, and expansion tank other than a cast sectional boiler built or constructed for use in this state after the effective date of these rules, with the National Board of Boiler and Pressure Vessel Inspectors.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5206 Adoption; ASME code CSD-1.**

Rule 206. (1) An owner or user of a boiler shall ensure that the installation, maintenance, operation, and testing of controls and safety devices is pursuant to manufacturer's instructions and ASME code CSD-1, 2018 edition. The code is adopted by reference as amended in these rules and available for inspection and purchase at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 611 W. Ottawa, Lansing, Michigan 48933 or for purchase from the ASME International, Two Park Avenue, New York, New York 10016-5990, (800) 843-2763, <https://www.asme.org>, at a cost as of the time of adoption of these rules of \$103.00 for each code book.

(2) An owner or user of a boiler system shall ensure that the maintenance and testing of controls and safety devices is conducted by an individual with a valid mechanical contractor license with the appropriate classification under the act. Individuals conducting maintenance and testing must be under the guidance and supervision of a licensed mechanical contractor.

An owner or user shall provide to the inspector, at the time of certificate inspection, evidence showing what maintenance has been performed and what tests have been completed. The evidence must be a dated and signed service report or checklist, listing each control and safety device tested with the manufacturer's name, model number, set point, and actual operational test point. The service report must include the license number and heating service classification of the mechanical contractor who is performing or supervising the work.

If an owner does not provide the inspector with the required evidence of maintenance and testing between certificate inspections, then the inspector may issue a certificate of inspection for a term less than that stated under section 943 of the act, MCL 339.5943.

For hot water heating and hot water supply boilers with a BTU input of 400,000 or less, the requirements of this subrule must be conducted once during an inspection cycle but must be performed within 12 months before the certificate inspection required by R 339.5213.

An owner, user, or operator of a boiler system shall ensure that the daily, weekly, and monthly operational checks are performed and documented pursuant to the manufacturer's instructions and these rules. If the manufacturer's instructions are not available, CSD-1, 2018 edition, nonmandatory appendix D contains a recommended checklist for additional information on periodic checks.

A manually operated remote shutdown switch, as required by CSD-1, 2018 edition, must be located outside of each exit access doorway to the boiler room. The switch may be located just inside each exit access doorway should a possibility of tampering or weather conditions exist. A licensee may request a deviation from the requirements of this subrule by submitting a drawing clearly showing the deviation and stating justification for the request to the chief inspector for review and approval before the installation of a boiler. The chief inspector shall notify the licensee of the approval or denial of the request.

A single manually operated remote shutdown switch may be used in a multiple boiler installation that shares a common boiler room. Kitchen cooking boilers, steam kettles, and steam cookers used for food preparation located in a kitchen are exempt from having a manually operated remote shutdown switch and lockable disconnect.

Where applicable, the boiler installation must comply with the, R 408.30901 to R 408.30998; R 408.30701 to R 408.30796; and R 408.30801 to R 408.30880.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5207 Manufacturer's data reports: filing.**

Rule 207. A manufacturer's data report for boilers must be signed by an authorized inspector and filed by the manufacturer with the chief inspector before installation. A data report that is signed by an authorized inspector and the ASME stamp on

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the boiler denotes that the boiler has been constructed pursuant to these rules. If a boiler is of special design, blueprints showing details of the proposed construction must be submitted to, and approved by, the chief inspector before construction is started.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5208 Installation and reinstallation of boilers.**

Rule 208. (1) An owner shall ensure that the installation of a new boiler or a reinstalled boiler meets the requirements of these rules; the ASME boiler and pressure vessel code, 2019 edition, the NBIC 2019 edition, and ASME CSD-1 2018. The ASME code requirement for the completion of a P4B data report for the installation of mechanically assembled boiler external piping is not required. Witnessing of the pressure test required by the NBIC part 1, section 2, paragraph 2.10.2, is not required.

Where applicable, the boiler installation must comply with R 408.30901 to R 408.30998; R 408.30701 to R 408.30796; and R 408.30801 to R 408.30880.

The NBIC code, part 1, section 2, paragraph 2.4.4, is enforced by R 408.30701 to R 408.30796.

The NBIC code, part 1, section 3, paragraph 3.6.1, is enforced by R 408.30901 to R 408.30998.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5209 Non-boiler external piping; power boilers; adoption and amendment of standards.**

Rule 209. (1) An owner of a boiler shall ensure that the installation of piping not covered by the ASME boiler and pressure vessel code, section I, 2019 edition, is installed as prescribed by the ASME code for pressure piping, B31.1, 2018 edition.

(2) The owner of a chemical plant or petroleum refinery shall comply with subrule (1) of this rule or ensure the installation is installed as prescribed by ASME code for chemical plants and petroleum refineries, B31.3, 2019 edition.

(3) A licensee under this rule is not required to possess an ASME code symbol stamp, but must hold a valid installer's license.

(4) The owner shall ensure that the installation of all of the following piping meets the requirements under subrule (1) of this rule:

Blowoff piping beyond the second valve out to the safe point of discharge.

Steam piping out to the load.

Feed-water piping from the pump.

Condensate piping.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5210 Permits; documentation for installation, reinstallation, alteration, and repair of boilers, boiler external piping, and non-boiler external piping.**

Rule 210. (1) All of the following provisions apply to installation permits:

A licensee who is applying for the permit shall ensure that work does not proceed until an approved permit has been secured.

An individual shall not install, alter, repair, or replace welded pipe without holding a proper license and first securing a permit from the department's boiler division. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured.

An individual shall not install or replace nonwelded pipe without holding a proper license. A permit is not required.

(2) All of the following provisions apply to repair and alteration permits or reports:

(a) The licensee who is applying for the permit shall ensure that work does not proceed until an approved permit has been secured, except as provided by section 941 of the act, MCL 339.5941.

An individual shall not repair or replace welding piping without holding a proper license and first securing a permit from the department's boiler division. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured, except as provided for in section 941 of the act, MCL 339.5941.

An individual shall not perform welded repairs to nonwelded piping without holding a proper license and first securing a permit from the department's boiler division. The licensee applying for the permit shall ensure that work does not proceed until an approved permit has been secured, except as provided for in section 941 of the act, MCL 339.5941.

A licensee who makes welded repairs to boilers or boiler external piping requiring the use of the national board of boiler and pressure vessel inspectors "R" symbol stamp shall furnish the department's boiler division with 1 copy of the approved permit application, along with reports as required by the NBIC, upon completion of the work.

A public utility or industrial plant that has been granted an exemption under section 947 of the act, MCL 339.5947, that makes a welded repair to non-boiler external piping shall maintain records of the repairs and make the records available for review as required by these rules.

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(3) A permit is required for either of the following:

A change in use of an existing boiler from high pressure to low pressure and low pressure to high pressure, hot water heat to hot water supply and hot water supply to hot water heat, steam heating to hot water heating and hot water heating to steam heating, or steam heating to hot water supply and hot water supply to steam heating. The change must comply with these rules.

Replacement by mechanical methods, without welding, of sections in sectional boilers, heat exchangers, feed water heater or economizer, and tube bundles.

(4) A licensee replacing boiler components required by these rules to be code symbol stamped and National Board of Boiler and Pressure Vessel Inspectors (National Board) registered shall provide the department's boiler division with the manufacturer's data reports.

(5) Any changes in the scope of work stated on the original permit application must be submitted to the department's boiler division for approval.

(6) A licensed boiler repairer shall secure a permit for a change in use of an existing boiler or replacement by mechanical methods, without welding, of sections in sectional boilers, heat exchangers, feed water heater or economizer, and tube bundles in accordance with the act.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5211 Registration of boilers.**

Rule 211. (1) Within 6 months from the effective date of these rules, all owners or users of boilers and their installations now in use or installed ready for use in this state shall report to the chief inspector on forms prescribed by the department, giving the location, type, capacity, age, and date of installation.

Before transfer of ownership of a boiler is complete, the current owner shall ensure that all invoices for inspection certificates and inspections for services rendered under his or her ownership are paid in full. Upon completion of transfer of ownership, the new owner of a boiler shall notify the department's boiler division of the change in ownership of a boiler or change in ownership of a location where a boiler is installed. Upon written notification, a new certificate of inspection must be issued in the name of the new owner.

A boiler owner or user shall notify the department's boiler division immediately when his or her boiler insurance has been discontinued.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5212 Right of access.**

Rule 212. The director, chief inspector, deputy inspector, or any special inspector shall have free access, during reasonable hours, to any premises in this state where a boiler is being constructed, installed, repaired, operated, or connected and ready for use for the purpose of ascertaining whether the boiler complies with the act.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5213 Boiler inspection.**

Rule 213. After a boiler is inspected by the chief or deputy inspector and the boiler and its installation are approved by the department, all certificate inspections must be conducted pursuant to the NBIC and these rules by an inspector who is properly licensed to inspect boilers in this state.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5214 Extension of internal inspection certificate to 24 or 36 months.**

Rule 214. (1) An internal boiler inspection may be increased from an annual inspection to a 24-month inspection frequency by approval of the board of boiler rules. An employee delegated by the utility or industrial facility shall apply for the extension and submit a copy of the documents that control its program for approval by the board of boiler rules. The information must be addressed by plant orders, procedures, or policies. The following information may be contained in 1 document or several documents if 1 document contains references to all other documents addressing the required information:

Operator training.

Boiler maintenance.

Water chemistry.

Operating parameters.

Chemical cleaning schedule.

Protective devices.

Boiler external inspection.

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Testing of pressure relief devices pursuant to the NBIC. Repairs must be conducted by the valve manufacturer or a “VR” stamp holder.

(2) The plant owner shall establish a review committee. The inspector must be a member of the committee. The purpose of the committee is to determine the acceptability of a boiler to operate safely for a 24-month period. The committee shall have access to and review all information pertaining to the past operation, maintenance, and repair of the boiler. The review committee meeting must be conducted within 30 days after the internal inspection. The committee may decrease the period of time the boiler may operate, but shall not extend the period beyond 24 months. The signed summary report of the review committee meetings must be submitted to the department’s boiler division. The grace period provided under R 408.4057 does not apply to this rule. The inspector shall indicate the next inspection due date on his or her inspection report to the department’s boiler division.

(3) An internal boiler inspection may be increased from a 24-month inspection to a 36-month inspection frequency if the board of boiler rules approves the inspection frequency. An employee designated by the utility or industrial facility shall request a change in inspection frequency in writing and submit a copy of the document that controls its program with supporting documentation that demonstrates all of the following for approval by the board of boiler rules.

(a) The boiler complies with all of the requirements of subrule (1) of this rule and is currently inspected under 24-month inspection frequency approved by the board of boiler rules.

(b) The boiler is a power boiler.

(c) The following information must be included in the program document, plant orders, plant procedures, or plant policies:

The boiler is fully attended during operations by qualified personnel designated by the owner to operate the boiler.

The owner has a designated organization that provides oversight to boiler maintenance, and monitors boiler conditions to prevent significant deterioration from scaling, corrosion, erosion, or overheating to boiler components. The program document must contain an organizational chart that delineates the reporting structure of this organization along with the organization responsible for boiler operation and maintenance within the owner’s organization.

The owner has installed instrumentation available and functioning for continuous monitoring of water chemistry parameters as identified by the boiler manufacturer and routine calibration is performed. This instrumentation must be maintained on a list for each boiler to which this paragraph applies to.

The owner has a program for routine monitoring of the water chemistry condition, which includes physical samples being analyzed by the owner’s staff. The owner shall maintain a list of the physical samples for each boiler to which this paragraph applies to.

The owner has alarm response procedures that provide direction to operators for actions to correct variations to chemistry parameters that include removing the boiler from service.

(d) The establishment of a review committee whose purpose is to determine the acceptability of a boiler to operate safely for a 36-month period. The review committee must be made of, at a minimum, the following members:

(i) A representative from the owner’s boiler operating and maintenance organization.

(ii) A representative from the owner’s organization designated to provide oversight to boiler maintenance and monitoring of boiler condition.

(iii) The inspector.

(e) The summary report of the review committee meeting.

The review committee described under subrule (3)(d) of this rule shall have access to and review all information pertaining to the past operation, maintenance, and repair of the boiler. The review committee meeting must be conducted within 30 days after the internal inspection. The review committee may shorten the period of time that the boiler may operate but must not extend the period beyond that permitted by the board of boiler rules.

The grace period provided under section 943(c) of the act, MCL 339.5943, does not apply to this rule. The inspector shall indicate the next inspection due date on the inspection report submitted to the department’s boiler division.

Utilities or industrial facilities with a prescheduled boiler internal certificate inspection period shall communicate the date when the boiler is removed from service with the department’s boiler division. The boiler internal inspection may occur at any time during the outage period. The next operating period is calculated based on the date of the certificate inspection conducted during this period.

An external inspection of the boiler must be conducted while under pressure, within 12 months of the certificate inspection, and every 12 months thereafter until the next boiler internal inspection.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5215 Reporting unregistered boilers.**



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Rule 215. (1) If a special inspector visits a location to conduct an inspection as required by these rules, then he or she shall report the location of all boilers that are not registered. This reporting is in addition to the reporting of the inspection of registered boilers and their installation. The chief inspector shall assign a deputy to visit the location to inspect all unregistered boilers and affix a Michigan serial number.

(2) If a special inspector inspects a boiler that does not bear a Michigan serial number, then the inspector shall attempt to verify whether the boiler is unregistered or is missing the Michigan serial number tag. If the inspector is unable to determine that the boiler is registered, he or she shall report it as prescribed in subrule (1) of this rule.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5216 Filing of welding procedures.**

Rule 216. (1) If welding is employed in the installation, reinstallation, repair, replacement, or alteration of a boiler, then the licensed installer or repairer shall file welding procedure specifications and the procedure qualification reports qualified pursuant to the requirements of ASME code section IX, “welding and brazing qualifications,” with the department’s boiler division, before conducting any welding.

(2) A licensed installer or repairer who utilizes welding in the installation, reinstallation, repair, replacement, or alteration shall have available, for the inspector’s review, welding procedure specifications and welder performance qualification records to be used or that were used in the installation, reinstallation, repair, replacement or alteration at the work site or other mutually agreed upon locations.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5217 Inspection of components and systems in a nuclear power plant.**

Rule 217. (1) Preservice or baseline inspections; in service inspections; repairs; replacements; modifications; alterations examinations; testing; records; and reports of complete nuclear power plants and individual nuclear components, parts, appurtenances, piping, supports, nuclear systems, and applicable associated auxiliary systems that comply with all of the requirements of the construction code ASME BPV Code, section III, when the requirements have been completed, irrespective of the physical location, must be as prescribed in section XI, rules for in service inspection of nuclear power plant components, of the ASME boiler and pressure vessel code. A copy of the current edition of section XI-2019, is available for inspection and purchase at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 611 W. Ottawa, Lansing, Michigan 48933, or for purchase from the ASME International, Two Park Avenue, New York, New York 10016- 5990, (800) 843-2763, at a cost as of the time of adoption of these rules of \$16,273.00 for the BPV Code books.

The owner of a nuclear power plant shall file inspection plans and schedules, pump and valve testing programs, and requests for relief from section XI of the ASME code requirements with the department’s boiler division.

The nuclear power plant shall maintain compliance with requirements, as prescribed by the Nuclear Regulatory Commission.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5218 Reports of inspection to be filed.**

Rule 218. (1) Certificate inspection reports submitted electronically must be in a form acceptable to the department’s boiler division.

Certificate inspection reports submitted to the department’s boiler division for data entry must be assessed a fee of \$5.00 per report.

An inspector shall leave a signed and dated inspection sticker or inspection report at the inspection location.

An inspector shall record his or her National Board of Boiler and Pressure Vessel Commission number on the inspection report.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5219 Rental boilers.**

Rule 219. A rental boiler must be inspected before it is rented, and the boiler must be approved for temporary installation. An inspection certificate for an approved rental boiler is valid for 12 months.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5220 Refusal of inspection or nonpayment of fee.**

Rule 220. If the owner or user of a boiler required to be inspected refuses to allow an inspection to be made or refuses to pay the fee prescribed by R 339.5176, the chief inspector shall suspend the certificate of inspection until the owner or user allows

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the inspection or pays the fee.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5221 Notice of violation.**

Rule 221. (1) A written notice of violation containing the code deficiencies must be sent to, or served upon, the owner or user by the chief inspector, deputy inspector, or special inspector advising of the existing conditions and stating a compliance date when the violation must be corrected. If the code deficiencies are not corrected by the compliance date, the violation notice serves as a suspension of the certificate.

When the notice of violation is issued as certificate blocking, the inspection certificate is suspended, and a written notice must be given to the owner or user at the time of the notice of violation is issued. The certificate blocking violation continues in effect until the boiler conforms to these rules and the certificate has been reinstated.

A fee must be charged pursuant to R 339.5176 for all follow-up visits by the chief inspector or deputy inspector.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5222 Defacing or removing certificate or numbers.**

Rule 222. No individual, except the chief inspector or a deputy inspector, shall deface or remove any certificate of inspection or mark of identification number on a boiler.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5223 Boiler insurance policies.**

Rule 223. All insurance companies shall notify the chief inspector within 30 days of all boiler policies, newly written, canceled, not renewed, or suspended because of unsafe conditions.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5224 Notification; defective boilers.**

Rule 224. If a special inspector, upon the first inspection of a new risk, finds that the boiler or any of the appurtenances are in such condition that the company refuses insurance, the company shall immediately notify the chief inspector and submit a notice of violation of the defects.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5225 Notification in case of accident that renders boiler inoperative.**

Rule 225. (1) If an accident occurs that renders a boiler inoperative, then the owner or user shall immediately notify the chief inspector.

For a serious accident, notice must be given immediately by the quickest method available, and neither the boiler nor any of its parts shall be removed or disturbed before an inspection has been made by the chief inspector, deputy inspector, or special inspector, unless the removal is to save human life. A condition or failure that results in bodily injury or physical damage to equipment or property other than the boiler or that creates a unique or unusual explosion hazard must be reported as a serious accident.

A detailed accident report must be submitted by the owner's or user's insurance company boiler inspector.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5226 Restamping of boilers.**

Rule 226. When the stamping on a boiler becomes indistinct, the inspector shall instruct the owner or user to have it restamped. A request for permission to restamp the boiler must be made to the chief inspector and proof of the original stamping must accompany the request made to the chief inspector. Restamping authorized by the chief inspector must only be done by an inspector, and must be identical with the original stamping, except that it is not required to restamp the ASME code symbol. A notice of completion of restamping must be filed with the chief inspector by the inspector who stamped the boiler, together with a facsimile of the stamping applied.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5227 Condemned boilers.**

Rule 227. A boiler that has been inspected and declared unsafe by the chief inspector, deputy inspector, or special inspector and that the owner has determined will be scrapped must be placed out of service and stamped or labeled with the word "condemned." The stamping must be as shown by the facsimile submitted under R 339.5226 and must be situated in several

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conspicuous locations as shown below and as determined by the inspector:

-CONDEMNED-

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5231 Reinstallation of boilers repaired out of state.**

Rule 231. Repairs conducted outside of this state to boilers or pressure parts of boilers that will be reinstalled in this state must be conducted by an organization in possession of valid certificate of authorization to repair boilers. The organization shall conduct the repair pursuant to the NBIC and submit all forms to the department's boiler division required by the NBIC.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5232 Nonstandard boilers.**

Rule 232. (1) An individual may petition the board to approve the use of a nonstandard boiler. Upon receipt of the petition, the board shall require the appropriate testing and evaluation for the nonstandard boiler to determine whether construction is equivalent to standards adopted by reference in R 339.5205.

