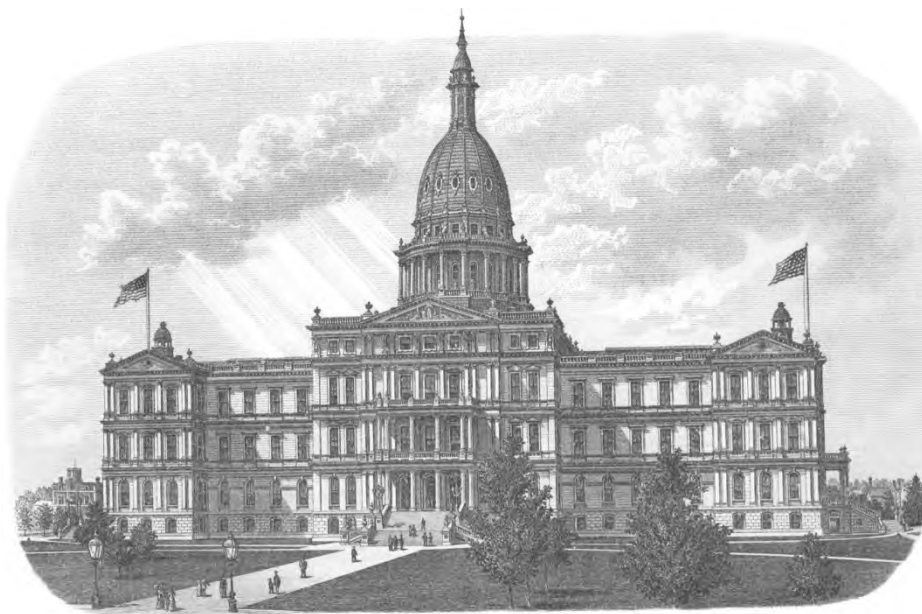


Michigan Register

Issue No. 9 – 2024 (Published June 1, 2024)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

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

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

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

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

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

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

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



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(This issue, published June 1, 2024, contains
documents filed from April 15, 2023 to May 15, 2024)

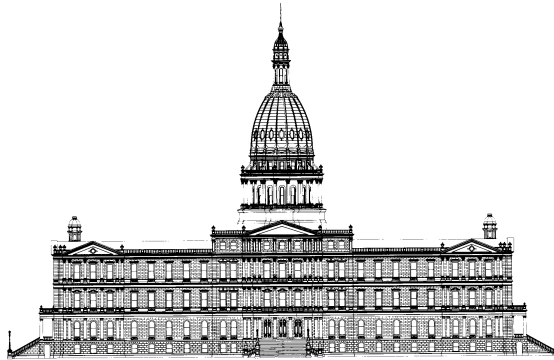
Compiled and Published by the
Michigan Office of Administrative Hearings and Rules

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Katie Wienczewski, Administrative Rules Division Director, Michigan Office of Administrative Hearings and Rules; Deidre O’Berry, Administrative Rules Specialist for Operations and Publications.

Gretchen Whitmer, Governor



Garlin Gilchrist, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

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

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

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

Sec. 8.

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

- (a) Executive orders and executive reorganization orders.
- (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
- (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
- (d) Proposed administrative rules.
- (e) Notices of public hearings on proposed administrative rules.
- (f) Administrative rules filed with the secretary of state.
- (g) Emergency rules filed with the secretary of state.
- (h) Notice of proposed and adopted agency guidelines.
- (i) Other official information considered necessary or appropriate by the office of regulatory reform.
- (j) Attorney general opinions.
- (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

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

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

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

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

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

Sec. 203.