(2) A boiler owner requesting to have a special installation and operation permit shall submit the following items to the board of boilers rule, as applicable, in the English language and units:

A list of all existing or proposed design and service conditions, maximum allowable working pressure (MAWP) and temperature, internal and external loading, corrosion and erosion allowance, heat treatment, and service requirements or service conditions.

Documentation that the manufacture of the boiler is based on requirements from the applicable ASME code section as follows:

Power boilers- section I.

Materials specifications- section II.

Nuclear power plant components- section III, divisions 1 and 2.

Heating boilers- section IV.

Pressure vessels- section VIII, divisions 1 and 2.

Welding and brazing qualifications- section IX.

Fiberglass- reinforced plastic pressure vessels- section X.

Power piping- ASME B31.1.

(3) If the design, construction, and certification were not based on ASME code rules, the manufacturer of the boiler shall provide a copy of the design rules and show how they meet or exceed the ASME code requirements by providing the following:

A complete set of design drawings showing weld joint details and construction including internal and external attachments.

A list of all pressure boundary materials or those materials and the material's thickness subject to stress due to pressure and loading. The list must include a material specification to meet or exceed the applicable ASME codes specification. If material used is a specification other than referenced in the applicable ASME code section, the manufacturer of the boiler, through the owner, shall submit a copy of the material specifications used in the vessel construction and indicate how it is considered equivalent to the ASME code stress value permitted for materials in the applicable ASME code section.

Documentation of any mill identification, including location of identification.

Manufacturers' materials test reports and traceability including test reports required by applicable code section.

Welding or brazing procedure specifications and welder or brazer performance qualification records.

Non Destructive Examination (NDE) procedures and results of examinations.

Record of pressure test or proof test.

Documentation showing the quality assurance program used by the manufacturer is equivalent to requirements of the ASME code.

Identification of the inspection agency performing inspections and certifying the manufacturer's data report or equivalent.

Evidence of qualification or certification of the inspection agency by a jurisdictional authority.

Documentation to show that inspectors making certification inspections have been certified as required by the jurisdictional authority. Individual names and national board commission number, if any, must be provided. System of supervisory control of inspection must be included.

Documentation of fabrication inspections by the manufacturer and inspection agency.

An internal and external inspection report by inspection agency inspectors.

A facsimile of the nameplate or stamping.

A copy of the manufacturer's data report or equivalent document certified by the manufacturer and the inspection agency's inspector.

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A copy of any code or standard used for design or construction.

(4) The original code of construction must be used to establish the allowable stresses and joint efficiencies when calculating the MAWP of a vessel.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5233 Clearance between boilers and other objects.**

Rule 233. (1) A licensee performing an installation shall ensure the installation is made pursuant to the NBIC part 1 section 2.3.3 and 3.3.4, except for the requirement that the minimum clearance of 24 inches is provided between a boiler, its controls, firing equipment, and appurtenances and the building walls and partitions or other boilers or machinery.

The licensee shall ensure that clearances are pursuant to the manufacturer's instructions where required clearances are greater than the minimum required by this rule. The boiler owner shall ensure that the clearances are maintained for the life of the boiler and not infringed upon by items in storage.

The elevation of a boiler above the floor must be as specified in R 408.30901a to R 408.30996.

A licensee may request a deviation from the requirements of this rule by submitting a drawing and the manufacturer's installation requirements to the chief inspector for review and approval before installation of the boiler. The licensee shall be notified by the chief inspector of the approval or denial of the request.

Where applicable, the boiler installation clearances must comply with R 408.30801 to R 408.30880.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5234 Steam kettles.**

Rule 234. (1) A fired or electrically heated steam kettle, irrespective of size, that has piped feed connections must comply with these rules.

A fired or electrically heated kettle, irrespective of size without feed piping connections, must comply with these rules. Instead of an installation permit, an owner or user shall report the installation to the chief inspector before the unit is operated. The chief inspector shall assign a deputy inspector to visit the installation location to inspect the kettle to determine its safety for operations. A kettle that is operated at or below 15 psi must be inspected biennially. A kettle that is operated at more than 15 psi must be inspected annually.

Steam kettles manufactured to ASME section VIII division-1 2019 must have the minimum appurtenances and controls that are required in mandatory appendix 19.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5235 Safety appurtenances and controls.**

Rule 235. An individual shall not attempt to remove, or do any work on, any safety appurtenance or control prescribed by these rules while a boiler is in operation. If an appurtenance or control is repaired during an outage of a boiler, it must be reinstalled and in proper working order before the appurtenance or control is placed back in service. A person shall not load the safety valves to maintain a working pressure of more than that stated on the certificate of inspection.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5236 Prevention of contamination of potable water supply.**

Rule 236. The boiler owner shall ensure that a boiler has proper connections to the potable water supply system to prevent contamination. The connections must be as specified in R 408.30701 to R 408.30796.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5237 Platforms.**

Rule 237. (1) A platform must be installed at 1 end of all drums of a water tube boiler that are more than 4 feet above the floor or walkway to permit safe access to the interior of the drums for cleanout and inspection.

An inspector shall notify the owner or user who is required to conform to this rule and give written notice of a violation to the owner or user that the installation of the required stairway, runaway, platform, or ladder is to be made. The owner or user is allowed 1 year from the date of the violation to complete the work.

A licensee may request a deviation from the requirements of this rule by submitting drawings to the chief inspector for review and approval before installation of the boiler. The chief inspector shall notify the licensee of the approval or denial of the request.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5238 Exits from boiler rooms.**

Rule 238. An owner shall ensure that the exit from a boiler room complies with the requirements specified in R 408.30401 to R 408.30499a.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5240 Age limit of nonstandard existing steam boilers.**

Rule 240. The age limit of any existing steam boilers of nonstandard construction, installed before July 1, 1966, is 30 years except that after a thorough internal and external inspection and a hydrostatic pressure of 1-1/2 times the allowable working pressure and held for a period of at least 30 minutes, during which no distress or leakage develops, any boilers having other than a lap-riveted longitudinal joint may be continued in operation without reduction in working pressure.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5241 Age limit of lap seam boilers.**

Rule 241. The age limit of any boiler having lap-riveted longitudinal joints and operating at a pressure in excess of 50 psi is 20 years. This type of boiler, when removed from an existing setting, must not be reinstalled at a pressure in excess of 15 psi. A reasonable time for replacement, not to exceed 1 year, may be given at the discretion of the chief inspector.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5242 Lap seam crack.**

Rule 242. The shell or drum of a boiler in which a typical lap seam crack is discovered along a longitudinal riveted joint or lap joints must be permanently discontinued for use under pressure. "Lap seam crack" as used in this rule, means the typical crack frequently found in lap seams extending parallel to the longitudinal joint and located either between or adjacent to rivet holes.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5243 Age limit of standard existing boilers.**

Rule 243. The age limit of any existing steam boilers of standard construction is dependent on a thorough internal and external inspection and hydrostatic pressure test of 1-1/2 times the allowable working pressure for a period of 30 minutes. If a boiler under these test conditions exhibits no distress or leakage, it may continue to operate at the same working pressure.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5244 Portable boilers.**

Rule 244. Portable boilers, used for purely portable purposes and transported from place to place, must comply with the rules for new construction when reinstalled at a new location. These portable boilers must have a factor of safety of at least a 5.5 strength-to-strength ratio for butt-strap construction and a factor of not less than a 6 strength-to-strength ratio for lap-seam construction.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5245 Cast-iron headers and mud drums.**

Rule 245. The maximum allowable working pressure on a water-tube boiler, the tubes of which are secured to cast iron or malleable iron headers, or that have cast iron mud drums, must not exceed 160 p.s.i.g.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5246 Safety valves on connected boilers of different pressures.**

Rule 246. When 2 or more boilers operating at different pressures and safety valve settings are interconnected, the lower pressure boilers or interconnected piping must be equipped with safety valves of sufficient capacity to prevent overpressure, considering the maximum amount of steam that can flow into the lower pressure system.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5247 Hydrostatic testing of traction boilers.**

Rule 247. (1) A traction boiler designed to pull farm equipment or to convert steam power into flywheel energy driving farm apparatus, such as thrashers, saws, or grinding equipment, is subject to both of the following provisions:

It must be tested hydrostatically every 3 years to a hydrostatic pressure of 1-1/2 times working pressure and held for sufficient time to permit visual observation of all seams, joints, supports, and attachments.

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All seams, attachments, supports, and joints must be exposed for each inspection.

Traction boilers used for display or hobby purposes must not be operated for any other purpose except for the purpose that they were originally constructed.

Lap seam boilers must not be operated in excess of 100 psi.

Any repairs by welding or riveting to traction boilers must be made by licensed repair shops only after an approved permit has been obtained and subject to the approval of the inspector before and after repair is made.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5248 Miniature hobby locomotive boilers.**

Rule 248. (1) At the initial inspection of a miniature hobby locomotive boiler, the owner shall provide the chief boiler inspector with design specifications and calculations for review and acceptance. If a boiler is approved for use, then the department's boiler division shall issue an identifying state number and a deputy boiler inspector shall attach it to the boiler.

(2) The owner shall ensure that a miniature hobby locomotive boiler has all the following minimum equipment:

A pressure gauge graduated to approximately 1-1/2 times the operating pressure, but not more than 4 times the operating pressure.

A means to extinguish the fire in the firebox if of a low water condition.

Two means of feeding water to the boiler, 1 of which must be operable while the locomotive is stationary.

A water level gauge glass located so that the top of the bottom nut of the gauge glass is approximately 10% of the distance between the crown sheet and the shell, but not less than 1/2 inch above the crown sheet.

Two safety valves set at not more than 10% above the operating pressure for boilers fabricated after the effective date of the rules. The capacity of the safety valves must be equal to or greater than the calculated steam generated capacity of the boilers.

(3) The owner shall determine the maximum allowable working pressure of the miniature hobby locomotive boiler by calculation. In place of acceptable calculations, the owner shall subject the boiler to a hydrostatic pressure test of 1-1/2 times the owner specified operating pressure.

(4) Every 3 years, during the certificate inspection, the owner shall hydrostatically test the boiler to not more than 1-1/2 times the operating pressure.

(5) The department's boiler division shall develop procedures, policies, and check lists necessary to accomplish the inspections and tests required by these rules.

(6) Repairs to miniature hobby locomotive boilers are exempt from the licensing and permitting requirements of the act. Repair welding must be made pursuant to the requirements of ASME code section IX. Welding procedures and performance qualifications must be filed with the department's boiler division for review.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5249 Failure to prepare boiler for internal inspection.**

Rule 249. If a boiler has not been properly prepared for an internal inspection, an inspector may decline to make the inspection or test, and a certificate blocking violation must be issued as provided in R 339.5221.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5250 Stripping of riveted boiler to determine required data.**

Rule 250. If a riveted boiler is jacketed so that the longitudinal seams of shells, drums, or domes cannot be seen, and if data cannot be determined by other means, enough of the jacketing, setting wall, or other form of casing or housing must be removed so that the size of the rivets, pitch of the rivets, and other data necessary to determine the safety of the boiler may be obtained.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5251 Replacement of heating or process boiler pressure relief device.**

Rule 251. When it is necessary to replace pressure relief devices on low pressure heating or process boilers for any reason, the replacement must be made with other than top-outlet type valves.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5252 Rerolling tubes.**

Rule 252. Rerolling a tube is considered maintenance, except rerolling a tube required as a result of an accident is considered a repair. This repair work requires a repair permit and must be performed by a licensed repairer.

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History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5253 Qualified technical education program content; department approval; application and approval process, standards; fees.**

Rule 253. (1) An organization requesting approval of a qualified technical education program (QTEP) or an employer requesting approval of a qualified training program (QTP) pursuant to section 903(1)(e) and (f) of the act, MCL 339.5903, shall submit an application provided by the department. All applications must be complete. If an application is incomplete, a full evaluation is not possible, and the incomplete application will be disapproved. The applicant must be notified in writing, by the department's boiler division, of the deficiencies within 30 days after the date that the application is received.

A fee of \$100.00 must accompany the application for the review.

The QTEP and QTP are not required to address subject matter in refrigeration.

An application and supporting documentation submitted to the department's boiler division for QTEP and QTP for low or high pressure boiler operators must contain at a minimum, the subject matter listed in section 935 of the act, MCL 339.5935.

An application and supporting documentation submitted to the department's boiler division for QTEP or QTP intended for training third, second, and first class stationary engineers must contain the following subject matter in addition to the subjects listed in section 935 of the act, MCL 339.5935:

(a) For a third-class stationary engineer, thermodynamic, applied science, applied mechanics, public acts and boiler codes, prime movers, water treatment, control instrumentation, and industrial legislation.

(b) For a second-class stationary engineer, in addition to continuing training in the subjects listed in section 935 of the act, MCL 339.5935, and subdivision (a) of this subrule, the following subjects must be included:

Metallurgy and material testing.

Power plant systems.

Mechanical drawing.

Environmental protection.

(c) For a first-class stationary engineer, in addition to continuing training in the subjects listed in section 935 of the act, MCL 339.5935, and subdivisions (a) and (b) of this subrule, the following subjects must be included:

Principles of fluid mechanics.

Thermodynamics and plant cycles.

Applied engineering technologies.

Safety, loss, and environmental management.

Business and workforce management.

(6) An application and supporting documentation submitted to the department's boiler division for QTEP or QTP must contain all of the following general information:

The name and address of the applicant and all training site addresses.

Name and contact information of the individual responsible for the program.

Policies and procedures for the selection of instructional staff.

A statement of purpose and objectives of the program.

Administrative and technical criteria for the development and delivery of the program.

A description of the facilities, equipment, and instructional materials consistent with the purpose, design, and intended outcome of each learning experience in the program.

A syllabus or course description, including contact hours and topics for each course.

A statement of the criteria used to determine successful completion by participants in each of the training programs offered by the applicant.

A list of instructional materials and other resources essential for the successful presentation of the program.

(7) Approval of a program by the department must be evidenced by a program approval report prepared by the department's boiler division and issued to the applicant. The report must include all of the following:

Name and address of the applicant.

Program identification number.

The date of approval.

The conditions of approval.

(8) A program or amendment that has been approved by the department must not be altered. If an organization wishes to amend any part of a program, the organization shall submit a draft document clearly identifying the changes for department review. The organization shall not implement changes to the program without approval by the department. All changes must be submitted in writing for approval. The authorization must be in writing from the department.

(9) The department shall have access to any location during the presentation of an approved program for the purpose of evaluation to determine compliance with an approved program.

History: 2023 MR 8, Eff. May 3, 2023.

## **PART 10. BUILDING OFFICIALS, INSPECTORS AND PLAN REVIEWERS**

### **R 339.5261 Applicability.**

Rule 261. These rules apply to all the following:

- (a) The registration and reregistration of all building officials, plan reviewers, and inspectors.
- (b) The approval of educational and training programs, required testing and instructors to qualify individuals for registration, reregistration as building officials, plan reviewers, or inspectors.
- (c) The minimum training and experience standards, qualifications, and classification of responsibility applicable to individuals who are engaged in the administration and enforcement of codes and plan reviews.

History: 2023 MR 8, Eff. May 3, 2023.

### **R 339.5262 Educational and training program; program approval process; instructional qualifications.**

Rule 262. (1) A provider of an educational and training program shall apply for approval of the program by completing an application for program approval as provided by the department and submitting the application with the required fee to the department.

(2) To qualify as an instructor of an educational and training program, an individual shall possess experience or education, or both, to supervise and instruct courses as required under section 1007 of the act, MCL 339.6007. An individual shall be at least 1 of the following to qualify:

- (a) A licensed, certified, or approved instructor at any of the following in this state:

A high school.

An intermediate school district.

A community college.

A public or private university.

The bureau of construction codes in the department.

The Michigan occupational safety and health administration.

Any other federal, state, or local governmental agency.

(viii) A proprietary school licensed by the department.

(b) Be currently licensed with at least 3 years of experience, and possess equivalent qualifications or relevant experience in the subject matter being taught.

(3) The subject matter of educational and training programs must meet the minimum requirements of section 1007 of the act, MCL 339.6007, and must be relevant to the subject trade for which the applicant is seeking approval.

History: 2023 MR 8, Eff. May 3, 2023.

### **R 339.5263 Changes to program, provider information, or test.**

Rule 5263. (1) A provider of an approved education and training program or test who wants to make changes to the program, provider information, or test shall notify the department, in writing, at least 10 days before making any of the following changes:

A change in the name of the applicant.

A change in the address of the applicant.

A change in the principal officers of an applicant organization.

(2) Any changes with respect to the program must be made only when approved by the department in advance. If the illness of an instructor, natural disaster, or other emergency causes a change in the approved program, the provider shall notify the department at the earliest opportunity. A written notice that confirms the verbal report must be submitted to the department within 10 days after the verbal notification.

History: 2023 MR 8, Eff. May 3, 2023.

### **R 339.5264 Registration and reregistration; required hours of training; training categories; effective date.**

Rule 264. (1) An individual who is applying for renewal or reregistration shall complete not less than the required number of hours of continuing education in an approved educational or training program, as described in table 264 of this rule, in all the following categories:

State public acts and state administrative rules, which must include programs and courses designed to enhance an individual's understanding of technical writing, public speaking, laws, rules, and the administration and enforcement of related statutes



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and regulations.

Technical, which must include programs and courses designed to enhance an individual's understanding of state laws, state rules, and the state administration and enforcement of related statutes and regulations.

Plan review, which must include programs to enhance an individual's ability to review and approve residential and commercial construction documents to determine compliance with applicable codes, standards, and statutes.

Specialty, which must include courses designed to increase an individual's knowledge of inspection and construction techniques in the various registration classifications.

(2) Continuing education is valid for reregistration only when accrued during an individual's current 3-year registration period, except as provided in subrule (3) of this rule.

(3) The department may approve any of the following types of educational or training programs for the purpose of satisfying registration or reregistration requirements by the individual.

(a) Association programs that are sponsored by any of the following entities:

Inspector organizations.

Township, municipal, and county organizations.

Professional and trade organizations.

(b) Home study courses, such as online courses.

(c) Private contractor technical update courses.

(d) University, college, and community college courses.

(e) Department-sponsored training programs.

(f) Training sponsored by nationally recognized model code promulgating organizations, such as the International Code Council.

(4) The department of the commission may approve the following educational or training association programs that are sponsored by any of the following entities to satisfy an individual's registration or reregistration requirements:

(a) Inspector organizations.

(b) Township, municipal, and county organizations.

(c) Professional and trade organizations.

(5) Table 264 reads as follows:

Table 264

Hours Required for Reregistration

Training Registration Classifications

	Building	Inspector				Plan Reviewer			
	Official	Building	Electrical	Mechanical	Plumbing	Building	Electrical	Mechanical	Plumbing
and	18 hrs (b)	4 hrs (b)	4 hrs (b)	4 hrs (b)	4 hrs (b)	4 hrs (b)	4 hrs (b)	4 hrs (b)	4 hrs (b)
al	16 hrs (a)	16 hrs (a)	16 hrs (a)	16 hrs (a)	16 hrs (a)	16 hrs (a)	16 hrs (a)	16 (a)	16 hrs (a)
view	2 hrs	2 hrs	2 hrs	2 hrs	2 hrs	8 hrs	8 hrs	8 hrs	8 hrs
y	8 hrs (a)	12 hrs (a)	12 hrs (a)	12 hrs (a)	12 hrs(a)	12 hrs (a)	12 hrs (a)	12 hrs (a)	12 hrs (a)
	44 hrs	34 hrs	34 hrs	34 hrs	34 hrs	40 hrs	40 hrs	40 hrs	rs

(6) When applying for reregistration in 1 or more review classifications, including building, electrical, mechanical, and plumbing, the number of technical and specialty hours is per classification. If an individual is also a plan reviewer and is also applying for reregistration as either a building, electrical, mechanical, or plumbing inspector, the number of hours for a technical and specialty may be applied to the same plan reviewer classification, refer to table 264 subrule (5) of these rules.

(7) When applying for reregistration in more than 1 plan reviewer or inspector classification, the number of acts and rules hours may be applied to more than 1 registration classification, refer to table 264 subrule (5) of these rules.

History: 2023 MR 8, Eff. May 3, 2023.

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**R 339.5265 Building official registration qualifications.**

Rule 265. An individual who is applying for registration as a building official shall comply with all the following: File a completed application on a form provided by the department. Pay the applicable registration fee established under section 1023 of the act, MCL 339.6023.

(c) Pay the applicable examination fee and pass an examination required by the act.

(d) Provide documentation supporting that the applicant has 2 years of experience as a registered inspector or plan reviewer.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5266 Requirements for renewal of registration as a building official.**

Rule 266. (1) As a condition of renewal of a building official registration, an individual shall meet the requirements of section 1011 of the act, MCL 339.6011, by doing both of the following:

(a) Submitting an online application for renewal as a building official as prescribed by the department and accompanied by the required fee of \$25.00 per year of the

registration.

(b) Providing documentation supporting the successful completion of continued training and educational programs as approved by the department pursuant to section 1007 of the act, MCL 339.6007, and required in R 339.5502.

(2) The fee and continued training are in addition to any other fee and continued education requirements, if the building inspector holds additional inspection classifications, plan review classifications or other licenses under the act.

(3) Successful completion of education for a building official includes of all the following:

Eighteen hours of education regarding state public acts and state administrative rules directly related to this state's construction regulations.

Sixteen hours of education regarding technical knowledge related to this state's codes and various technical code provisions.

Two hours of building plan review education.

Eight hours of specialty training, which includes, but is not limited to, courses designed to increase a building official's knowledge of inspection and construction techniques in the various trades.

(4) Failure to comply with all renewal requirements in the act or these rules will result in the denial of the registration renewal and the forfeiture of all renewal fees.

(5) This rule does not apply to an individual who obtains an initial building official registration partially through a 3-cycle registration cycle.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5270 Building inspector registration; qualifications.**

Rule 270. (1) An individual who is applying for registration as a building inspector shall comply with all the following:

File a completed application on a form provided by the department.

Pay the applicable registration fee established under section 1023 of the act, MCL 339.6023.

Pay the applicable examination fee and pass an examination required by the act.

Provide documentation supporting that the individual has any of the following:

(i) A residential builder's license issued by this state and 6 years of experience immediately preceding application in any 1 or more of the following professions:

A contractor in general building construction as a contractor.

A skilled trades worker.

An individual who was in charge of structural construction.

(ii) A license as a building inspector from other states or foreign countries with inspector experience in building construction.

The individual shall provide to the department the requirements of licensure for that state or country before he or she receives approval from the department.

(iii) Seven years of experience in general building construction in any 1 or more of the- following professions:

A building contractor.

A person in charge of general building construction.

A project manager, superintendent, supervisor, or foreman actively engaged in general building construction immediately preceding submission of the application.

A skilled worker in structural carpentry, structural masonry, structural steel erection, or structural concrete construction who has been actively engaged in the general building construction field immediately preceding the submission of the application.

Possesses a current license as an architect or engineer under the article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.

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(2) Contractor and general building construction does not include a plumbing contractor's license, an electrical contractor's license, or a mechanical contractor's license.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5290 Requirements for renewal of registration as a building inspector.**

Rule 290. (1) As a condition for renewal of a building inspector registration, an individual shall meet the requirements of section 1011 of the act, MCL 339.6011, by doing both of the following:

Submitting an online application for renewal as a building inspector as prescribed by the department and accompanied by the required fee of \$25.00 per year of the registration.

Providing documentation supporting the successful completion of continued training and educational programs as approved by the department pursuant to section 1007 of the act, MCL 339.6007, and required in R 339.5502.

(2) The fee and continued training are in addition to any other fee and continued education requirements specified in subrule (1) of this rule, if the building inspector holds additional inspection classifications, plan review classifications, or other licenses under the act.

(3) Successful completion of continued education for building inspectors includes all the following:

Four hours of education regarding state public acts and state administrative rules directly related to this state's construction regulations.

Sixteen hours of education regarding technical knowledge related to this state's codes and various technical code provisions.

Two hours of building plan review education.

Twelve hours of specialty training, including, but not limited to, courses designed to increase a building inspector's knowledge of inspection and construction techniques in the various trades.

(4) Failure to comply with all renewal requirements in the act or these rules will result in the denial of the registration renewal and the forfeiture of all renewal fees.

(5) This rule does not apply to an individual who obtains an initial building inspector registration partially through a 3-cycle registration cycle.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5295 Requirements for renewal of registration as an electrical inspector.**

Rule 295. (1) As a condition of an electrical inspector registration, an individual shall meet the requirements of section 1011 of the act, MCL 339.6011, by doing both of the following:

Submitting an online application for renewal as an electrical inspector as prescribed by the department and accompanied by the required fee of \$25.00 per year of the registration.

Providing documentation supporting the successful completion of continued training and educational programs as approved by the department pursuant to section 1007 of the act, MCL 339.6007, and required in R 339.5502.

(2) The fee and continued training are in addition to any other fee and continued education requirements specified in subrule (1) of this rule, if the electrical inspector holds additional inspection classifications, plan review classifications, or other licenses under the act.

(3) Successful completion of continued education for electrical inspectors includes all the following:

Four hours of education regarding state public acts and state administrative rules directly related to this state's construction regulations.

Sixteen hours of education regarding technical knowledge related to this state's codes and various technical code provisions.

Two hours of electrical plan review education.

Twelve hours of specialty training including, but not limited to, courses designed to increase a building inspector's knowledge of inspection and construction techniques in the various trades.

(4) Failure to comply with all renewal requirements in the act or these rules will result in the denial of the registration renewal and the forfeiture of all renewal fees.

(5) This rule does not apply to an individual who obtains an initial electrical inspector registration partially through a 3-cycle registration cycle.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5300a Requirements for renewal of registration as a mechanical inspector.**

Rule 300a. (1) As a condition of renewal of a mechanical inspector registration, an individual shall meet the requirements of section 1011 of the act, MCL 339.6011, by doing both of the following:

Submitting an online application for renewal as a mechanical inspector, as prescribed by the department, and accompanied by the required fee of \$25.00 per year of the registration.

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Providing documentation supporting the successful completion of continued training and educational programs as approved by the department pursuant to section 1007 of the act, MCL 339.6007, and required in R 339.5502.

(2) The fee and continued training are in addition to any other fee and continued education requirements specified in subrule (1) of this rule, if the mechanical inspector

holds additional inspection classifications, plan review classifications, or other licenses under the act.

(3) Successful completion of continued education for a mechanical inspector includes all of the following:

Four hours of education regarding state public acts and state administrative rules directly related to this state's construction regulations.

Sixteen hours of education regarding technical knowledge related to state codes and various technical code provisions.

Two hours of mechanical plan review education.

Twelve hours of specialty training including, but not limited to, courses designed to increase a mechanical inspector's knowledge of inspection and construction techniques in the various trades.

(4) Failure to comply with all renewal requirements in the act or these rules will result in the denial of the registration renewal and the forfeiture of all renewal fees.

(5) This rule does not apply to an individual who obtains an initial mechanical inspector registration partially through a 3-cycle registration cycle.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5300b Requirements for renewal of registration as a plumbing inspector.**

Rule 300b. (1) As a condition of renewal of a plumbing inspector registration, an individual shall meet the requirements of section 1011 of the act, MCL 339.6011, by doing both of the following:

Submitting an online application for renewal as a plumbing inspector, as prescribed by the department, and accompanied by the required fee of \$25.00 per year of the registration.

Providing documentation supporting the successful completion of continued training and educational programs as approved by the department pursuant to section 1007 of the act, MCL 339.6007, and required in R 339.5502.

(2) The fee and continued training are in addition to any other fee and continued education requirements specified in subrule (1) of this rule, if the plumbing inspector holds additional inspection classifications, plan review classifications, or other licenses under the act.

(3) Successful completion of continued education for a plumbing inspector includes all of the following:

Four hours of education regarding state public acts and state administrative rules directly related to this state's construction regulations.

Sixteen hours of education regarding technical knowledge related to state codes and various technical code provisions.

Two hours of plumbing plan review education.

Twelve hours of specialty training including, but not limited to, courses designed to increase a plumbing inspector's knowledge of inspection and construction techniques in the various trades.

(4) Failure to comply with all renewal requirements in the act or these rules will result in the denial of the registration renewal and the forfeiture of all renewal fees.

(5) This rule does not apply to an individual who obtains an initial plumbing inspector registration partially through a 3-cycle registration cycle.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5300c Requirements for renewal of registration as a building plan reviewer.**

Rule 300c. (1) As a condition of renewal of a building plan reviewer registration, an individual shall meet the requirements of section 1011 of the act, MCL 339.6011, by doing both of the following:

Submitting an online application for renewal as a building plan reviewer, as prescribed by the department, and accompanied by the required fee of \$25.00 per year of the registration.

Providing documentation supporting the successful completion of continued training and educational programs as approved by the department pursuant to section 1007 of the act, MCL 339.6007, and required in R 339.5502.

(2) The fee and continued training are in addition to any other fee and continued education requirements specified in subrule (1) of this rule, if the building plan reviewer holds additional plan review classifications, inspector classifications, or other licenses under the act.

(3) Successful completion of continued education for a building plan reviewer includes all of the following:

Four hours of education regarding state public acts and state administrative rules directly related to this state's construction regulations.

Sixteen hours of education regarding technical knowledge related to state codes and various technical code provisions.

Twelve hours of specialty training including, but not limited to, courses designed to increase a building plan reviewer's

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knowledge of plan review and construction techniques in the various trades.

(4) Failure to comply with all renewal requirements in the act or these rules will result in the denial of the registration renewal and the forfeiture of all renewal fees.

(5) This rule does not apply to an individual who obtains an initial building plan review registration partially through a 3-cycle registration cycle.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5300d Requirements for renewal of registration as an electrical plan reviewer.**

Rule 300d. (1) As a condition of a renewal of an electrical plan reviewer registration, an individual shall meet the requirements of section 1011 of the act, MCL 339.6011, by doing both of the following:

Submitting an online application for renewal as an electrical plan reviewer, as prescribed by the department, and accompanied by the required fee of \$25.00 per year of the registration.

Providing documentation supporting the successful completion of continued training and educational programs as approved by the department pursuant to section 1007 of the act, MCL 339.6007, and required in R 339.5502.

(2) The fee and continued training are in addition to any other fee and continued education requirements, if the electrical plan reviewer holds additional plan review classifications, inspector classifications, or other licenses under the act.(3) Successful completion of continued education for an electrical plan reviewer includes all of the following:

Four hours of education regarding state public acts and state administrative rules directly related to this state's construction regulations.

Sixteen hours of education regarding technical knowledge related to state codes and various technical code provisions.

Eight hours of electrical plan review education.

Twelve hours of specialty training including, but not limited to, courses designed to increase an electrical plan reviewer's knowledge of plan review and construction techniques in the various trades.

(4) Failure to comply with all renewal requirements in the act or these rules will result in the denial of the registration renewal and the forfeiture of all renewal fees.

(5) This rule does not apply to an individual who obtains an initial building plan review registration partially through a 3-cycle registration cycle.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5300e Requirements for renewal of registration as a mechanical plan reviewer.**

Rule 300e. (1) As a condition of renewal of a mechanical plan reviewer registration, an individual shall meet the requirements of section 1011 of the act, MCL 339.6011, by doing both of the following:

Submitting an online application for renewal as a mechanical plan reviewer, as prescribed by the department, and accompanied by the required fee of \$25.00 per year of the registration.

Providing documentation supporting the successful completion of continued training and educational programs as approved by the department pursuant to section 1007 of the act, MCL 339.6007, and required in R 339.5002.

(2) The fee and continued training are in addition to any other fee and continued education requirements specified in subrule (1) of this rule, if the mechanical plan reviewer holds additional plan review classifications, inspector classifications, or other licenses under the act.

(3) Successful completion of continued education for a mechanical plan reviewer includes all of the following:

Four hours of education regarding state public acts and state administrative rules directly related to this state's construction regulations.

Sixteen hours of education regarding technical knowledge related to state codes and various technical code provisions.

Eight hours of mechanical plan review education.

Twelve hours of specialty training including, but not limited to, courses designed to increase a mechanical plan reviewer's knowledge of plan review and construction techniques in the various trades.

(3) Failure to comply with all renewal requirements in the act or these rules will result in the denial of the registration renewal and the forfeiture of all renewal fees.

(4) This rule does not apply to an individual who obtains an initial mechanical plan review registration partially through 3-cycle registration cycle.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5300f Requirements for renewal of registration as a plumbing plan reviewer.**

Rule 300f. (1) As a condition of renewal of a plumbing plan reviewer registration, an individual shall meet the requirements

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of section 1011 of the act, MCL 339.6011, by doing both of the following:

Submitting an online application for renewal as a plumbing plan reviewer, as prescribed by the department, and accompanied by the required fee of \$25.00 per year of the registration.

Providing documentation supporting the successful completion of continued training and educational programs as approved by the department pursuant to section 1007 of the act, MCL 339.6007, and required in R 339.5502.

(2) The fee and continued training are in addition to any other fee and continued education requirements, if the plumbing plan reviewer holds additional plan review classifications, inspector classifications, or other licenses under the act.

(3) Successful completion of continued education for a plumbing plan reviewer includes all of the following:

Four hours of education regarding state public acts and state administrative rules directly related to this state's construction regulations.

Sixteen hours of education regarding technical knowledge related to state codes and various technical code provisions.

Eight hours of plumbing plan review education.

Twelve hours of specialty training including, but not limited to, courses designed to increase a plumbing plan reviewer's knowledge of plan review and construction techniques in the various trades.

(4) Failure to comply with all renewal requirements in the act or these rules will result in the denial of the registration renewal and the forfeiture of all renewal fees.

(5) This rule does not apply to an individual who obtains an initial plumbing plan review registration partially through a 3-cycle registration cycle.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5301 Acts and rules; continuing education.**

Rule 301. (1) An individual who attends the acts and rules continuing education training, specified in R 339.5502, during his or her 3-year registration cycle will have satisfied the required training for all other registrations he or she may hold as an official, inspector, plan reviewer, or any other combination of those registrations for his or her renewal requirement. An individual who holds multiple registrations shall take the acts and rules continuing education training only once every 3-year registration cycle.

(2) All other courses must be tailored to either the specific trade inspector classification, the trade plan reviewer classification, or the building official registration, to attain the total number of continuing education training hours required for each registration renewal.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5302 Building plan reviewer registration; qualifications.**

Rule 302. An individual who is applying for registration as a building plan reviewer shall comply with all the following:

File a completed application on a form provided by the department.

Pay the applicable registration fee established under section 1023 of the act, MCL 339.6023.

Pay the applicable examination fee and pass an examination required by the act.

Provide documentation supporting that the applicant has 1 of the following:

(i) A residential builder's license issued by this state and 6 years of experience immediately preceding application in any 1 or more of the following professions:

General building construction as a contractor.

Skilled trades worker.

A person in charge of structural construction.

(ii) A license as a building plan reviewer from another state or foreign country with plan reviewer experience in building construction. The individual shall provide to the department the requirements of licensure for that state or country before he or she receives approval from the department.

(iii) Seven years of experience in general building construction in 1 or more of the following professions:

A contractor.

A skilled trades worker.

An individual who was a person in charge of structural construction.

(iv) An individual under paragraph (iii) of this subdivision must also possess 2 years of experience as a journey level, structural, construction, or skilled trades worker including as a carpenter, brick layer or mason, or steel worker.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5305 Electrical inspector registration; qualifications.**

Rule 305. An individual who is applying for an electrical inspector registration shall

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comply with all of the following:

File a completed application on a form provided by the department.

Pay the applicable registration fee established under section 1023 of the act, MCL 339.6023.

Pay the applicable examination fee and pass an examination required by the act.

Provide documentation supporting that the individual is licensed as an electrical journeyman or master electrician as required under section 1022 of the act, MCL 339.6022.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5306 Electrical plan reviewer registration; qualifications.**

Rule 306. An individual who is applying for registration as an electrical plan reviewer shall comply with all of the following:

File a completed application on a form provided by the department.

Pay the applicable registration fee established under section 1023 of the act, MCL 339.6023.

Pay the applicable examination fee and pass an examination required by the act.

Provide documentation supporting that the individual is licensed as an electrical journeyman or master electrician as required under section 1022 of the act, MCL 339.6022.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5309 Mechanical inspector registration; qualifications.**

Rule 309. (1) An individual who is applying for registration as a mechanical inspector shall comply with all of the following:

File a completed application on a form provided by the department.

Pay the applicable registration fee established under section 1023 of the act, MCL 339.6023.

Pay the applicable examination fee and pass an examination required by the act.

Hold a mechanical license from this state in 3 of the 4 following categories for at least 1 year immediately preceding application:

Hydronic heating and cooling and process piping.

HVAC equipment.

Refrigeration.

Fire suppression.