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

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2024 MR 1 refers to the year of issue (2024) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

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

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

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

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

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

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

SUBSCRIPTIONS AND DISTRIBUTION

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

INTERNET ACCESS

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

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

Executive Director,
Michigan Office of Administrative Hearings and Rules

2024 PUBLICATION SCHEDULE

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

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

MCL 24.208 states in part:

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

* * *

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

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BOARD OF NURSING - GENERAL RULES

Filed with the secretary of state on May 8, 2024

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by section 16141, 16145, 16148, 16174, 16175, 16178, 16181, 16182, 16184, 16186, 16186a, 16201, 16204, 16205, 16206, 16215, 16287, 17210, 17213, and 17241 of the public health code, 1978 PA 368, MCL 333.16141, 333.16145, 333.16148, 333.16174, 333.16175, 333.16178, 333.16181, 333.16182, 333.16184, 333.16186, 333.16186a, 333.16201, 333.16204, 333.16205, 333.16206, 333.16215, 333.16287, 333.17210, 333.17213, and 333.17241, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.10101, R 338.10105, R 338.10202, R 338.10203, R 338.10204, R 338.10206, R 338.10207, R 338.10208, R 338.10208a, R 338.10209, R 338.10210, R 338.10211, R 338.10212, R 338.10212a, R 338.10213, R 338.10301, R 338.10303, R 338.10303a, R 338.10303b, R 338.10303c, R 338.10303d, R 338.10304, R 338.10305, R 338.10305a, R 338.10305b, R 338.10305c, R 338.10307, R 338.10308, R 338.10309, R 338.10310, R 338.10310a, R 338.10312, R 338.10402, R 338.10404, R 338.10404b, R 338.10404c, R 338.10405, R 338.10405a, R 338.10405b, R 338.10601, R 338.10602, R 338.10703, and R 338.10704 of the Michigan Administrative Code are amended, as follows:

PART 1. GENERAL PROVISIONS

R 338.10101 Definitions.

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

- (a) "Board" means the Michigan board of nursing.
- (b) "CASN" means the Canadian Association of Schools of Nursing.
- (c) "CES" means the Credential Evaluation Service.
- (d) "CGFNS" means the Commission on Graduates of Foreign Nursing Schools.
- (e) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
- (f) "CP" means the CGFNS Certification Program.
- (g) "Department" means the department of licensing and regulatory affairs.
- (h) "FBI" means the Federal Bureau of Investigation.
- (i) "JS&A" means the Josef Silny & Associates, Inc. International Education Consultants.
- (j) "NACES" means the National Association of Credential Evaluation Services.
- (k) "NCSBN" means the National Council of State Boards of Nursing.

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

R 338.10105 Training standards for identifying victims of human trafficking; requirements.

Rule 105. (1) Under section 16148 of the code, MCL 333.16148, the 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 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 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 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-review journal, healthcare journal, or professional or scientific journal, and the date, volume, and issue of publication, as applicable.

PART 2. LICENSURE

R 338.10202 Examination; adoption; passing scores.

Rule 202. The board approves and adopts the examinations developed by the NCSBN, identified as the "NCLEX-RN" for the registered nurse and the "NCLEX-PN" for the practical nurse. Examinees shall achieve a passing score on the NCLEX computerized adaptive test. The passing score is determined by the NCSBN.

R 338.10203 Licensure by examination; registered professional nurse; requirements.

Rule 203. (1) An applicant for licensure by examination shall submit a completed application on a form provided by the department, together with the requisite fee.

(2) In addition to meeting the requirements of R 338.7001 to R 338.7005, and any rules promulgated under the code, an applicant shall satisfy the requirements of this rule.

(3) An applicant shall establish that the applicant meets the eligibility requirements to sit for the NCLEX-RN examination set forth in R 338.10204 and pass the NCLEX-RN examination.

(4) An applicant shall comply with section 16174(3) of the code, MCL 333.16174, by providing their fingerprints to the department of state police to have a criminal background check conducted by the state police and the FBI.

(5) An 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.

R 338.10204 Examinations; registered professional nurse; eligibility; reexaminations.

Rule 204. (1) To determine eligibility for the NCLEX-RN examination, an applicant shall submit a completed application on forms provided by the department, together with the requisite fee.

(2) To be eligible to take the NCLEX-RN examination, an applicant must establish that the applicant has successfully completed a registered nurse education program that satisfies 1 of the following:

(a) The program is in this state and approved by the board.