(2) If the individual does not hold a mechanical license from this state, as specified in subrule (1)(d) of this rule, he or she shall provide to the department an affidavit of experience from previous and current employers. The affidavit must comply with both of the following:

(a) Attest that the individual has been actively engaged in the performance of mechanical work in 3 of the 4 following categories for 6 years under a licensed mechanical contractor:

Hydronic heating and cooling process piping.

HVAC equipment.

Refrigeration.

Fire suppression.

(b) Attest that the licensed mechanical contractor who supervised the applicant was licensed in the required category at the time of supervision.

(3) If the individual holds a license as a mechanical inspector from another state or foreign country with inspector experience in mechanical code enforcement, he or she shall provide to the department proof of licensure and the requirements of licensure for that state or country to be eligible to receive approval from the department.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5400 Mechanical plan reviewer registration; qualifications.**

Rule 400. (1) An individual who is applying for registration as a mechanical plan reviewer shall comply with all the following:

File a completed application on a form provided by the department.

Pay the applicable registration fee established under section 1023 of the act, MCL 339.6023.

Pay the applicable examination fee and pass a required examination established under section 321 of the act, MCL 339.5321.

Hold a mechanical license from this state in 3 of the 4 following categories, for at least 1 year immediately preceding application:

Hydronic heating and cooling process piping.

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HVAC equipment.  
Refrigeration.  
Fire suppression.

(2) If the individual does not hold a mechanical license in this state, as specified in subrule (1)(d) of this rule, he or she shall provide to the department an affidavit of experience from previous and current employers. The affidavit must comply with both of the following:

(a) Attest that the applicant has been actively engaged in the performance of mechanical work for 6 years under a licensed mechanical contractor in 3 of the 4 following categories:

Hydronic heating and cooling and process piping.  
HVAC equipment.  
Refrigeration.  
Fire suppression.

(b) Attest that the licensed mechanical contractor or contractors who supervised the applicant were licensed in the required category or categories at the time of supervision.

(3) If the individual holds a license as a mechanical plan reviewer from another state or foreign country with inspector experience in mechanical code enforcement, he or she shall provide to the department proof of licensure and the requirements of licensure for that state or country to be eligible to receive approval from the department.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5405 Plumbing inspector registration; qualifications.**

Rule 405. (1) An individual who is applying for registration as a plumbing inspector shall comply with all the following:

File a completed application on a form provided by the department.

Pay the applicable registration fee established under section 1023 of the act, MCL 339.6023.

Pay the applicable examination fee and pass a required examination, established under section 321 of the act, MCL 339.5321.

Provide documentation supporting that the individual has either of the following:

A journey plumbers license from this state for at least 2 years immediately preceding application for registration.

A current master plumbing license from this state.

(2) If the individual does not hold a plumber license from this state, as specified in subrule (1)(d) of this rule, he or she shall provide an affidavit of experience to the department from previous and current employers. The affidavit must attest that he or she was actively engaged in the performance of plumbing work for 5 years under a licensed plumbing contractor.

(3) If an individual holds a license as a plumbing inspector from another state or foreign country with inspector experience in plumbing code enforcement, he or she shall provide to the department proof of licensure and the requirements of licensure for that state or country to be eligible to receive approval from the department.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5406 Plumbing plan reviewer registration; qualifications.**

Rule 406. (1) An individual who is applying for registration as a plumbing plan reviewer shall comply with all of the following:

File a completed application on a form provided by the department.

Pay the applicable registration fee established under section 1023 of the act, MCL 339.6023.

Pay the required examination fee, established under section 407 of the act, MCL 339.5407.

Provide documentation proving that the individual has either of the following:

A journey plumbers license from this state for at least 2 years immediately preceding application for registration.

A master plumber license from this state.

If the individual does not hold a plumber license from this state, as specified in subrule (1)(d) of this rule, he or she shall provide to the department an affidavit of experience from previous and current employers. The affidavit must attest to the applicant having been actively engaged in the performance of plumbing work for 5 years under a licensed plumbing contractor.

If an individual holds a license as a plumbing plan reviewer from another state or foreign country with plan review experience in plumbing code enforcement, he or she shall provide to the department proof of licensure and the requirements of licensure for that state or country to be eligible to receive approval from the department.

History: 2023 MR 8, Eff. May 3, 2023.



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**R 339.5408 Provisional registration.**

Rule 408. (1) An individual may apply for a provisional registration as a building inspector or building plan reviewer provided, he or she meets the requirements as specified in section 219 of the act, MCL 339.5219.

(2) An applicant may apply for a provisional registration as an inspector or plan reviewer in the plumbing trade provided he or she meets the requirements as specified in section 219 of the act, MCL 339.5219.

(3) An applicant may apply for a provisional registration as an inspector or plan reviewer in the electrical trade provided, he or she meets the requirements as outlined in section 219 of the act, MCL 339.5219.

(4) An applicant may apply for a provisional registration as an inspector or plan reviewer in the mechanical trade provided he or she meets the requirements as specified in section 219 of the act, MCL 339.5219.

(5) If an individual is unable to qualify for a provisional license under section 219 of the act, MCL 339.5219, he or she shall do all of the following:

(a) Submit his or her work experience for the previous 6 years detailing work performed in the trade related to the trade classification for which he or she is applying.

(b) Submit all education obtained during the same 6-year period.

(c) Submit 3 letters of reference from former clients for whom the applicant provided services within the 6 years immediately preceding application.

(6) An individual who is provisionally registered, pursuant to section 1021 of the act, MCL 339.6021, shall not perform the duties and responsibilities of an inspector or plan reviewer until he or she has met all requirements for full registration.

History: 2023 MR 8, Eff. May 3, 2023.

**PART 11. PLUMBING AND PLUMBING CONTRACTORS**

**R 339.5411 Master plumber and plumbing contractors; changes in employment status; license suspension.**

Rule 411. (1) If a master plumber ceases to represent a plumbing contractor, both the plumbing contractor and the master plumber who was employed by the plumbing contractor shall notify the department immediately of any changes in the employment status of the master plumber.

(2) The contractor license may be summarily suspended pursuant to section 507 of the act, MCL 339.5507, until the contractor designates an employee or officer who is a licensed master plumber to represent the plumbing contractor license.

History: 2023 MR 8, Eff. May 3, 2023.

**R 339.5412 Journey plumbing examinations.**

Rule 412. (1) To obtain a journey license, an applicant shall take and pass the 2-part examination. The examination includes both a practical skill portion and a written examination portion.

An applicant will have 365 days, beginning the date of receipt of the application, to achieve licensure.

Failure to pass both the written examination and the practical skill portion of the examination, within 365 days after receipt of application, will result in forfeiture of any fees paid to the department and the application being voided under the act.

To obtain licensure after the expiration of the 365 days, an applicant shall submit a new application and fees and meet the registration requirements in place at the time of the new application, including taking the journey plumbing examination and successfully passing both parts of the examination that is in effect on the date the department received the new application.

History: 2023 MR 8, Eff. May 3, 2023.

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**DIRECTOR'S OFFICE**

**BARBERS**

**PART 1. GENERAL PROVISIONS**

**R 339.6001**

Source: 2014 AACs.

**R 339.6002 Definitions.**

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Rule 2. (1) As used in these rules:

- (a) "ANSI" means the American National Standards Institute.
  - (b) "Apprenticeship program" means a barber teaching program conducted in a licensed barbershop teaching barbering services to an apprentice without charging a fee.
  - (c) "Board" means the board of barber examiners created under section 1102 of the code, MCL 339.1102.
  - (d) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.
  - (e) "Department" means the department of licensing and regulatory affairs.
  - (f) "EPA" means the United States Environmental Protection Agency.
  - (g) "NACES" means the National Association of Credential Evaluation Services.
  - (h) "ISEA" means the International Safety Equipment Association.
  - (i) "NBCP" examination means the National Barber Cosmetology Program examination.
  - (j) "PSI" means PSI Services, LLC.
  - (k) "UV" means ultraviolet.
- (2) Terms that are defined in the code have the same meaning when used in these rules.

History: 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 339.6003**

**Source:** 2014 AACCS.

**R 339.6019**

**Source:** 1991 AACCS.

**PART 2. LICENSES**

**R 339.6021 License examination requirement; examination administrator; valid score.**

Rule 21. (1) Until 1 year after the effective date of these rules, an applicant for an initial barber license, in addition to meeting all the requirements of the code, shall pass the state examination required for the license in table 21. A passing score is valid for 1 year after the date it was earned.

(2) Beginning 1 year after the effective date of these rules, the board adopts the NBCP examination developed and scored by PSI. An applicant for an initial barber license, in addition to meeting all the requirements of the code, shall achieve a passing score on the NBCP examination, as determined by PSI, on the examination required for the license in table 21. A passing score is valid for 1 year after the date it was earned.

(3) Until 1 year after the effective date of these rules, an applicant for an initial barber instructor license, in addition to meeting all the requirements of the code, shall pass the state examination required for the license in table 21. A passing score is valid for 1 year from the date it was earned.

(4) Beginning 1 year after the effective date of these rules, the board adopts the NBCP examination developed and scored by PSI. An applicant for an initial barber instructor license, in addition to meeting all the requirements of the code, shall achieve a passing score on the NBCP examination, as determined by PSI, on the examination required for the license in table 21. A passing score is valid for 1 year after the date it was earned.

(5) The state examination must be administered by a third party chosen by the department. The NBCP examination must 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.

(7) The required examination or examinations for each license type is listed below in table 21.

TABLE 21

License Type		Required Examination
(a)	Barber	Barber theory Barber practical
(b)	Instructor	Barber instructor theory

History: 1991 AACCS; 1998 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 339.6022 Licensure by endorsement; substantially equal requirements; substituted experience; training obtained**

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**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 the applicant has held a barber license for at least 1 of the 3 years immediately preceding the date of application, 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 the state, jurisdiction, or country required an applicant to pass 1 or more examinations that tested barber theory and practical applications that are substantially equal to the barber theory and practical application examinations for licensure in this state and the applicant satisfies either of the following:

(a) The state, jurisdiction, or country required an applicant to receive not less than 1,800 hours of prec licensure instruction at a licensed barber college.

(b) The state, jurisdiction, or country required an applicant to receive not less than 1,800 hours of prec licensure instruction in a barber apprenticeship program.

(4) If an applicant received instruction outside of the United States, the evidence that the prec licensure instruction was substantially equal to the requirements for a barber license in this state must include an evaluation completed by a current member of the NACES.

(5) Except as provided in subrule (6) of this rule, if the applicant received prec licensure instruction at a licensed barber college and the applicant's records fail to satisfy the requirements of subrule (3)(a) of this rule, under section 1108(3) of the code, MCL 339.1108, the hours of prec licensure instruction 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 the applicant worked as a barber or barber apprentice for a period of time equal to the number of hours of training required for licensure.

(6) If the applicant's records of prec licensure instruction at a licensed barber college cannot be produced because the instruction was obtained in a country from which records are not generally available, the applicant may substitute the hours as allowed under subrule (5) of this rule for those required under R 339.6047, table 47, except those under the topics of safety and sanitation and laws, rules, and regulations by providing both of the following:

(a) A notarized affidavit stating all of the following, as applicable:

(i) The name and address of each school or barber college program where prec licensure instruction was completed, including a description of the type of instruction and grades received.

(ii) The total number of years of prec licensure instruction received.

(iii) The name and address of each entity where barber or barber apprenticeship experience was acquired, along with the dates and hours of qualified experience as a barber or as a barber apprentice.

(b) A notarized statement from a government official of the country in which the records are unavailable attesting to the unavailability of the applicant's records.

(7) 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 before it lapsed.

History: 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**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 under section 1108(1)(d) of the code, MCL 339.1108.

(b) Establish that the applicant has or had an active barber license in good standing in another state, jurisdiction, or country for at least 1 of the 3 years immediately preceding the application for relicensure.

History: 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**PART 3. HEALTH, SAFETY, AND SANITATION AT THE PREMISES  
OF A BARBERSHOP OR BARBER COLLEGE**

**R 339.6031 Premises of barbershop or barber college.**

Rule 31. (1) The owner of a barbershop or barber college shall ensure that the barbershop or college complies with the requirements of subrules (2) to (10) of this rule.

(2) A barbershop or barber college shall have and maintain all of the following:

(a) An adequate supply of running hot and cold water necessary to complete all cleaning requirements and barber services offered on the premises and necessary to comply with all local, state, and federal laws and regulations where services are provided.

(b) Adequate ventilation to prevent the concentration of chemical vapors and strong odors.

(c) Clean, covered containers for holding used towels, capes, and neck strips.

(d) An adequate amount of cleaning, disinfecting, and sterilizing equipment, including a washbasin, 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 a chair, headrest, or other station is used for providing services to patrons, it must be made of, or covered in, a nonporous material that can be disinfected.

(h) If providing shampooing services, a shampoo bowl equipped with hot and cold running water.

(i) At least 1 first aid kit that is labeled by the manufacturer as meeting the ANSI/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 Z308.1" or "ANSI/ISEA Z308.1" satisfies this requirement.

(3) A barbershop or barber college shall keep the premises clean.

(4) A barbershop or barber college shall ensure that waste containers are always closed and emptied when full, but not less than once every 24 hours. Additionally, the waste container must be cleaned and disinfected at least once every 24 hours unless lined with a plastic bag that is disposed of each time that the waste container is emptied.

(5) A barbershop or barber college shall maintain tools and equipment in a safe condition and in good working order.

(6) A barbershop or barber college shall store equipment and supplies used for barbering services separately from storage for any other purpose.

(7) Clean tools and supplies must be stored in covered containers separate from used tools and supplies.

(8) Used towel and rubbish storage must not be adjacent to storage for clean supplies.

(9) A barbershop or barber college shall have toilet facilities on the premises for patron or student use unless public toilet facilities are reasonably available.

(10) A barbershop or barber college shall comply with all local, state, and federal regulations, including building codes, health regulations, and fire safety regulations.

History: 1991 AACs; 2019 AACs; 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**R 339.6033 Cleaning, disinfecting, and sterilizing tools and equipment.**

Rule 33. (1) Unless otherwise provided under this rule, a licensee, student, or apprentice shall disinfect all non-electrical tools that are not disposed of after each use on a patron in the following sequential manner:

(a) Remove all visible debris.

(b) Wipe sharp-edged tools with a 70% alcohol solution.

(c) Disinfect using 1 of the following methods:

(i) Exposing all surfaces to UV light in compliance with the requirements for disinfection established by the manufacturer of the disinfecting device.

(ii) Fully immersing in a wet sanitizer that contains a sanitizing agent registered with the EPA for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.

(iii) Scrubbing all surfaces with a disinfectant wipe or clean towel and disinfectant spray that contains a disinfecting agent registered with the EPA.

(d) Fully dry by air or with a clean towel before storing in a clean, covered place such as a fully enclosed drawer, cabinet, or container.

(2) Unless otherwise provided under this rule, a licensee, student, or apprentice shall disinfect all removeable parts of an electrical tool after each use on a patron in the following sequential manner:

(a) Remove all visible debris.

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- (b) Wipe sharp-edged tools with an alcohol solution of, at a minimum, 70% alcohol.
- (c) Disinfect using 1 of the following methods:
  - (i) Exposing all surfaces to UV light in compliance with the requirements for disinfection established by the manufacturer of the disinfecting device.
  - (ii) Fully immersing in a wet sanitizer that contains a sanitizing agent registered with the EPA for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.
  - (iii) Scrubbing all surfaces with a disinfectant wipe or clean towel and disinfectant spray that contains a disinfecting agent registered with the EPA.
- (d) Fully dry by air or with a clean towel before storing in a clean, covered place such as a fully enclosed drawer, cabinet, or container. Electrical items with a cord must not be stored in a container used for storing other clean items.
- (3) A licensee, student, or apprentice shall disinfect a shampoo bowl after each use in the following sequential manner:
  - (a) Remove all visible debris.
  - (b) Scrub all surfaces with a disinfectant wipe or clean towel and disinfectant spray that contains a disinfecting agent registered with the EPA.
  - (4) A licensee, student, or apprentice shall dispose of a single-use duster or other brush after each use or disinfect a reusable duster or other brush in the following sequential manner after each use:
    - (a) Remove all visible debris.
    - (b) Wash with soap or detergent and water and rinse with clean water.
    - (c) Immerse in a wet sanitizer for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.
  - (5) A licensee, student, or apprentice shall disinfect every barbering chair, headrest, or other station that comes in direct contact with a patron's skin after use by a patron in the following sequential manner:
    - (a) Remove all visible debris.
    - (b) Scrub all surfaces with a disinfectant wipe or a clean towel and disinfectant spray that contains a disinfecting agent registered with the EPA.

History: 1991 AACCS; 2019 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 339.6035 Use or storage of certain items prohibited on the premises of a barbershop or barber college; use of powdered or liquid astringent to stop bleeding.**

Rule 35. (1) The owner of a barbershop or barber college shall not allow the use or storage of styptic pencils, or lump alum on the premises.

(2) The owner of a barbershop or barber college shall not allow the use of drops, washes, or treatment of the eyes on the premises.

(3) A licensee, student, or apprentice shall not use a styptic pencil, lump alum, or any drops, wash, or treatment of the eyes. Only a powdered or liquid astringent applied on a clean towel, cotton, or gauze may be used to stop bleeding.

History: 1991 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 339.6037 Patron protection.**

Rule 37. (1) A licensee, student, or apprentice shall comply with all of the following for each patron:

- (a) Use a clean, fresh paper or cloth towel.
- (b) Cover the headrest of the chair with clean, fresh paper or cloth.
- (c) Use a clean, fresh hair cloth or cape.
- (d) Place a clean, fresh towel or sanitary paper or cloth neck strip around the patron's neck to prevent the hair cloth or cape from touching the patron's skin.
- (2) A licensee, student, or apprentice shall launder reusable towels, capes, and neck strips with a detergent in water that is 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 clean towel and disinfect spray.
  - (c) Towels, capes, and neck strips laundered through commercial laundry services are presumed to satisfy the requirements of this subrule.
- (3) A licensee, student, or apprentice shall comply with all of the following:
  - (a) Wash hands or apply hand sanitizer before beginning each new barbering service.
  - (b) Store soiled towels, capes, and neck strips in fully enclosed covered containers.
  - (c) Store clean tools, towels, capes, neck strips, and supplies in a clean, covered, fully enclosed container and separate from

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used tools, towels, capes, neck strips, and supplies.

(d) Use clean tools, equipment, and supplies on patrons.

(e) Dispose of all 1-time-use tools and supplies after each use on a patron.

(f) Remove any hair clippings from the floor and work surfaces once hair care services are completed on each patron.

(g) Store all semi-solid substances, including, but not limited to, creams, lotions, oils, and powders in a fully enclosed, covered container.

(h) Remove all semi-solid substances by using a clean spatula or 1-time-use spatula that is disposed of after use on a patron unless the substance is dispensed from a shaker dispenser that prevents contact with the skin.

(4) When not in use, a licensee, student, or apprentice shall ensure that all tools and equipment that are intended to come in contact with a patron are stored in a covered container or under a UV light in compliance with the requirements established by the manufacturer of the UV disinfecting device.

(5) A licensee, student, or apprentice shall ensure that small items of equipment, including combs and brushes, are maintained in a sanitary condition. Small items of equipment must not be carried between work areas on the person of a licensee, student, or apprentice.

History: 1991 AACCS; 2019 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 339.6039 Blood spill procedures.**

Rule 39. (1) A licensee, barbershop owner, instructor, student, apprentice, or barber school owner shall comply with all of the following provisions if a blood spill occurs:

(a) Temporarily suspend the service being performed.

(b) Provide the patron or other individual who is bleeding with adequate first aid supplies so that the bleeding can be stopped and the wound covered.

(c) Sterilize any equipment, implements, or tools that have come into contact with the blood spill.

(d) Immediately discard porous materials that have come into contact with the blood spill.

(e) Immediately clean surfaces soiled with blood and dispose of all blood-soiled waste in compliance with the current standards established by the Michigan Occupational Safety and Health Administration.

(2) A licensee, student, apprentice, or instructor shall not perform services or demonstrations until all bleeding has ceased and all wounds have been covered. A licensee, student, apprentice, or instructor shall keep an open sore, cut, burn, or other injury on patrons or on themselves covered at all times when performing a service or demonstration.

History: 2003 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**PART 4. BARBER COLLEGES AND APPRENTICESHIP PROGRAMS**

**R 339.6040 Rescinded.**

History: 2021 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 339.6041 Construction standards and required equipment for barber college.**

Rule 41. (1) The owner of a barber college shall ensure that the barber college complies with the requirements of subrules (2) to (5) of this rule.

(2) A barber college shall provide for all of the following:

(a) A classroom with adequate space and sufficient number of desk chairs for each student in attendance.

(b) A practical training room.

(c) A separate student locker area.

(d) Adequate toilet facilities to meet the needs of the number of enrolled students.

(3) A practical training room must be equipped with all of the following:

(a) Sufficient practical training stations so that students are not required to share a station during practical training periods.

(b) Tile, first-grade linoleum, or nonporous floor covering.

(c) Ample lamps and vibrators to give demonstrations in scientific treatment as provided in the curriculum.

(d) Ample supplies of steamers, sources of lather, and clean towels provided by the college for the proper performance of services by each student.

(4) A practical training station must be equipped with all of the following:

(a) A barber chair that is in mechanical working order, easily cleaned, and not less than 6 feet from the next chair, when measured from the center of one chair base to the center of the next chair base.

(b) One storage cabinet for tools, clean towels, and hair cloths.

(c) One electric sterilizer.

(d) One approved soiled towel container with a hinged lid or door.

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(e) One complete set of the customary barber tools.

(5) A barber college shall indicate to the public that it is a barber college by a sign, with letters that are not less than 6 inches in height, that includes the words "barber school" or "barber college." A sign must be displayed indicating that the work performed in the barber college is primarily performed by students.

History: 1991 AACCS; 1994 AACCS; 2019 AACCS; 2023 MR 19, Eff. Oct. 2, 2023.

**R 339.6042 Barber college or barbershop owner's duty concerning program requirements; barber college and apprenticeship program requirements.**

Rule 42. (1) The owner of a barber college or a barbershop conducting an apprenticeship program shall ensure that the barber college or barbershop complies with the requirements of subrules (2) to (7) of this rule.

(2) A barber college shall display all licenses as required under section 1110(8) of the code, MCL 339.1110.

(3) A barbershop conducting an apprenticeship program shall display the apprentice registration permit in a prominent place on the premises that is visible to the public at all times.

(4) A barbershop conducting an apprenticeship program shall ensure that all the apprentice's training is performed by an individual who holds an active barber license issued by this state.

(5) A barber college may transfer credit of hours a student had previously earned in a barber college toward the completion of a curriculum under R 339.6047, if the barber college determines that the previously earned hours are substantially similar to the hours required under the applicable curriculum. If a barber college allows a student to substitute substantially similar hours earned in another barber college, it shall include in the student's records the number of substantially similar theory and practical hours it has allowed the student to substitute.

(6) A barbershop conducting an apprenticeship program may grant credit for hours an apprentice has earned in another apprenticeship program toward the completion of a curriculum under R 339.6047, if the new apprenticeship program determines that the previously earned hours are substantially similar to the hours required under the applicable curriculum. If a barbershop conducting an apprenticeship program allows an apprentice to substitute substantially similar hours earned in another apprenticeship program, it shall include in the apprentice's records the number of substantially similar theory and practical hours it has allowed the apprentice to substitute.

(7) A barber college shall not transfer credit of hours that were earned in an apprenticeship program toward the completion of the student's school curriculum. An apprenticeship program shall not transfer credit of hours that were earned as a student toward the completion of an apprenticeship program.

History: 2023 MR 19, Eff. Oct. 2, 2023.

**R 339.6044 Substitution of hours for credits earned in Michigan-licensed cosmetology school; substantially similar criteria and determination; notice to department.**

Rule 44. (1) Under 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 completed at a Michigan-licensed cosmetology school for hours of instruction required by the barber college.

(2) In determining if an hour of instruction completed at 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 a barber college program.

(4) Until January 1, 2024, the barber college shall notify the department of the number of substantially similar hours it allowed the student to substitute in the student's barber college curriculum.

History: 2023 MR 19, Eff. Oct. 2, 2023.

**R 339.6045 Distance education requirements.**

Rule 45. (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 allowing live interaction between the student and the instructor.

(2) Distance education is allowed 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

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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 barber college offering distance education under subrule (2) of this rule shall have a policy in place that it provides to each student that includes all of the following clear statements:

(a) All practical hours in the curriculum must be done in-person.

(b) The student's interaction with the instructor through distance education must be logged by the instructor.

(c) An in-person performance evaluation must be completed after each 10% of the distance education component.

(d) The student shall pass a comprehensive theory and practical examination before the student graduates from the program.

(e) The student's transcript and other documents must identify the portion of the curriculum that was delivered through distance education.

(4) Before a student enrolls in the barber college, the barber college shall provide, and the student shall sign, a disclaimer that advises the student that distance education may not be accepted for reciprocity or licensure in some states. The barber college shall maintain a copy of the signed waiver in the student's record.

History: 1991 AACCS; 2003 AACCS; 2006 AACCS; 2014 AACCS; History: 2023 MR 19, Eff. Oct. 2, 2023.

**R 339.6047 Barber college and apprenticeship; curriculum requirements.**

Rule 47. (1) A barber college and apprenticeship program shall follow a curriculum of instruction in barbering as shown under table 47.

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, including and work stations. (ii) Infection control and diseases of hair, scalp, skin, nails, and glands. (iii) Implements, including sanitation, maintenance, and care. (iv) Laws and rules governing safety and sanitation.	60	50
(c) Client services: (i) Composition, structure, and 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, including identification of potential disorders and diseases of the head, neck, and face and recommendation of appropriate follow up for medical evaluation. (v) Recommendation of services and follow-up maintenance.	30	These activities must be performed as part of the activities specified in sub-divisions (d), (e), and (f) of this subrule.
(d) Haircut and shave: (i) Hair cutting. (ii) Hair styling. (iii) Shaving, including the use of a clipper and a straight razor. (iv) 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) Additional services: (i) Skin care, including facials, massage, and therapy. (ii) Hair and scalp treatments, including preparations, massage, and therapy.	25	275



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(iii) Selling and servicing hairpieces. (iv) Eyebrow razor shaping.		
(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

(2) 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.

History: 1991 AACs; 2019 AACs; 2021 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**R 339.6049 Student or apprentice records.**

Rule 49. (1) A barber college and a barbershop conducting an apprenticeship program shall maintain records of each student or apprentice for not less than 7 years after the student's or apprentice's last date of attendance. A barber college's or barbershop's apprenticeship program's records must be available to the department upon request. The records must contain all of the following information:

- (a) A daily attendance record.
- (b) A record of the types of services and practical applications performed by the student or apprentice.
- (c) The date of the student's enrollment or the date the apprentice began participation in the program.
- (d) A copy of the student's or apprentice's contract.
- (e) The student's final grades or the apprentice's evaluation and progress records.
- (f) The student's graduation date or the date that the student withdrew from the barber college, or the apprentice's proposed completion date, actual completion date, the date when the apprentice withdrew from the apprenticeship program, or the termination date.

(2) A barber college and a barbershop's apprenticeship program shall create and maintain a monthly record for each student or apprentice. The record must include the student's or apprentice's name and the number of credit hours that the student or apprentice accumulated that month and the total credit hours that the student or apprentice has earned to date. A barber college shall submit a copy of the monthly record to the department on or before the tenth day of the following month for all months through December 2023. Beginning with the monthly record for January 2024, a barber college shall discontinue submitting a copy of the monthly record to the department. A barbershop conducting an apprenticeship program shall not submit a copy of the monthly record to the department, unless requested by the department to do so.

History: 1991 AACs; 2023 MR 19, Eff. Oct. 2, 2023.

**R 339.6051**

Source: 2014 AACs.

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**DIRECTOR'S OFFICE**

**NURSING HOME ADMINISTRATORS**

**PART 1. GENERAL PROVISIONS**

**R 339.14001**

Source: 2019 AACs.

**R 339.14002**

Source: 2019 AACs.

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**R 339.14003**  
Source: 2021 AACS.

**PART 2. EDUCATION**

**R 339.14005**  
Source: 2021 AACS.

**R 339.14007**  
Source: 2019 AACS.

**PART 3. LICENSURE**

**R 339.14008**  
Source: 2021 AACS.

**R 339.14009**  
Source: 2019 AACS.

**R 339.14011**  
Source: 2019 AACS.

**R 339.14012**  
Source: 2021 AACS.

**R 339.14013**  
Source: 2021 AACS.

**R 339.14015**  
Source: 2019 AACS.

**R 339.14019**  
Source: 1992 AACS.

**R 339.14020**  
Source: 2021 AACS.

**R 339.14020a**  
Source: 2021 AACS.

**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**  
Source: 2021 AACS.

**R 339.14024a**  
Source: 2019 AACS.

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**R 339.14025**  
Source: 2019 AACS.

**R 339.14026**  
Source: 2021 AACS.

**R 339.14026a**  
Source: 2021 AACS.

**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 Definitions.**

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

- (a) "CACB" means the Canadian Architectural Certification Board.
- (b) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.
- (c) "Continuing education" means an instructional course or activity in an approved health, safety, and welfare subject that is designed to bring licensees up to date on a particular area of knowledge or skills relevant to the licensee's area of professional practice.
- (d) "Course" means any qualifying activity with a clear purpose and goal that keeps, improves, or expands the skills and knowledge relevant to the licensee's area of professional practice. Regular duties for compensation are not considered activities, except for employer compensated continuing education activities.
- (e) "Department" means the department of licensing and regulatory affairs.
- (f) "Distance learning" means any of the following:
  - (i) Courses where an instructor and a licensee may be apart, and instruction takes place through online or electronic media.
  - (ii) Courses, which include, but are not limited to, instruction presented through interactive classrooms, at the job site, computer conferencing, and interactive computer systems.
  - (iii) Monographs, which are distant learning courses that examine or investigate current and emerging topics in architecture, that can be in the form of an online quiz or test offered by a sponsor, that may not require an instructor.
- (g) "Health, Safety, and Welfare (HSW) subjects" means technical and professional subjects related to the practice of architecture that safeguard the public and include the continuing education subjects approved under R 339.15506.

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- (h) “NAAB” means the National Architectural Accrediting Board.
- (i) “NCARB” means the National Council of Architectural Registration Boards.
- (j) “Sponsor” means an individual that represents to the public that any of its courses fulfill the requirements of section 2009 of the code, MCL 339.2009, for continuing education.
- (2) A term defined in the code has the same meaning when used in these rules.  
History: 1985 AACs; 2006 AACs; 2013 AACs; 2014 AACs; 2018 AACs; 2020 AACs; 2022 AACs; 2023 MR 9, Eff. May 1, 2023.

**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 Educational requirement; adoption by reference of educational standard.**

Rule 201. (1) An applicant for licensure shall provide proof, as directed by the department, verifying 1 of the following to satisfy the educational requirements under the code:

- (a) Transcripts verifying that the applicant received a first professional degree from an architectural program that is accredited by the NAAB or the CACB.
- (b) An evaluation report from the Education Evaluation Services for Architects-NCARB that states the applicant for licensure has met the NCARB Education Standard established in the NCARB Education Guidelines.
- (c) A credentials evaluation provided by a current member of the National Association of Credential Evaluation Services that verifies the applicant for licensure received a degree that satisfies all the categories, subject areas, and semester credit hour requirements established under the NCARB Education Standard adopted by reference under subrule (2) this rule.
- (2) The NCARB Education Standard in the “NCARB Education Guidelines,” effective January 6, 2021, is adopted by reference. This 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 West Ottawa St., P.O. Box 30670, Lansing, Michigan 48909 and at no cost from NCARB at <https://www.ncarb.org/> or at the National Council of Architectural Registration Boards, 1401 H Street NW, Suite 500, Washington, DC 20005.

History: 1985 AACs; 2006 AACs; 2018 AACs; 2020 AACs; 2022 AACs; 2023 MR 9, Eff. May 1, 2023.

**R 339.15202 Experience requirement.**

Rule 202. An applicant for licensure shall provide proof, as directed by the department, verifying 1 of the following to satisfy the experience requirements under the code:

- (a) A valid certificate of completion of any internship program from NCARB.
- (b) Current and continuous licensure in another state or a province of Canada of not less than 5 years.

History: 1985 AACs; 1989 AACs; 2006 AACs; 2018 AACs; 2020 AACs; 2022 AACs; 2023 MR 9, Eff. May 1, 2023.

**R 339.15203**

**Source:** 1998-2000 AACs.

**R 339.15204 Examination requirement.**

Rule 204. An applicant for licensure shall provide proof, as directed by the department, verifying a passing score as determined by NCARB on the NCARB Architectural Registration Examination.

History: 2006 AACs; 2020 AACs; 2022 AACs; 2023 MR 9, Eff. May 1, 2023.

**PART 3. RELICENSURE**

**R 339.15301**

**Source:** 2020 AACS.

**R 339.15302**

**Source:** 2014 AACS.

**R 339.15304 Relicensure requirements.**

Rule 304. (1) An applicant 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 code, MCL 339.411, by satisfying 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) Provides proof, as directed by the department, verifying that the applicant has completed not less than 24 hours of continuing education activities approved under R 339.15502 during the 2-year period immediately before the date of the relicensure application. If the department determines that the amount of continuing education hours provided with the application is deficient, the applicant has 1 year after the date of the application to provide proof of completing the deficient hours.

(2) An applicant whose license has lapsed for 3 years or more after the expiration date of the last license may be relicensed under section 411(4) of the code, MCL 339.411, by satisfying 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) Establishes that the applicant has met all the requirements for initial licensure under the code and these rules.
- (d) Providing proof, as directed by the department, verifying that the applicant has completed not less than 24 hours of continuing education activities approved under R 339.15502 during the 2-year period immediately before the date of the relicensure application. If the department determines that the amount of continuing education hours provided with the application is deficient, the applicant has 1 year after the date of the application to provide proof of completing the deficient hours.

History: 2020 AACS; 2022 AACS; 2023 MR 9, Eff. May 1, 2023.

**PART 4. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT**

**R 339.15401 Model rules of conduct; adoption by reference.**

Rule 401. (1) A licensee shall follow the NCARB model rules of conduct adopted by reference in this rule.

(2) The NCARB model rules of conduct in the document “Model Rules of Conduct,” revised July 2018, is adopted by reference. This 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, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909 and at no cost from NCARB at <https://www.ncarb.org/> or at the National Council of Architectural Registration Boards, 1401 H Street NW, Suite 500, Washington, DC 20005.

History: 1985 AACS; 2020 AACS; 2022 AACS; 2023 MR 9, Eff. May 1, 2023.

**R 339.15402**

**Source:** 2020 AACS.

**R 339.15403**

**Source:** 2020 AACS.

**R 339.15404 Seal design, use, security, and validation.**

Rule 404. (1) The seal of an architect must include the licensee’s name and full license number, as shown on the licensee’s state-issued architect license and indicate “State of Michigan” and “Licensed Architect” in the legend surrounding the seal. The seal must have a design substantially equivalent to figure 404.

(2) A licensee’s seal must be used by the licensee whose name appears on the seal for as long as the license is in effect. A licensee is responsible for the security of the licensee’s seal.

FIGURE 404

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History: 2020 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

**PART 5. LICENSE RENEWAL AND CONTINUING EDUCATION**

**R 339.15501 License renewal requirement; continuing education waiver.**

Rule 501. (1) An applicant for license renewal who has been licensed during the 2-year period immediately before the expiration date of the license shall obtain not less than 24 hours of continuing education in activities approved under R 339.15502, during the 2-year period immediately before the expiration date of the license.

(2) Submission of an application for renewal constitutes the applicant's certification of compliance with this rule and R 339.15502.

(3) A licensee shall maintain documentation of satisfying the requirements of this rule and R 339.15502 for a period of 4 years after the date of applying for license renewal.

(4) A licensee is subject to an audit under this part and may have to provide documentation as described under R 339.15502 on request of the department.

(5) The department shall receive a request for a waiver of continuing education requirements for the board's consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license.

History: 2013 AACCS; 2018 AACCS; 2020 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 1, 2023.

**R 339.15502 Acceptable continuing education.**

Rule 502. (1) As used in this rule, "continuous instruction" means the time taking part in the activity, not including breakfast, lunch, or dinner periods, coffee breaks, or other breaks in the program. Except as provided under subrule (2) of this rule, 50 minutes of continuous instruction is equal to 1 continuing education hour.