(b) The program is accredited by CASN.

(c) The program is located in another state, and complies with either of the following:

(i) The program is accredited by a nursing education accrediting agency listed in R 338.10303d(2).

(ii) If the program is not accredited by a nursing education accrediting agency listed in R 338.10303d(2), the applicant shall provide both of the following:

(A) The applicant's official transcripts from the academic institution where the nursing education program was completed.

(B) Either of the following:

(1) A letter to the department from the program, on official program letterhead, signed by the director of nursing, attesting that the program curriculum complies with both of the following:

(a) The registered nurse education program includes courses providing theory and clinical practice that comply with R 338.10306 to R 338.10308.

(b) The registered nurse education program curriculum contains the core curriculum for registered professional nurse students, as that term is defined in R 338.10301(l).

(2) If the program is closed, a letter from the state board of nursing where the program was located attesting that the nursing program was in good standing when the applicant completed the program.

(d) The program is a registered professional nurse education program or an equivalent education program outside the United States and, the applicant submits 1 of the following to the department that shows the applicant graduated from a program with substantially equivalent education credentials as a program approved by the board:

(i) A CES professional report from the CGFNS or its successor agency.

(ii) A certification from the CGFNS CP or its successor agency.

(iii) An Evaluation of Foreign Educational Credentials for Boards of Nursing from JS&A.

(3) The department shall evaluate the proof of substantially equivalent education credentials in this subrule before the applicant receives authorization from the department to take the NCLEX-RN examination. Information about the CES professional report and CGFNS CP can be obtained from the

CGFNS website at www.cgfns.org. Information about the Evaluation of Foreign Educational Credentials for Boards of Nursing from JS&A can be obtained from the JS&A website at <https://www.jsilny.org/>.

(4) An applicant who did not pass the NCLEX-RN examination within 3 years after 1 of the following events is not eligible to repeat the NCLEX-RN examination until the applicant receives a written certification of skills competency covering the subjects in subrule (5) of this rule, from a nurse education program approved under R 338.10303a:

(a) Graduation from a board-approved registered nurse education program under subrule (2)(a) of this rule or from a registered nurse education program accredited by CASN under subrule (2)(b) of this rule.

(b) Satisfying the requirements of subrule 2(c) of this rule.

(c) Obtaining 1 of the required evaluations or the certification in subrule (2)(d) of this rule.

(5) A certification of skills competency must cover the following skills:

(a) Head-to-toe physical assessment, including vital signs.

(b) Medication administration.

(c) Documentation.

(d) Surgical asepsis and infection control.

(e) Safety, including fall prevention, body mechanics, and transfers.

(6) Except as otherwise provided under subrule (7) of this rule, the applicant has 1 year after the date of a certification of skills competency to pass the NCLEX-RN examination.

(7) As an alternative to subrule (6) of this rule, on written application and documentation to support the request to the board, the board may grant up to a 6-month extension to the time requirement in subrule (4) of this rule to sit for the NCLEX-RN examination if the board finds the failure of the licensee to sit for the NCLEX-RN examination was due to the applicant's disability, military service, absence from the continental United States, or a circumstance beyond the applicant's control that the board considers good and sufficient.

R 338.10206 Licensure by endorsement from another state or reciprocity from Canada; registered professional nurse; requirements.

Rule 206. (1) An applicant who currently holds an active registered professional nurse license in good standing in another state and who has never been licensed as a registered professional nurse in this state may apply for a license by endorsement.

(2) The applicant is presumed to meet the requirements of section 16186 of the code, MCL 333.16186, if the applicant meets the requirements of R 338.7001 to R 338.7005; any rules promulgated under the code; submits a completed application, on a form provided by the department, together with the requisite fee; and complies with all of the following requirements:

(a) Meets either of the following requirements:

(i) Has been licensed or registered for not less than 5 years as a registered professional nurse in another state, was initially licensed by taking the NCLEX-RN examination, holds a license in good standing, and provides transcripts showing graduation from a nursing education program in another state.