(2) The department shall grant credit for continuing education hours that satisfy the requirements in the following chart:

Activity Code	Activity and Proof Required	Number of Credits Earned for Activity and Allowed for Renewal Cycle
(a)	<p>Completing a continuing education program or activity, regardless of the format in which it is offered, if it is in an HSW subject under R 339.15506 and is approved or offered for continuing education by any of the following:</p> <ul style="list-style-type: none"><li>- Another state board of architects.</li><li>- NCARB.</li><li>- American Institute of Architects.</li><li>- Construction Specifications Institute.</li><li>- University of Michigan.</li><li>- Lawrence Technological University.</li><li>- University of Detroit Mercy.</li><li>- Andrews University.</li><li>- An NAAB accredited degree granting institution.</li><li>- United States Green Building Council.</li></ul> <p>If audited, a licensee shall provide a copy of a</p>	<p>The number of credits approved by the sponsor or the approving organization.</p>

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	letter or a certificate of completion issued by the relevant above-referenced sponsor or organization showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the continuing education program or activity, and the date or dates the program was held, or the activity completed.	
(b)	<p>Passing a postgraduate academic course in an HSW subject under R 339.15506 that is offered by an architectural program that is accredited by NAAB or CACB.</p> <p>If audited, a licensee shall provide a copy of the transcript issued by the NAAB-accredited or CACB-accredited architectural program showing the number of completed credit hours for the academic courses.</p>	<p>Fifteen continuing education hours are granted for each semester credit, or 10 continuing education hours are granted for each quarter credit.</p> <p>A maximum of 15 continuing education hours are granted for this activity in each renewal period.</p>
(c)	<p>Attending a seminar, in-house course, workshop, or professional or technical presentation made at a meeting, convention, or conference in which the subject matter is an HSW subject under R 339.15506.</p> <p>If audited, a licensee shall provide a copy of a letter or a certificate of completion issued by the sponsor or organization of the seminar, in-house course, workshop, or professional or technical presentation made at a meeting, convention, or conference showing the licensee's name, sponsor name or the name of the organization, and the date or dates the activity was held and attended by the licensee.</p>	<p>One continuing education hour is granted for every 50 minutes of continuous instruction.</p> <p>One-half (0.5 credit) of 1 continuing education hour is granted for every additional 25 minutes of continuous instruction that follows the initial 50 minutes of continuous instruction.</p>
(d)	<p>Teaching, instructing, or presenting on a subject that is an HSW subject under R 339.15506.</p> <p>If audited, a licensee shall provide a letter issued by the course or activity sponsor or organization confirming the licensee as the teacher, instructor, or presenter of a course or activity, together with a copy of the course syllabus, or other program documentation, showing that licensee is the instructor, the name of the course or activity, and the date or dates the course or activity took place.</p>	<p>One continuing education hour is granted for every 50 minutes continuous instruction.</p> <p>One-half (0.5 credit) of 1 continuing education hour is granted for every additional 25 minutes of continuous instruction that follows the initial 50 minutes of continuous instruction.</p>
(e)	<p>Publishing a peer-reviewed paper, article, or book on a subject that is an HSW subject under R 339.15506.</p> <p>If audited, a licensee shall provide a copy of the publication that identifies the licensee as the author of the publication and the publication acceptance letter showing the licensee's name, article name, and the date of publishing.</p>	<p>Six continuing education hours are granted for this activity.</p> <p>Credit for continuing education hours is not granted for multiple publications of the same peer-review paper, article, or book.</p> <p>A maximum of 12 continuing education hours are granted for this activity during</p>

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		each renewal period.
(f)	<p>Serving as a voting member on a local, state, or national committee, board, council, or association, if it enhances the participant's knowledge and understanding of architecture. To receive credit, a licensee shall take part in not less than 50% of the regularly scheduled meetings of the committee, board, council, or association.</p> <p>If audited, a licensee shall provide documentation satisfactory to the department verifying the licensee's participation in not less than 50% of the regularly scheduled meetings of the committee, board, council, or association and provide verification of the licensee's status as a voting member on the committee, board, council, or association.</p>	<p>Three continuing education hours are granted for each committee, board, council, or association that the licensee is a member.</p> <p>A maximum of 3 continuing education hours are granted for this activity during each renewal period.</p>
(g)	<p>Participating in a company-sponsored seminar or training that is on an HSW subject under R 339.15506.</p> <p>If audited, a licensee shall provide a copy of a letter or a certificate of completion issued by the company or organization presenting the seminar or training on its behalf, showing the licensee's name, company name or the name of the organization presenting the seminar or training on behalf of the company, subject of seminar or training, and the date or dates the seminar or training was held and completed by the licensee.</p>	<p>One continuing education hour is granted for every 50 minutes of continuous instruction.</p> <p>One-half (0.5 credit) of 1 continuing education hour is granted for every additional 25 minutes of continuous instruction that follows the initial 50 minutes of continuous instruction.</p>

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

History: 2013 AACS; 2018 AACS; 2020 AACS; 2022 AACS; 2023 MR 9, Eff. May 1, 2023.

**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 Definitions.**

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

- (a) "Board" means the board of professional engineers created under section 2002 of the code, MCL 339.2002.
  - (b) "CEAB" mean the Canadian Engineering Accreditation Board.
  - (c) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.
  - (d) "Continuing education" means a course or activity designed to bring licensees up to date on a particular area of knowledge or skills relevant to the licensee's area of professional practice.
  - (e) "Course" means any qualifying activity with a clear purpose and goal that keeps, improves, or expands the skills and knowledge relevant to the licensee's area of professional practice.
  - (f) "Department" means the department of licensing and regulatory affairs.
  - (g) "EAC/ABET" means the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc.
  - (h) "NCEES" means the National Council of Examiners for Engineering and Surveying.
- (2) A term defined in the code has the same meaning when used in these rules.

History: 1985 AACs; 2008 AACs; 2013 AACs; 2014 AACs; 2020 AACs; 2022 AACs; 2023 MR 9, Eff. May 2, 2023.

**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 Educational requirements.**

Rule 21. An applicant for licensure shall provide proof, as directed by the department, verifying 1 of the following to satisfy the educational requirement under the code:

- (a) Transcripts verifying that the applicant received a baccalaureate degree or higher in engineering from a program accredited by the EAC/ABET or the CEAB.
- (b) Transcripts verifying that the applicant received a master's degree or doctorate in engineering from a school and program with an EAC/ABET-accredited or a CEAB-accredited baccalaureate degree program that is in the same engineering discipline as the applicant's master's degree or doctorate.
- (c) A credentials evaluation from NCEES that verifies all the following:
  - (i) The applicant for licensure received either of the following:
    - (A) A baccalaureate degree in engineering from a non-United States-based program.
    - (B) A master's degree or doctorate in engineering from a non-EAC/ABET-accredited program.
  - (ii) The applicant for licensure completed not less than 32 college semester credit hours in the areas of mathematics and basic science.
  - (iii) The applicant for licensure completed not less than 48 college semester credit hours in engineering science or engineering design courses that satisfy the course requirements established under the NCEES Engineering Education Standard.
- (d) A credentials evaluation that verifies the applicant received a baccalaureate degree in engineering from an educational program that is substantially equivalent to an EAC/ABET-accredited baccalaureate degree program in engineering. The credentials evaluation must be generated by a company that is a current member of the National Association of Credential

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Evaluation Services (NACES).

History: 1985 AACCS; 2008 AACCS; 2020 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 2, 2023.

**R 339.16022 Professional engineering experience; credit for work experience; credit for educational experience.**

Rule 22. (1) Under section 2004(2)(a) of the code, MCL 339.2004, an applicant for licensure shall document not less than 8 years of professional experience in engineering work, including not more than 5 years of education granted under subrule (4) of this rule. An applicant shall satisfy the requirements of this rule to receive credit for professional experience.

(2) An applicant for licensure shall provide proof, as directed by the department, verifying either of the following to receive credit for professional experience in engineering work:

(a) Except as otherwise provided under subrules (1) and (4) of this rule, the applicant has obtained not less than 4 years of experience practicing as a licensed or registered professional engineer in another state or a province of Canada.

(b) All of the following:

(i) The dates of performing engineering work that qualifies as professional experience under subrule (3) of this rule.

(ii) The supervising individual's name and license or registration number and the state or province of Canada in which the supervising individual is licensed or registered as a professional engineer.

(iii) Documentation from the supervising individual attesting to the work experience, dates of work, and supervision.

(3) Engineering work that satisfies all the following requirements qualifies as professional experience:

(a) The work involves the use of engineering principles and data.

(b) The work is in the form of consultation, investigation, evaluation, planning, design, or review of materials or completed phases of work in the construction, alteration, or repair in connection with a public or private utility, structure, building, machine, equipment, process, work, or project.

(c) The work is performed while under the direction of a professional engineer licensed in this state or licensed or registered in another state or a province of Canada.

(4) The department shall grant not more than 5 years of professional experience credit to an applicant holding a degree that satisfies the requirements under R 339.16021. Credit is limited to the following amounts:

(a) Not more than 4 years of professional experience for a baccalaureate degree in engineering. Experience is granted for only 1 baccalaureate degree.

(b) Not more than 1 year of professional experience for a post-baccalaureate degree in engineering. Experience is granted for only 1 post-baccalaureate degree.

History: 1985 AACCS; 2020 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 2, 2023.

**R 339.16023**

**Source:** 1998-2000 AACCS.

**R 339.16024**

**Source:** 2020 AACCS.

**R 339.16025 Relicensure requirements.**

Rule 25. (1) An applicant 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 code, MCL 339.411, by satisfying 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) Provides proof, as directed by the department, verifying that the applicant has completed 15 hours of continuing education in activities approved under R 339.16041, during the 12 months immediately before the date of filing the relicensure application. Of the 15 hours, at least 1 hour of continuing education must be earned in ethics, as it relates to professional engineering. If the department determines that the amount of continuing education hours provided with the application is deficient, the applicant has 1 year after the date of filing the application to provide proof of completing the deficient hours.

(2) An applicant whose license has lapsed for 3 years or more after the expiration date of the last license may be relicensed under section 411(4) of the code, MCL 339.411, by satisfying 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) Establishes that the applicant has met all the requirements for initial licensure under the code and these rules.

(d) Provides proof, as directed by the department, verifying 1 of the following:

(i) The completion of 30 hours of continuing education in activities approved under R 339.16041, during the 24 months immediately before the date of filing the relicensure application. Of the 30 hours, not less than 2 hours of continuing

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education must be earned in ethics, as it relates to professional engineering. If the department determines that the amount of continuing education hours provided with the application is deficient, the applicant has 1 year after the date of filing the application to provide proof of completing the deficient hours.

(ii) The applicant holds or has held a valid and unrestricted license or registration in another state or a province of Canada during the 24 months immediately before the date of filing the relicensure application.

History: 1985 AACS; 2008 AACS; 2014 AACS; 2020 AACS; 2022 AACS; 2023 MR 9, Eff. May 2, 2023.

**R 339.16026 Examination requirements.**

Rule 26. An applicant for licensure shall provide proof, as directed by the department, verifying both of the following to satisfy the examination requirements under the code:

(a) The applicant achieved a passing score as determined by NCEES on either of the following examinations:

(i) The NCEES Principals and Practice of Engineering examination.

(ii) Both parts of the NCEES Structural Engineering examination, known as SE-I and SE-II.

(b) Either of the following:

(i) The applicant achieved a passing score as determined by NCEES on the NCEES Fundamentals of Engineering examination.

(ii) The applicant received a doctorate in engineering from a school and program with an EAC/ABET-accredited or a CEAB-accredited baccalaureate degree program that is in the same engineering discipline as the applicant's doctorate in engineering.

History: 2008 AACS; 2020 AACS; 2022 AACS; 2023 MR 9, Eff. May 2, 2023.

**PART 3. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT**

**R 339.16031 Professional conduct; requirements; restrictions.**

Rule 31. (1) A licensee shall follow all the rules of conduct under this part.

(2) A licensee shall do all the following:

(a) If the licensee is the individual in responsible charge, the licensee shall notify the licensee's employer or client, and any other appropriate authority, when the licensee's judgment is overruled under circumstances that endanger life or property.

(b) If the licensee is not the individual in responsible charge, the licensee shall notify the individual in responsible charge when the licensee's judgment is overruled under circumstances that endanger life or property.

(c) Participate in phases of a project in which the licensee is competent.

(d) Undertake assignments in which the licensee is qualified by education or experience in the specific technical field or fields involved.

(e) Complete, sign, seal, or approve engineering documents that conform with the law and applicable professional standards.

(f) Be objective and truthful in professional reports, statements, or testimony and include all relevant information in these reports, statements, or testimony.

(g) Disclose to an employer, client, or public body that the licensee serves, all known or potential conflicts of interest that could influence or appear to influence the licensee's judgment or the quality of the licensee's services.

(3) A licensee shall not do any of the following:

(a) Disclose confidential information obtained in a professional capacity without the prior consent of the client or employer, unless authorized or required by law or these rules.

(b) Partner, practice, or offer to practice with any individual or firm or assist any individual or firm that the licensee knows is engaged in fraudulent or dishonest business or professional practices or the unlawful practice of professional engineering.

(c) Falsify the licensee's qualifications or the qualifications of the licensee's associates or allow misrepresentations of the licensee's qualifications or the qualifications of the licensee's associates.

(d) Misrepresent or exaggerate the licensee's experience or qualifications.

(e) Knowingly make statements containing a material misrepresentation of fact, omitting a material fact, or knowingly make statements that deceive the public.

(f) Attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensed professional engineers.

(g) Give or offer to give, directly or indirectly, to a client, potential client, the agent of a client, or the agent of a potential client, a commission, contribution, gift, or other valuable consideration to secure or retain engineering work. This restriction does not include payments to an employment agency for securing employment or employees for salaried positions.

(h) Solicit or accept a compensation, contribution, gift, or other valuable consideration, directly or indirectly, from more than 1 individual for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

(i) Solicit or accept a commission, contribution, gift, or other valuable consideration, directly or indirectly, from other parties

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dealing with the licensee's clients or employers, or from outside agents who have no dealings with the licensee's client or employer, in connection with the work for which the licensee is responsible, unless the circumstances are fully disclosed and agreed to by all interested parties.

(j) Solicit or accept a commission, contribution, gift, or other valuable consideration, directly or indirectly, when the licensee's judgment may be compromised.

(k) Complete, sign, seal, or approve engineering documents that do not conform with the law or applicable professional standards.

(4) Work for which the licensee is responsible, the procedures followed, and the decisions made by individuals under the licensee's supervision must be subject to sustained review and approval by the licensee.

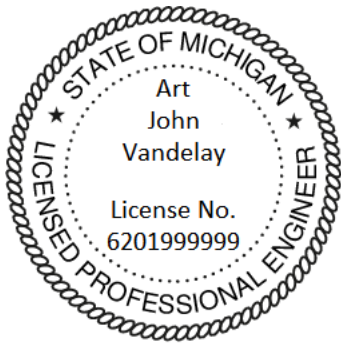
History: 1985 AACs; 2020 AACs; 2022 AACs; 2023 MR 9, Eff. May 2, 2023.

**R 339.16032 Professional engineer seal.**

Rule 32. (1) The seal of a professional engineer must include the licensee's name and full license number, as shown on the licensee's state-issued professional engineer license and indicate "State of Michigan" and "Licensed Professional Engineer" in the legend surrounding the seal. The seal must have a design substantially equivalent to figure 32 below.

(2) A licensee's seal must be used by the licensee whose name appears on the seal for as long as the license is in effect. A licensee is responsible for the security of the licensee's seal.

FIGURE 32



History: 1985 AACs; 2020 AACs; 2022 AACs; 2023 MR 9, Eff. May 2, 2023.

**R 339.16033**

**Source:** 2020 AACs.

**R 339.16034**

**Source:** 2020 AACs.

**PART 4. LICENSE RENEWAL AND CONTINUING EDUCATION**

**R 339.16040 Continuing education required for renewal; certification of compliance; document retention; continuing education waiver.**

Rule 40. (1) An applicant for license renewal who has been licensed during the 2-year period immediately before the expiration date of the license shall obtain not less than 30 hours of continuing education in activities approved under R 339.16041, during the 2-year period immediately before the expiration date of the license. Of the 30 hours, not less than 2 hours of continuing education must be earned in ethics, as it relates to professional engineering.

(2) Submission of an application for renewal constitutes the applicant's certification of compliance with this rule and R 339.16041.

(3) A licensee shall maintain documentation of satisfying the requirements of this rule and R 339.16041 for a period of 4 years after the date of filing the application for license renewal.

(4) A licensee is subject to an audit under this part and may have to provide documentation as described by R 339.16041 on request of the department.

(5) The department must receive a request for a waiver of continuing education requirements for the board's consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license.

History: 2013 AACs; 2020 AACs; 2022 AACs; 2023 MR 9, Eff. May 2, 2023.

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**R 339.16041 Acceptable continuing education; limitations.**

Rule 41. (1) The department shall grant credit for in-person or online continuing education hours that satisfy the requirements in the following chart:

Activity Code	Activity and Proof Required	Number of Continuing Education Hours Granted for Activity
(a)	<p>Completing a continuing education program or activity related to professional engineering that is approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> <li>- Another state's board of engineers.</li> <li>- A professional engineering association, organization, or society.</li> <li>- NCEES.</li> <li>- ABET.</li> </ul> <p>If audited, a licensee shall provide documentation or a certificate of completion showing the licensee's name, total continuing education credits earned, sponsor name and contact information, program title, and the date the program was held or completed.</p>	The number of continuing education hours approved by the approving entity are granted for this activity.
(b)	<p>Passing an academic course related to professional engineering offered by a college or university that offers a baccalaureate degree or higher in an engineering program that is accredited by EAC/ABET or CEAB.</p> <p>If audited, a licensee shall provide a copy of the transcript showing the number of credit hours of the academic courses related to professional engineering.</p>	Fifteen continuing education hours are granted for each semester credit or 10 continuing education hours are granted for each quarter credit.
(c)	<p>Attending a seminar, in-house course, workshop, or professional or technical presentation related to professional engineering.</p> <p>If audited, the licensee shall provide 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.</p>	One continuing education hour is granted for every 50 minutes attending the activity.
(d)	<p>Teaching, instructing, or presenting on a subject related to professional engineering.</p> <p>If audited, a licensee shall provide 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.</p>	<p>Two continuing education hours are granted for every 50 minutes of teaching, instruction, or presenting.</p> <p>A maximum of 12 continuing education hours are granted for this activity during each renewal period.</p>
(e)	<p>Publication of a peer-reviewed paper, article, or book related to professional engineering.</p> <p>If audited, the licensee shall provide a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>Six continuing education hours are granted for this activity.</p> <p>Credit is not granted for multiple publications of the same peer-review paper, article, or book.</p>

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		A maximum of 18 continuing education hours are granted for this activity during each renewal period.
(f)	<p>Serving as a voting member on a state or national committee, board, council, or association related to professional engineering. To receive credit, a licensee must take part in not less than 50% of the regularly scheduled meetings of the committee, board, council, or association.</p> <p>If audited, a licensee shall provide documentation satisfactory to the department verifying the licensee's participation in not less than 50% of the regularly scheduled meetings of the committee, board, council, or association and provide verification of the licensee's status as a voting member on the committee, board, council, or association.</p>	<p>Three continuing education hours are granted for the year in which the licensee serves as a member.</p> <p>A maximum of 6 continuing education hours are granted for this activity during each renewal period.</p>
(g)	<p>Attending a Michigan board of professional engineers meeting. To receive credit, the licensee shall obtain a form provided by the department from a department employee present at the meeting and have that employee complete, sign, and date the form. The licensee shall present a valid government-issued photo identification to the department employee for verification.</p> <p>If audited, the licensee shall provide a copy of the form completed, signed, and dated by the department employee who was present at the meeting.</p>	<p>One continuing education hour is granted for each meeting attended.</p> <p>A maximum of 6 continuing education hours are granted for this activity during each renewal period.</p>
(h)	<p>Serving as a school-sponsored mentor to an engineering student in a school-sponsored program. To receive credit, this activity must not be part of the licensee's regular job description.</p> <p>If audited, the licensee shall provide a letter from an authorized official from the school verifying the licensee's role and the number of mentoring hours the licensee provided.</p>	<p>Four continuing education hours are granted for this activity.</p> <p>A maximum of 8 continuing education hours are granted for this activity during each renewal period.</p>
(i)	<p>Participating in a company-sponsored or hosted seminar or training that is designed to enhance professional development in the licensee's area of professional practice.</p> <p>If audited, a licensee shall provide documentation or a certificate of completion issued by the company presenting the seminar or training showing the licensee's name, company name, subject of seminar or training, and the date the seminar or training was held.</p>	One continuing education hour is granted for every 50 minutes of the seminar or training.
(j)	<p>Studying an article related to professional engineering published in a peer-reviewed journal or professional or scientific journal that expands the licensee's knowledge of the professional engineering field.</p> <p>If audited, a licensee shall provide the title and author</p>	<p>Two continuing education hours are granted for each article studied.</p> <p>A maximum of 4 continuing education hours are granted for</p>

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	of the article, publication name of the peer-reviewed journal or professional or scientific journal, and the date, volume, and issue of publication, as applicable, and the date read.	this activity during each renewal period.
(k)	Obtaining a patent related to professional engineering.  If audited, a licensee shall provide a copy of the patent grant letters showing the licensee as the author of the patent and the date the patent was issued.	Ten continuing education hours are granted for each patent.  A maximum of 20 continuing education hours are granted 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 renewal period.