(ii) Is currently licensed in good standing in another state for less than 5 years, was initially licensed by taking the NCLEX-RN examination, and meets all of the following requirements:

(A) Completes a registered nurse education program that meets either of the following requirements:

(1) The program is located in this state and is approved by the board.

(2) The program is located in another state and complies with 1 of the following:

(a) The program is accredited by a nursing education accrediting agency listed in R 338.10303d(2).

(b) If the program is not accredited by a nursing education accrediting agency listed in R 338.10303d(2), the applicant shall provide all the following:

(i) The applicant's official transcripts.

(ii) Provides either of the following:

(A) A letter to the department from the program, on official program letterhead, signed by the director of nursing, attesting that the program curriculum complies with both of the following:

(1) The registered nurse education program includes courses providing theory and clinical practice that comply with R 338.10306 to R 338.10308.

(2) The registered nurse education program curriculum contains the core curriculum for registered professional nurse students as that term is defined in R 338.10301(l).

(B) If the program is closed, a letter from the state board of nursing where the program was located attesting that the nursing program was in good standing when the applicant completed the program.

(b) 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.

(c) Satisfies the requirements of section 16174(3) of the code, MCL 333.16174, by providing the applicant's fingerprints to the department of state police to have a criminal background check conducted by the department of state police and the FBI.

(d) Satisfies 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.

(3) An applicant who currently holds an active professional nurse license in Canada, who has never been licensed as a registered professional nurse in this state, may apply for a license by reciprocity, 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, submits a completed application, on a form provided by the department, together with the requisite fee, and complies with all of the following:

(a) Meets the requirements of section 16174(3) of the code, MCL 333.16174, and submits the applicant's fingerprints to the department of state police to have a criminal background check conducted by the department of state police and the FBI.

(b) Meets either of the following:

(i) Has been licensed or registered for not less than 5 years as a registered professional nurse in Canada, was initially licensed by passing the NCLEX-RN or the Canadian Registered Nurse Examination before 2015, holds a license in good standing, and provides transcripts showing the applicant graduated from a nursing education program in another state or Canada.

(ii) Meets both of the following:

(A) Is currently licensed in good standing in Canada for less than 5 years, and was initially licensed by passing the NCLEX-RN or the Canadian Registered Nurse Examination before 2015.

(B) Completes a nursing education program accredited by a nursing education accrediting agency listed in R 338.10303d(2) or by the CASN.

(c) 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) Satisfies 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.

R 338.10207 Lapsed registered professional nurse license; relicensure requirements.

Rule 207. (1) An applicant for relicensure whose registered professional nurse 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 as noted by (√):

(a) For a registered professional nurse who has let their license lapse in this state and is not currently licensed in another state or a Canadian province:	License lapsed 0-3 Years.	License lapsed more than 3 years, but less than 7 years.	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 that term is 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 25 hours of continuing education in courses and programs approved by the board, including not less than 2 hours in pain and symptom management, all of which were earned within the 2-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 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 25 hours of continuing education in courses and programs approved by the board, including not less than 2 hours in pain and symptom management, with a minimum of 3 hours in each of the following areas, all of which were earned within the 2-year period immediately before the date of the application for relicensure: (A) Safe documentation for nurses. (B) Critical thinking skills for nurses.		√	√

<p>(C) Pharmacology. (D) Preventing medication errors. (E) Professional and legal accountability for nurses. (F) Delegation.</p> <p>However, 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 be issued until the continuing education requirements are met.</p>			
(vi) Meet the implicit bias training required under R 338.7004.	√	√	√
<p>(vii) Within 3 years immediately before the application for relicensure, receive written certification of skills competency from a nurse education program approved under R 338.10303a. Certification of competency must cover the following skills utilizing nursing process:</p> <p>(A) Head-to-toe physical assessment, including vital signs. (B) Medication administration. (C) Documentation. (D) Surgical asepsis and infection control. (E) Safety, including fall prevention, body mechanics, and transfers.</p>		√	√
(viii): Within 2 years immediately after approval of the application for relicensure, retake and pass the NCLEX-RN examination.			√

(ix) 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 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 a registered professional nurse who has let their license lapse in this state, but who holds a current and valid registered professional nurse license in good standing in another state or a Canadian province:	License lapsed 0-3 Years.	License lapsed more than 3 years, but less than 7 years.	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 that term is 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 completion of 25 hours of continuing education, including not less than 2 hours in pain and symptom management, earned within the 2-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 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) Meet the implicit bias training required under R 338.7004.	√	√	√
(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.

R 338.10208 Graduate from registered professional nurse education program outside of the United States or Canada; licensure requirements.

Rule 208. (1) An applicant for a registered nurse license who graduated from a registered professional nurse education program from a country outside of the United States or Canada, shall submit a completed application on a form provided by the department, together with the requisite fee, and comply with the following requirements:

(a) Meet the requirements of section 16174(3) of the code, MCL 333.16174, by providing the applicant's fingerprints to the department of state police to have a criminal background check conducted by the department of state police and the FBI.

(b) If the applicant has not passed the NCLEX-RN examination, the applicant shall establish that the applicant meets the eligibility requirements to sit for the NCLEX-RN examination set forth in R 338.10204 and pass the NCLEX-RN examination.

(c) Except as provided in subrule (2) of this rule, if the applicant is a graduate of a registered professional nurse education program that is located outside of the United States or Canada, has passed the NCLEX-RN examination, and is not licensed in another state or is licensed in another state for less than 5 years, the applicant shall submit 1 of the following to the department that shows the applicant graduated from a program with substantially equivalent education credentials as a program approved by the board:

(i) A CES professional report from the CGFNS or its successor agency.

(ii) A certification from the CGFNS CP or its successor agency.

(iii) An Evaluation of Foreign Educational Credentials for Boards of Nursing from JS&A.

(d) 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.

(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.

(f) Meet R 338.7001 to R 338.7005 and any rules promulgated under the code.

(2) Under section 17213(2) of the code, MCL 333.177213, if the applicant is a graduate of a registered professional nurse education program that is located outside of the United States or Canada, the applicant is exempt from obtaining an evaluation or certification of their educational credentials as required in subrule (1)(c) of this rule if the applicant meets both of the following requirements:

(a) The applicant has passed the NCLEX-RN examination.

(b) The applicant has maintained an active license in good standing with no disciplinary sanctions in another state for 5 years or more immediately before the application for a license in this state.

R 338.10208a Graduate from registered professional nurse education program in Canada; licensure requirements.

Rule 208a. An applicant for a registered nurse license in this state, who graduated from a registered professional nurse education program in Canada, and is not licensed in Canada, shall submit a completed application on a form provided by the department, together with the requisite fee, and comply with the following requirements:

(a) Meet the requirements of section 16174(3) of the code, MCL 333.16174, by providing the applicant's fingerprints to the department of state police to have a criminal background check conducted by the department of state police and the FBI.

(b) If the applicant has not passed the NCLEX-RN examination, the applicant shall establish that the applicant meets the eligibility requirements to sit for the NCLEX-RN examination set forth in R 338.10204 and pass the NCLEX-RN examination.

(c) If the applicant has passed the NCLEX-RN examination, the applicant shall submit 1 of the following to the department that shows the applicant graduated from a program with substantially equivalent education credentials as a program approved by the board:

(i) Proof of program accreditation by the CASN.

(ii) A CES professional report from the CGFNS or its successor agency.

(iii) A certification from the CGFNS CP or its successor agency.

(iv) An Evaluation of Foreign Educational Credentials for Boards of Nursing from JS&A.

(d) 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.

(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.

(f) Meet R 338.7001 to R 338.7005 and any rules promulgated under the code.

R 338.10209 Licensure by examination; licensed practical nurse; requirements.

Rule 209. (1) An applicant for licensure by examination shall submit a completed application on a form provided by the department, together with the requisite fee.