(3) Not more than 12 continuing education hours may be earned during a 24-hour period.

History: 2013 AACCS; 2020 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 2, 2023.

**R 339.16042**

Source: 2020 AACCS.

**R 339.16043**

Source: 2020 AACCS.

**R 339.16044**

Source: 2020 AACCS.

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**DIRECTOR'S OFFICE**

**PROFESSIONAL SURVEYORS – GENERAL RULES**

**PART 1. GENERAL PROVISIONS**

**R 339.17101 Definitions.**

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

- (a) "ANSAC/ABET" means the Applied and Natural Science Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc.
- (b) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.
- (c) "Continuing education" means an instructional course or activity designed to bring licensees up to date on a particular area of knowledge or skills relevant to the licensee's area of professional practice.
- (d) "Department" means the department of licensing and regulatory affairs.
- (e) "EAC/ABET" means the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc.
- (f) "ETAC/ABET" means the Engineering Technology Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc.
- (g) "NCEES" means the National Council of Examiners for Engineering and Surveying.

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

History: 1985 AACCS; 1995 AACCS; 2013 AACCS; 2014 AACCS; 2020 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 2, 2023.

**R 339.17102**

Source: 1997 AACCS.

**R 339.17103**

Source: 2014 AACCS.

**R 339.17104**

**Source:** 2001 AACCS.

**R 339.17105**

**Source:** 1985 AACCS.

**PART 2. EDUCATION, EXPERIENCE, AND EXAMINATIONS**

**R 339.17201 Educational requirements.**

Rule 201. An applicant for licensure shall provide proof, as directed by the department, verifying 1 of the following to satisfy the educational requirements under the code:

(a) Transcripts verifying that the applicant received a baccalaureate degree or higher in a surveying program accredited by any of the following:

(i) The EAC/ABET.

(ii) The ETAC/ABET.

(iii) The ANSAC/ABET.

(b) A NCEES credentials evaluation that verifies the applicant received a baccalaureate degree or higher and satisfies the NCEES surveying core program requirements found in the NCEES Surveying Education Standard.

(c) A credentials evaluation that verifies the applicant received a baccalaureate degree or higher in surveying from an educational program that is substantially equivalent to a baccalaureate degree or higher program that is accredited by EAC/ABET, ETAC/ABET, or ANSAC/ABET. The credentials evaluation must be generated by a company that is a current member of the National Association of Credential Evaluation Services (NACES).

History: 1985 AACCS; 2020 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 2, 2023.

**R 339.17202 Professional surveying experience; verification; educational credit for experience.**

Rule 202. (1) Under section 2004(3)(a) of the code, MCL 339.2004, an applicant shall document not less than 8 years of professional experience in professional surveying, including not more than 5 years of education. An applicant shall satisfy the requirements of this rule to receive credit for professional experience.

(2) Professional surveying work that is performed while under the supervision of a professional surveyor licensed in this state or licensed or registered in another state or a province of Canada and involves work in 1 or more of the following areas qualifies as professional experience:

(a) Providing professional services such as consultation, investigation, testimony, evaluation, planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location, size, shape, or physical features of the earth, improvements on the earth, the space above the earth, or any part of the earth, and the utilization and development of these facts and interpretations into an orderly survey map, plan, report, description, or project.

(b) Land surveying, which is the surveying of an area for its correct determination or description for its conveyance or for the establishment or reestablishment of a land boundary and the designing or design coordination of the plotting of land and the subdivision of land.

(c) Geodetic surveying, including surveying for a determination of the size and shape of the earth, both horizontally and vertically, and the precise positioning of points on the earth utilizing angular and linear measurements through spatially oriented spherical geometry.

(d) Utilizing and managing land information systems through the establishment of datums and local coordinate systems and points of reference.

(e) Engineering and architectural surveying for design and construction layout of infrastructure.

(f) Cartographic surveying for the making of maps, including topographic and hydrographic mapping.

(3) An applicant for licensure shall provide proof, as directed by the department, verifying 1 of the following to receive credit for professional experience in surveying work:

(a) Except as otherwise provided under subrules (1) and (4) of this rule, the applicant has obtained not less than 4 years of experience practicing as a licensed or registered professional surveyor in another state or a province of Canada.

(b) All of the following:

(i) The dates of performing surveying work that satisfies the requirements under subrule (2) of this rule.

(ii) The supervising individual's name and license or registration number and the state or province of Canada in which the supervising individual is licensed or registered as a professional surveyor.

(iii) Documentation from the supervising individual attesting to the work experience, dates of work, and supervision.

(4) The department shall grant not more than 5 years of professional experience credit to an applicant holding a degree that satisfies the requirements under R 339.17201. Credit is limited to the following amounts:

(a) Not more than 4 years of professional experience for a baccalaureate degree. Experience is granted for only 1 baccalaureate degree.



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(b) Not more than 1 year of professional experience for a post-baccalaureate degree. Experience is granted for only 1 post-baccalaureate degree.

History: 1985 AACs; 1995 AACs; 2020 AACs; 2022 AACs; 2023 MR 9, Eff. May 2, 2023.

**R 339.17203**

Source: 2022 AACs.

**PART 3. PROFESSIONAL SURVEYOR SEAL AND RELICENSURE**

**R 339.17301 Professional surveyor seal.**

Rule 301. (1) The seal of a professional surveyor must include the licensee's name and full license number, as shown on the licensee's state-issued professional surveyor license and indicate "State of Michigan" and "Licensed Professional Surveyor" in the legend surrounding the seal. The seal must have a design substantially equivalent to Figure 301 below.

(2) A licensee's seal must be used by the licensee whose name appears on the seal for as long as the license is in effect. A licensee is responsible for the security of the licensee's seal.

FIGURE 301



History: 1985 AACs; 1995 AACs; 2014 AACs; 2020 AACs; 2022 AACs; 2023 MR 9, Eff. May 2, 2023.

**R 339.17302**

Source: 2014 AACs.

**R 339.17303 Relicensure.**

Rule 303. (1) An applicant whose license has lapsed for less than 3 years after the expiration date of the license may be relicensed under section 411(3) of the code, MCL 339.411, by satisfying all the following requirements.

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

(b) Paying the required fee to the department.

(c) Providing proof, as directed by the department, verifying that the applicant completed 15 hours of continuing education, 1 hour of which must be in professional ethics related to surveying, in activities approved under R 339.17506, during the 1-year period immediately before the date of filing the relicensure application. If the department determines that the amount of the continuing education hours provided with the application is deficient, the applicant has 1 year after the date of filing the application to provide proof of completing the deficient hours.

(2) An applicant whose license has lapsed for 3 years or more after the expiration date of the license may be relicensed under section 411(4) of the code, MCL 339.411, by satisfying all the following requirements:

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

(b) Paying the required fee to the department.

(c) Establishing that the applicant has met all the requirements for initial licensure under the code and these rules.

(d) Providing proof, as directed by the department, verifying that the applicant completed 30 hours of continuing education, 2 of which must be in professional ethics related to surveying, in activities approved under R 339.17506, during the 2-year period immediately before the date of filing the relicensure application. If the department determines that the amount of the continuing education hours provided with the application are deficient, the applicant has 1 year after the date of filing the application to provide proof of completing the deficient hours.

History: 2020 AACs; 2022 AACs; 2023 MR 9, Eff. May 2, 2023.

**PART 4. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT**

**R 339.17401 Solicitation of employment; restrictions; exception.**

Rule 401. (1) In the solicitation of employment, a licensee shall not falsify, or allow the misrepresentation of, the academic or professional qualifications of the licensee or the licensee's associates.

(2) A licensee shall not pay, give, or offer to pay or give, directly or indirectly, to a client or potential client or to the agent of a client or potential client, a commission, contribution, gift, or other substantial valuable consideration to secure or retain professional surveying work. This restriction does not include payments to an employment agency for the purpose of securing employment or employees for salaried positions.

(3) A licensee shall seek professional employment based on the licensee's qualifications, competence, and ability to properly accomplish the employment sought.

History: 1985 AACCS; 1995 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 2, 2023.

**R 339.17402 Conflict of interest.**

Rule 402. (1) To avoid a conflict of interest, a licensee shall promptly inform, in writing, an employer or client of the licensee or a public body that the licensee serves of any employment, business association, interest, duty, or circumstance if that relationship is with another and involves the current or prospective work assignment of the licensee with that employer, client, or public body.

(2) A licensee shall not accept compensation, financial or otherwise, from more than 1 individual for services performed on the same project or assignment, unless the circumstances are fully disclosed to all individuals that pay, or are required to approve payment, for the work performed by the licensee.

(3) A licensee shall not ask for or accept gratuities, directly or indirectly, from contractors, their agents, or other individuals dealing with the client or employer of the licensee in connection with work for which the licensee is responsible, or ask for or accept financial or other valuable consideration from another for specifying products or services.

History: 1985 AACCS; 2023 MR 9, Eff. May 2, 2023.

**R 339.17403 Participation in project; responsibilities; survey identification.**

Rule 403. (1) A licensee shall undertake to take part only in those phases of a project in which the licensee is competent. In the areas of a project involving architecture or professional engineering in which the licensee lacks competence, the licensee shall retain licensed professional associates for those phases of that project.

(2) A licensee is responsible for clear, accurate, and complete development of plats, plans, drawings, specifications, survey reports, and other instruments of service as is customary in the practice of the licensee's profession, and the material must properly satisfy the need for which it is intended.

(3) Surveys and drawings not intended to delineate, monument, or define property boundaries and limits must be clearly identified as not being boundary surveys.

History: 1985 AACCS; 1995 AACCS; 2014 AACCS; 2023 MR 9, Eff. May 2, 2023.

**R 339.17404**

**Source:** 2014 AACCS.

**PART 5. CONTINUING EDUCATION**

**R 339.17505 Continuing education; license renewal; requirements.**

Rule 505. (1) An applicant for license renewal who has been licensed during the 2-year period immediately before the expiration date of the license shall obtain not less than 30 hours of continuing education during the 2-year period immediately before the expiration date of the license and satisfy both of the following requirements:

(a) Obtain 2 of the 30 hours of continuing education in an activity that focuses on the area of professional ethics related to surveying. The professional ethics related to surveying is not required to focus on areas specific to the rules or statutes.

(b) Obtain all 30 hours of continuing education in activities that satisfy the requirements under R 339.17506.

(2) Submission of an application for renewal constitutes the applicant's certification of compliance with this rule and R 339.17506.

(3) A licensee shall maintain documentation of satisfying the requirements of this rule and R 339.17506 for a period of 4 years after the date of filing the application for license renewal.

(4) A licensee is subject to an audit under this part and may have to provide documentation as described by R 339.17506 on request of the department.

(5) The department shall receive a request for a waiver of continuing education requirements for the board's consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license.

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History: 2013 AACS; 2020 AACS; 2022 AACS; 2023 MR 9, Eff. May 2, 2023.

**R 339.17506 Acceptable continuing education; limitations.**

Rule 506. (1) The department shall grant credit for continuing education hours that satisfy the requirements in the following chart:

Activity Code	Activity and Proof Required	Number of Continuing Education Credits for the Activity
(a)	<p>Completing a continuing education program or activity related to professional surveying that is approved or offered for continuing education credit by another state board of professional surveyors.</p> <p>If audited, a licensee shall provide documentation or a certificate of completion showing the licensee's name, total continuing education credits earned, sponsor name and contact information, program title, and the date the program was held or completed.</p>	The number of continuing education credits approved by the approving entity are granted for this activity.
(b)	<p>Passing an academic course related to professional surveying from a baccalaureate degree or higher in a surveying program that is accredited by EAC/ABET, ETAC/ABET, or ANSAC/ABET.</p> <p>If audited, a licensee shall provide a copy of the transcript showing credit hours of the academic courses related to surveying.</p>	Fifteen continuing education credits are granted for each semester credit, or 10 continuing education credits must be granted for each quarter credit.
(c)	<p>Attending a seminar, in-house course, workshop, or professional or technical presentation related to surveying.</p> <p>If audited, the licensee shall provide 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.</p>	One continuing education credit is granted for every 50 minutes of continuous instruction.
(d)	<p>Presenting a seminar, in-house course, workshop, or professional or technical presentation related to surveying. A licensee shall not receive credit for a presentation offered as part of their regular job description or duties.</p> <p>If audited, the licensee shall provide 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.</p>	Two continuing education credits are granted for every 50 minutes of continuous instruction.
(e)	<p>Teaching, instructing, or presenting on a subject related to professional surveying that is part of an academic course related to surveying that is offered at a college or university.</p> <p>If audited, a licensee shall provide 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, number of classroom hours spent teaching, instructing, or presenting, and the course title.</p>	Two continuing education credits are granted for every 50 minutes of continuous instruction.
(f)	Initial publication of a peer-reviewed paper, article, or	Six continuing education credits

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	<p>book related to surveying.</p> <p>If audited, the licensee shall provide a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	are granted for this activity.
(g)	<p>Serving as a voting member on a state or national surveying committee, board, council, or association. To receive credit, a licensee shall take part in not less than 50% of the regularly scheduled meetings of the committee, board, council, or association.</p> <p>If audited, a licensee shall provide documentation satisfactory to the department verifying the licensee's participation in not less than 50% of the regularly scheduled meetings of the committee, board, council, or association.</p>	Three continuing education credits are granted for the year in which the licensee serves as a member.
(h)	<p>Attending a Michigan board of professional surveyors meeting. To receive credit, the licensee shall obtain a form provided by the department from a department employee present at the meeting and have that employee complete, sign, and date the form. The licensee shall present a valid government-issued photo identification to the department employee for verification.</p> <p>If audited, the licensee shall provide a copy of the form completed, signed, and dated by the department employee who was present at the meeting.</p>	One continuing education credit is granted for each meeting attended.
(i)	<p>Serving as a school-sponsored mentor to a surveying student in a school-sponsored program. To receive credit, this activity must not be part of the licensee's regular job description.</p> <p>If audited, the licensee shall provide a letter from an authorized official from the school verifying the licensee's role and the number of mentoring hours the licensee provided.</p>	Four continuing education credits are granted for this activity.
(j)	Obtaining patents related to surveying.	Ten continuing education hours are granted for each approved patent.

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

(3) Not more than 12 continuing education credits may be earned during a 24-hour period.

(4) As used in this rule, "continuous instruction" means the time spent completing an activity not including breakfast, lunch, or dinner periods, coffee breaks, or any other breaks in the program.

History: 2013 AACCS; 2020 AACCS; 2022 AACCS; 2023 MR 9, Eff. May 2, 2023.

**R 339.17507**

Source: 2020 AACCS.

**R 339.17508**

Source: 2020 AACCS.

**R 339.17509**

Source: 2020 AACCS.

**FORESTERS**

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**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.

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**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**  
Source: 2021 AACS.

**PART 2. EDUCATION AND EXAMINATION**

**R 339.19004 Rescinded.**  
History: 2021 AACS; 2023 MR 6, Eff. March 23, 2023.

**R 339.19005**

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**Source:** 1998-2000 AACCS.

**R 339.19006 Rescinded.**

History: 2021 AACCS; 2023 MR 6, Eff. March 23, 2023.

**R 339.19007**

**Source:** 2014 AACCS.

**PART 3. LICENSURE**

**R 339.19008 Rescinded.**

History: 2021 AACCS; 2023 MR 6, Eff. March 23, 2023.

**R 339.19010 Rescinded**

History: 2021 AACCS; 2023 MR 6, Eff. March 23, 2023.

**PART 2. EDUCATION AND EXAMINATION**

**R 339.19011 Adoption by reference; accreditation.**

Rule 11. (1) The department adopts by reference the Landscape Architectural Accreditation Board's (LAAB) "Accreditation Standards for First-Professional Programs in Landscape Architecture," September 2021. 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 Street, P.O. Box 30670, Lansing, Michigan 48909, or at no cost from the LAAB's website at [https://www.asla.org/uploadedFiles/LAAB\\_ACCREDITATION\\_STANDARDS\\_SEPTEMBER2021.pdf](https://www.asla.org/uploadedFiles/LAAB_ACCREDITATION_STANDARDS_SEPTEMBER2021.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 Street, P.O. Box 30670, Lansing, Michigan 48909, or at no cost from the LAAC's website at [Microsoft Word - Accreditation Standards Final June 2019 \(csla-aapc.ca\)](#).

(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: 2023 MR 6, Eff. March 23, 2023.

**R 339.19012 Rescinded.**

History: 2021 AACCS; 2023 MR 6, Eff. March 23, 2023.

**R 339.19013 Examination adoption; passing score.**

Rule 13. (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: 2023 MR 6, Eff. March 23, 2023.

**R 339.19014 Rescinded.**

History: 2021 AACCS; 2023 MR 6, Eff. March 23, 2023.

**R 339.19016 Rescinded.**

History: 2021 AACCS; 2023 MR 6, Eff. March 23, 2023.

**R 339.19018 Rescinded.**

History: 2021 AACCS; 2023 MR 6, Eff. March 23, 2023.

**R 339.19020**

**Source:** 1983 AACs.

### **PART 3. LICENSURE**

#### **R 339.19021 Licensure by examination.**

Rule 21. (1) 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.