(2) In addition to meeting the requirements of R 338.7001 to R 338.7005, and any rules promulgated under the code, an applicant shall satisfy the requirements of this rule.

(3) An applicant shall establish that the applicant meets the eligibility requirements to sit for the NCLEX-PN examination set forth in R 338.10210 and pass the NCLEX-PN examination.

(4) An applicant shall comply with section 16174(3) of the code, MCL 333.16174, by providing their fingerprints to the department of state police to have a criminal history check conducted by the state police and the FBI.

(5) An 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.

R 338.10210 Examinations; licensed practical nurse; eligibility; reexaminations.

Rule 210. (1) To determine eligibility for the NCLEX-PN examination, an applicant shall submit a completed application on forms provided by the department, together with the requisite fee.

(2) To be eligible to take the NCLEX-PN examination, an applicant shall establish that the applicant has successfully completed a licensed practical nurse education program that satisfies 1 of the following:

(a) The applicant has successfully completed a practical nurse education program that is located in this state and is approved by the board.

(b) The applicant has successfully completed a practical nurse education program accredited by CASN.

(c) The applicant has successfully completed a practical nurse education program that is located in another state and that program complies with either of the following:

(i) Is accredited by a nursing education accrediting agency listed in R 338.10303d(2).

(ii) If the program is not accredited by a nursing education accrediting agency listed in R 338.10303(d)(2), the applicant shall provide all the following:

(A) The applicant's official transcripts from the academic institution where the nursing education program was completed.

(B) Provide either of the following:

(1) A letter to the department from the program, on official program letterhead, signed by the director of nursing, attesting that the program curriculum complies with both of the following:

(a) The practical nursing education program is not less than 40 weeks in duration and includes courses in both theory and clinical practice that comply with R 338.10306, R 338.10307, and R 338.10309.

(b) The practical nursing education program curriculum contains the core curriculum for licensed practical nurse students, as that term is defined in R 338.10301(k).

(2) If the program is closed, a letter from the state board of nursing where the program was located attesting that the nursing program was in good standing when the applicant completed the program.

(d) The applicant is a graduate of a practical nurse education program or an equivalent education program that is outside the United States and the applicant submits 1 of the following to the department that shows the applicant graduated from a program with substantially equivalent education credentials as a program approved by the board:

(i) A CES professional report from the CGFNS, or its successor agency.

(ii) An Evaluation of Foreign Educational Credentials for Boards of Nursing from JS&A.

(iii) A certification from the NACES, or its successor agency.

(e) The applicant has completed a registered nurse education program and requests to sit for the NCLEX-PN examination. The applicant shall comply with both of the following:

(i) The applicant has completed a registered nurse education program that meets the requirements of R 338.10204(2).

(ii) The applicant is certified to take the NCLEX-PN examination by a practical nurse program from the same institution as the registered nurse education program that has been approved by the board under subdivision (a) of this subrule.

(3) The department shall evaluate the proof of substantially equivalent education credentials in subrule (2)(c) of this rule before the applicant receives authorization from the department to take the NCLEX-PN examination. Information about the CES professional report can be obtained from the CGFNS website at www.cgfns.org. Information about the Evaluation of Foreign Educational Credentials for Boards of Nursing from JS&A can be obtained from the JS&A website at <https://www.jsilny.org/>. A list of NACES approved credentialing agencies can be found on its website at www.naces.org.

(4) Except as otherwise provided in subrule (7) of this rule, an applicant who did not pass the NCLEX-PN examination within 3 years after 1 of the following events is not eligible to repeat the NCLEX-PN examination until the applicant receives a written certification of skills competency covering the subjects in subrule (5) of this rule, from a nurse education program approved under R 338.10303a:

(a) Graduation from a board-approved practical nurse education program under subrule (2)(a) of this rule or from a practical nurse education program accredited by CASN under subrule (2)(b) of this rule.

(b) Satisfying the requirements of subrule (2)(c) of this rule. (c) Obtaining 1 of the required evaluations or certifications in subrule (2)(d) of this rule.