(2) An applicant for a landscape architect license by examination shall submit a completed application on a form provided by the department together with the required fee. In addition to satisfying the requirements of the code, the applicant shall satisfy all the requirements in subrules (3) to (6) of this rule.

(3) 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 339.19011 and completed not less than 3 years of experience by working a minimum of 4,500 hours over a 3-year period. Experience must be verified by the supervising landscape architect by providing both of the following:

(i) The supervising landscape architect’s attestation documenting that the applicant performed work that satisfies the experience requirements and the dates and hours that the applicant performed that work under the supervision of the landscape architect.

(ii) The supervising landscape architect’s name, license or registration number, and the state the supervising landscape architect is licensed or registered as a landscape architect.

(b) The applicant earned a baccalaureate degree and a master’s degree from a program approved pursuant to R 339.19011 and completed not less than 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 by providing both of the following:

(i) The supervising landscape architect’s attestation documenting that the applicant performed work that satisfies the experience requirements and the dates and hours that the applicant performed that work under the supervision of the landscape architect.

(ii) The supervising landscape architect’s name, license or registration number, and the state the supervising landscape architect is licensed or registered as a 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 339.19011 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 must be verified by the supervising landscape architect by providing both of the following:

(A) The supervising landscape architect’s attestation documenting that the applicant performed work that satisfies the experience requirements and the dates and hours that the applicant performed that work under the supervision of the landscape architect.

(B) The supervising landscape architect’s name, license or registration number, and the state the supervising landscape architect is licensed or registered as a landscape architect.

(4) The applicant shall provide documentation to demonstrate that he or she has established a CLARB Council Record.

(5) The applicant shall pass all parts of the LARE administered through the CLARB.

(6) 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. Not less than 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: 1983 AACs; 1998-2000; 2023 MR 6, Eff. March 23, 2023.

#### **R 339.19022 Licensure for an applicant currently licensed, registered, or otherwise credentialed in another state or country.**

Rule 22. (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 required 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.



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(b) Demonstrate that the requirements for the license, registration, or other credential he or she holds had requirements that are substantially equivalent to R 339.19021, as required by section 2209 of the code, 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: 2023 MR 6, Eff. March 23, 2023.

**R 339.19023**

**Source:** 2021 AACCS.

**R 339.19024 Relicensure.**

Rule 24. (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 339.19031 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 after 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 339.19031 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 after 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: 2023 MR 6, Eff. March 23, 2023.

**R 339.19025**

**Source:** 2021 AACCS.

**R 339.19027**

**Source:** 2014 AACCS.

**PART 4. LICENSE RENEWAL STANDARDS, CONTINUING EDUCATION, SANCTIONS FOR FAILURE TO  
COMPLETE CONTINUING EDUCATION**

**R 339.19031 License renewal; required continuing education; limitations; retention of documentation; waiver.**

Rule 31. (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 immediately preceding the expiration of his or her current license shall have completed 24 hours of continuing education that satisfies the requirements of R 339.19034.

(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:

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- (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 the Americans with disabilities act, 42 USC 12101 to 12213.
  - (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 after the date of application for license renewal.
  - (7) A written request for a continuing education waiver and all supporting documentation must be received by the department 30 days before the expiration date of the license and is subject to both of the following:
    - (a) The waiver may be granted if the department finds that the failure of the licensee to complete the required continuing education was due to 1 of the following:
      - (i) The licensee's illness.
      - (ii) The licensee's disability.
      - (iii) The licensee's military service.
      - (iv) The licensee's absence from the continental United States.
    - (b) The licensee shall refrain from renewing the license until 1 of the following occurs:
      - (i) The licensee completes the required continuing education for renewal.
      - (ii) The department notifies the licensee that the request for a waiver of the required continuing education has been granted.
- History: 1983 AACS; 1998-2000 AACS; 2023 MR 6, Eff. March 23, 2023.

**R 339.19033**

**Source:** 1998-2000 AACS.

**R 339.19034 Approved continuing education; limitations.**

Rule 34. (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
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		Activity
(a)	<p>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:</p> <p>Landscape Architecture Continuing Education System. The American Society of Landscape Architects (ASLA). A state chapter of the ASLA.</p> <p>If audited, the applicant shall submit documentation or a certificate of completion showing the applicant's name, total continuing education credits earned, sponsor's name and contact information, program title, and the date the program was held or completed.</p>	<p>The number of continuing education hours designated by the approving entity.</p> <p>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.</p>
(b)	<p>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.</p> <p>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.</p>	<p>Fifteen hours of continuing education may be earned for each semester of credit.</p> <p>Ten hours of continuing education hours may be earned for each quarter credit.</p>
(c)	<p>Attending a seminar, in-house course, workshop, or professional or technical presentation related to landscape architecture.</p> <p>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.</p>	<p>One hour of continuing education may be earned for every 50 minutes of participation.</p>
(d)	<p>Teaching, instructing, or presenting a subject related to landscape architecture.</p> <p>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.</p>	<p>One hour of continuing education may be earned for every 50 minutes of teaching, instruction, or presenting.</p> <p>A maximum of 12 hours of continuing education may be earned for this activity during each renewal period.</p>
(e)	<p>Initial publication of a peer-reviewed paper, article, or book related to landscape architecture.</p> <p>If audited, the applicant shall submit a copy of the publication that identifies the applicant as the author or a publication acceptance letter.</p>	<p>Six hours of continuing education may be earned for this activity.</p> <p>A maximum of 18 hours of continuing education may be earned for this activity during each renewal period.</p>
(f)	<p>Participation in professional examination writing.</p> <p>If audited, the applicant shall submit documentation by the testing developer confirming the applicant as an examination writer, the dates the examination writing,</p>	<p>One hour of continuing education may be earned for every 50 minutes of examination writing.</p>

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	and the number of hours spent writing the examination questions.	A maximum of 5 hours of continuing education may be earned for this activity during each renewal period.
(g)	<p>Providing professional expertise to a non-profit or public board, commission, council, or committee.</p> <p>If audited, the applicant shall submit documentation from the board, commission, or committee confirming the applicant's service, the dates of service, and the number of hours of service provided.</p>	<p>One hour of continuing education may be earned for each 50 minutes of meetings attended.</p> <p>A maximum of 10 hours of continuing education may be earned for this activity during each renewal period.</p>
(h)	<p>Completion of a self-study course presented by correspondence or electronically ending with an examination or other verification process.</p> <p>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.</p>	<p>One hour of continuing education may be earned for every 50 minutes of participation.</p> <p>A maximum of 4 hours of continuing education may be earned for this activity during each renewal period.</p>
(i)	<p>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.</p> <p>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 the seminar or training was held.</p>	<p>One hour of continuing education may be earned for every 50 minutes of participation in the seminar or training.</p> <p>A maximum of 4 hours of continuing education may be earned for this activity during each renewal period.</p>

(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: 2023 MR 6, Eff. March 23, 2023

**R 339.19035**

**Source:** 1998-2000 AACs.

**R 339.19036 Sanctions for failure to complete required continuing education.**

Rule 36. (1) A licensee who fails to comply with the continuing education requirements of R 339.19031 is subject to both 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 after 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 results in suspension of the license.

(3) Suspension pursuant to subrule (2) of this rule is automatically lifted after compliance with the consent order, if 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.

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History: 2023 MR 6, Eff. March 23, 2023

**R 339.19037**

Source: 1998-2000 AACS.

**R 339.19039**

Source: 1998-2000 AACS.

**PART 5. SEAL REQUIREMENTS**

**R 339.19041**

Source: 2021 AACS.

**R 339.19045**

Source: 2014 AACS.

**R 339.19049**

Source: 2014 AACS.

**PROFESSIONAL COMMUNITY PLANNERS**

**PART 1. GENERAL PROVISIONS**

**R 339.20001**

Source: 2014 AACS.

**R 339.20002**

Source: 2014 AACS.

**R 339.20009**

Source: 2014 AACS.

**PART 2. REGISTRATION**

**R 339.20011**

Source: 2014 AACS.

**R 339.20013**

Source: 2014 AACS.

**R 339.20015**

Source: 2014 AACS.

**R 339.20017**

Source: 2014 AACS.

**R 339.20018**

Source: 2014 AACS.

**R 339.20019**

Source: 2014 AACS.

**PART 3. STANDARDS OF CONDUCT**

**R 339.20031**

Source: 2014 AACS.

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**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**  
Source: 2021 AACS.

**R 339.22103**  
Source: 2014 AACS.

**R 339.22199**  
Source: 1991 AACS.

**PART 2. LICENSING**

**R 339.22201**  
Source: 2018 AACS.

**R 339.22203**  
Source: 2021 AACS.

**R 339.22205**  
Source: 2017 AACS.

**R 339.22207**  
Source: 2017 AACS.

**R 339.22209**  
Source: 2014 AACS.

**R 339.22211**  
Source: 2017 AACS.

**R 339.22213**  
Source: 2014 AACS.

**R 339.22215**  
Source: 2017 AACS.

**R 339.22217**  
Source: 2021 AACS.

**PART 3. LAPSE OF BROKER'S LICENSE AND BROKER'S DEATH OR DISABILITY**

**R 339.22219**

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**Source:** 2021 AACS.

**R 339.22221**

**Source:** 2021 AACS.

**PART 4. PRACTICE AND CONDUCT**

**R 339.22301**

**Source:** 2017 AACS.

**R 339.22305**

**Source:** 2021 AACS.

**R 339.22307**

**Source:** 2021 AACS.

**R 339.22309**

**Source:** 2017 AACS.

**R 339.22310**

**Source:** 2017 AACS.

**R 339.22311**

**Source:** 2017 AACS.

**R 339.22313**

**Source:** 2021 AACS.

**R 339.22315**

**Source:** 2018 AACS.

**R 339.22317**

**Source:** 2017 AACS.

**R 339.22319**

**Source:** 2017 AACS.

**R 339.22321**

**Source:** 2021 AACS.

**R 339.22323**

**Source:** 2017 AACS.

**R 339.22325**

**Source:** 2017 AACS.

**R 339.22327**

**Source:** 2017 AACS.

**R 339.22329**

**Source:** 2017 AACS.

**R 339.22333**

**Source:** 2002 AACS.

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**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.



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**R 339.22527**  
Source: 2013 AACCS.

**R 339.22529**  
Source: 2013 AACCS.

**R 339.22601**  
Source: 2018 AACCS.

**R 339.22602**  
Source: 2018 AACCS.

**R 339.22603**  
Source: 2018 AACCS.

**R 339.22604**  
Source: 2018 AACCS.

**R 339.22605**  
Source: 2018 AACCS.

**R 339.22606**  
Source: 2018 AACCS.

**R 339.22607**  
Source: 2018 AACCS.

**R 339. 22609**  
Source: 2018 AACCS.

**R 339.22611**  
Source: 2018 AACCS.

**R 339.22613**  
Source: 2018 AACCS.

**R 339.22615**  
Source: 2014 AACCS.

**R 339.22617**  
Source: 2018 AACCS.

**PART 5. REAL ESTATE EDUCATION**

**SUBPART 1. PRELICENSURE EDUCATION**

**R 339.22618**  
Source: 2021 AACCS.

**R 339.22619**  
Source: 2021 AACCS.

**R 339.22620**  
Source: 2021 AACCS.

**R 339.22621**  
Source: 2021 AACCS.

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**R 339.22622**  
Source: 2018 AACS.

**R 339.22623**  
Source: 2018 AACS.

**R 339.22624**  
Source: 2021 AACS.

**R 339.22625**  
Source: 2021 AACS.

**R 339.22626**  
Source: 2021 AACS.

**R 339.22627**  
Source: 2018 AACS.

**R 339.22628**  
Source: 2018 AACS.

**SUBPART 2. CONTINUING EDUCATION**

**R 339.22629**  
Source: 2021 AACS.

**R 339.22630**  
Source: 2021 AACS.

**R 339.22631**  
Source: 2018 AACS.

**R 339.22632**  
Source: 2021 AACS.

**R 339.22633**  
Source: 2002 AACS.

**R 339.22635**  
Source: 2002 AACS.

**R 339.22637**  
Source: 2002 AACS.

**R 339.22639**  
Source: 2007 AACS.

**R 339.22641**  
Source: 2007 AACS.

**R 339.22643**  
Source: 1991 AACS.

**R 339.22645**  
Source: 2018 AACS.

**R 339.22647**

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**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 Michigan 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) A term defined in articles 1 to 6 and 26 of the code, MCL 339.101 to 339.606 and 339.2601 to 339.2637, has the same meaning when used in these rules.

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History: 1996 AACS; 2002 AACS; 2003 AACS; 2004 AACS; 2006 AACS; 2007 AACS; 2010 AACS; 2013 AACS; 2014 AACS; 2021 AACS; 2023 MR 8, Eff. April 27, 2023.

**R 339.23102**

**Source:** 2016 AACS.

**R 339.23203 Appraisal experience for licensure; satisfactory evidence.**

Rule 203. An applicant's experience hours must comply with 1 of the following requirements:

(a) All of the following requirements:

(i) Appraisal experience, 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:

(A) Date of each appraisal assignment.

(B) Property address.

(C) Property type.

(D) Description of work performed by the applicant.

(E) Scope of the review and level of supervision of the applicant's supervisory certified appraiser consistent with the AQB criteria, as that term is defined in section 2601(b) of the code, MCL 339.2601, and R 339.23203a.

(F) A clear indication of the time devoted to each appraisal.

(ii) Work samples that must include the signature and state certification number of the supervisory certified appraiser.

(iii) Experience 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, income approach, and methodology.

(D) Arriving at an opinion of value.

(E) Reporting the opinion of value.

(iv) Documents that support the information 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. The documents and information described in this subdivision must be maintained for not less than 6 years after the date of application.

(b) The requirements of an Appraiser Qualification Board (AQB) approved practical applications or real estate appraisal (PAREA) program. An applicant that meets the requirements of this subdivision shall submit to the department a certificate of completion from the provider of an AQB approved PAREA program.

History: 1996 AACS; 2002 AACS; 2007 AACS; 2010 AACS; 2018 AACS; 2021 AACS; 2023 MR 8, Eff. April 27, 2023.

**R 339.23104**

**Source:** 2021 AACS.

**PART 2. LICENSING**

**R 339.23201**

**Source:** 2014 AACS.

**R 339.23203**

**Source:** 2021 AACS.

**R 339.23203a**

**Source:** 2021 AACS.

**R 339.23205**

**Source:** 2021 AACS.

**R 339.23207**

**Source:** 2002 AACS.

**R 339.23209**

**Source:** 2021 AACS.

**PART 3. APPRAISER EDUCATION**

**R 339.23301**

**Source:** 2021 AACCS.

**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 under these rules, the applicant shall show that the course was designed to teach individuals to perform appraisals or to augment a basic knowledge of appraisals 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 are 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 are 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 must 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 after 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 AACCS; 2002 AACCS; 2007 AACCS; 2021 AACCS; 2023 MR 8, Eff. April 27, 2023.

**R 339.23305**

**Source:** 1996 AACCS.

**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 the course is approved by the department, unless the course advertises that it has been submitted for approval but has not yet 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 is responsible for supervising the program of courses and ensuring compliance with the code, these rules, and the AQB criteria. The coordinator does not need to 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 day. Calculations of classroom hours for a course must not include any of the following:

(i) Meals.

(ii) Breaks.

(iii) Registration.

(iv) Required reading.

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- (v) Outside assignments.
  - (g) Each course must reflect the most current version of state and federal laws, regulations, and the AQB criteria.
  - (h) A sponsor shall allow 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 AACs; 2023 MR 8, Eff. April 27, 2023.

**R 339.23309 Sponsors; duties; instructors.**

Rule 309. (1) A sponsor is responsible for all of the following:

- (a) Complying with all laws, rules, and the AQB criteria, relating to appraiser education, including requirements related to class hours, content, course delivery mechanism, instructors, and examinations.
- (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) Components of distance education include synchronous, asynchronous, and hybrid. Sponsors shall ensure that all forms of distance education comply with the AQB criteria.
- (3) In synchronous distance education, the instructor and students shall interact simultaneously online, including phone calls, video chat, live webinars, or web-based meetings.
- (4) In asynchronous distance education, the instructor and student's interaction may be non-simultaneous, and the student may progress at his or her own pace and follow a structured course content and quiz-exam schedule.
- (5) In hybrid distance courses, also known as blended courses, the student may interact with the instructor both in-person and online through synchronous or asynchronous education.
- (6) The course must be equivalent to 15 classroom hours for prelicensure courses and 2 classroom hours for continuing education courses.
- (7) 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.
- (8) Instructors of USPAP shall comply with the AQB instructor certification program as required by the real property AQB criteria.

History: 1996 AACs; 2002 AACs; 2004 AACs; 2007 AACs; 2021 AACs; 2023 MR 8, Eff. April 27, 2023.

**R 339.23311**

**Source:** 2021 AACs.

**R 339.23313**

**Source:** 2021 AACs.

**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 rescission of course approval, for any of the following reasons:

- (a) Failing to comply with the requirements 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 AACs; 2023 MR 8, Eff. April 27, 2023.

**PART 3A. PRELICENSURE EDUCATION**

**R 339.23316**

**Source:** 2021 AACCS.

**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 must be made on forms provided by the department. The department shall accept or reject the application.

(2) The application must 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. For a distance education course, a student must pass a written, closed-book examination proctored by an official approved by the presenting college or university or by the sponsoring organization. Remote proctoring, including bio-metric proctoring, is acceptable. A written examination includes both written on paper or administered electronically on a computer or other device. Oral examinations are not acceptable.
  - (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 after 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 AACCS; 2002 AACCS; 2006 AACCS; 2007 AACCS; 2021 AACCS; 2023 MR 8, Eff. April 27, 2023.

**R 339.23319**

**Source:** 2021 AACCS.

**R 339.23320**

**Source:** 2021 AACS.

**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 must 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. The sponsor shall require 1 of the following evaluations for an asynchronous distance education course:

(i) A written examination proctored by an official approved by a college or university or by the sponsoring organization. Remote proctoring consistent with the requirements of the AQB criteria is acceptable. A written examination includes both written on paper or administered electronically on a computer or other device. Oral exams are not acceptable.

(ii) Successful completion of prescribed course mechanism required to demonstrate knowledge of the subject matter.

(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 after the date that the department approved the course.

(5) An application for renewal of an approved continuing education course must 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 reviews the application and makes a decision.

(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 AACS; 2023 MR 8, Eff. April 27, 2023.

**R 339.23323**



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**Source:** 2021 AACs.

**R 339.23325**

**Source:** 2021 AACs.

**R 339.23326**

**Source:** 2021 AACs.

**R 339.23327**

**Source:** 2010 AACs.

**PART 4. STANDARDS OF CONDUCT**

**R 339.23401**

**Source:** 2021 AACs.

**R 339.23403**

**Source:** 2021 AACs.

**R 339.23405**

**Source:** 2021 AACs.