(d) Graduation from a board approved registered nurse education program under subrule (2)(e) of this rule.

(5) A certification of skills competency must cover the following skills:

(a) Head-to-toe physical assessment, including vital signs.

(b) Medication administration.

(c) Documentation.

(d) Surgical asepsis and infection control.

(e) Safety, including fall prevention, body mechanics, and transfers.

(6) The applicant has 1 year after the date of a certification of skills competency to pass the NCLEX-PN examination.

(7) On written application and documentation to support the request to the board, the board may grant up to a 6-month extension to the time requirement in subrule (4) of this rule to sit for the NCLEX-PN examination if the board finds the failure of the licensee to sit for the NCLEX-PN examination was due to the applicant's disability, military service, absence from the continental United States, or a circumstance beyond their control which the board considers good and sufficient.

R 338.10211 Licensure by endorsement from another state; licensure by reciprocity from Canada; licensed practical nurse; requirements.

Rule 211. (1) An applicant who currently holds an active practical nurse license in good standing from another state and who has never been licensed as a practical nurse in this state may apply for a license by endorsement.

(2) The applicant is presumed to meet the requirements of section 16186 of the code, MCL 333.16186, if the applicant meets the requirements of R 338.7001 to R 338.7005; any rules promulgated under the code; submits a completed application, on a form provided by the department, together with the requisite fee; and complies with all of the following requirements:

(a) Meets 1 of the following requirements:

(i) Has been licensed or registered for not less than 5 years as a practical nurse in another state, was initially licensed by taking the NCLEX-PN examination, holds a license in good standing, and provides transcripts showing graduation from a nursing education program in another state.

(ii) Is currently licensed in good standing in another state for less than 5 years, was initially licensed by taking the NCLEX-PN examination, and meets all of the following requirements:

(A) Completes a practical nurse education program that meets either of the following requirements:

(1) The program is located in this state and is approved by the board.

(2) The program is located in another state and the program complies with either of the following:

(a) The program is accredited by a nursing education accrediting agency listed in R

338.10303d(2).

(b) If the program is not accredited by a nursing education accrediting agency listed in R

338.10303(d)(2), the applicant shall provide all of the following:

(i) The applicant's official transcripts.

(ii) Provides either of the following:

(A) A letter to the department on official program letterhead, signed by the director of nursing, attesting that the program curriculum complies with both of the following:

(1) The practical nursing education program is not less than 40 weeks in duration and includes courses in both theory and clinical practice that comply with R 338.10306, R 338.10307, and R 338.10309.

(2) The practical nursing education program curriculum contains the core curriculum for licensed practical nurse students as that term is defined in R 338.10301(k).

(B) If the program is closed, a letter from the state board of nursing where the program was located attesting that the nursing program was in good standing when the applicant completed the program.

(b) 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.

(c) Satisfies 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.

(d) Satisfies the requirements of section 16174(3) of the code, MCL 333.16174, by providing the applicant's fingerprints to the department of state police to have a criminal background check conducted by the department of state police and the FBI.

(3) An applicant who currently holds an active practical nurse license in Canada who has never been licensed as a practical nurse in this state may apply for a license by reciprocity and is presumed to meet the requirements of section 16186 of the code, MCL 333.16186, if the applicant submits a completed application, on a form provided by the department, together with the requisite fee, and complies with all the following:

(a) Meets the requirements of section 16174(3) of the code, MCL 333.16174, by providing the applicant's fingerprints to the department of state police to have a criminal background check conducted by the department of state police and the FBI.

(b) Meets either of the following:

(i) Has been licensed or registered for not less than 5 years as a practical nurse in Canada, was initially licensed by passing the NCLEX-PN examination or the Practical Nurse Registration Examination, holds a license in good standing, and provides transcripts showing the applicant graduated from a nursing education program in another state or Canada.

(ii) Meets both of the following:

(A) Is currently licensed in good standing for less than 5 years in Canada and was initially licensed by passing the NCLEX-PN or the Practical Nurse Registration Examination.

(B) Completes a nursing education program accredited by a nursing education accrediting agency listed in R 338.10303d(2) or by the CASN.

(c) 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) Satisfies 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.

R 338.10212 Graduate of a practical nurse education program outside of the United States and Canada; licensure requirements.

Rule 212. (1) An applicant for a practical nurse license who graduated from a nurse education program from a country outside of the United States or Canada, shall submit a completed application on a form provided by the department, together with the requisite fee, and comply with the following requirements:

(a) Meet the requirements of section 16174(3) of the code, MCL 333.16174, by providing the applicant's fingerprints to the department of state police to have a criminal background check conducted by the department of state police and the FBI.

(b) If the applicant has not passed the NCLEX-PN examination, the applicant shall establish that the applicant meets the eligibility requirements to sit for the NCLEX-PN examination set forth in R 338.10210 and pass the NCLEX-PN examination.

(c) Except as provided in subrule (2) of this rule, if the applicant is a graduate of a licensed practical nurse education program that is located outside of the United States, or Canada, has passed the NCLEX-PN examination, and is not licensed in another state or is licensed in another state for less than 5 years, the applicant shall submit 1 of the following to the department that shows the applicant graduated from a program with substantially equivalent education credentials as a program approved by the board:

(i) A CES professional report from the CGFNS, or its successor agency.

(ii) An Evaluation of Foreign Educational Credentials for Boards of Nursing from JS&A.

(iii) A certification from the NACES or its successor agency.

(d) 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.

(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.

(f) Meet R 338.7001 to R 338.7005 and any rules promulgated under the code.

(2) If the applicant is a graduate of a licensed practical nurse education program that is located outside of the United States or Canada, the applicant is exempt from obtaining an evaluation or certification as required in subrule (1)(c) of this rule if the applicant meets both of the following requirements:

(a) The applicant has passed the NCLEX-PN examination.

(b) The applicant has maintained an active license in good standing with no disciplinary sanctions in another state for 5 years or more immediately before the application for a license in this state.

R 338.10212a Graduate from practical nurse education program in Canada; licensure requirements.

Rule 212a. An applicant for a practical nurse license who graduated from a practical nurse education program in Canada, and is not licensed in Canada, shall submit a completed application on a form provided by the department, together with the requisite fee, and comply with the following requirements:

- (a) Meet the requirements of section 16174(3) of the code, MCL 333.16174, by providing the applicant's fingerprints to the department of state police to have a criminal background check conducted by the department of state police and the FBI.
- (b) If the applicant has not passed the NCLEX-PN examination approved by the board, the applicant shall establish that the applicant meets the eligibility requirements to sit for the NCLEX-PN examination set forth in R 338.10210 and pass the NCLEX-PN examination.
- (c) If the applicant has passed the NCLEX-PN examination, the applicant shall submit 1 of the following to the department that shows the applicant graduated from a program with substantially equivalent education credentials as a program approved by the board:
 - (i) Proof of program accreditation by the College of Nurses of Ontario.
 - (ii) A CES professional report from the CGFNS or its successor agency.
 - (iii) An Evaluation of Foreign Educational Credentials for Boards of Nursing from JS&A.
 - (iv) A certification from the NACES or its successor agency.
- (d) 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.
- (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.
- (f) Meet R 338.7001 to R 338.7005 and any rules promulgated under the code.

R 338.10213 Lapsed licensed practical nurse license; relicensure requirements.

Rule 213. (1) An applicant for relicensure whose licensed practical nurse license in this state has lapsed under section 16201(3) or (4) of the code, MCL 333.16201, may be relicensed by complying with the following requirements as noted by (√):

(a) For a licensed practical nurse who has let their licensed practical nurse license in this state lapse and is not currently licensed in another state or a Canadian province:	License lapsed 0-3 Years.	License lapsed more than 3 years, but less than 7 years.	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 that term is defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(iii) Submit fingerprints as set forth in section 16174(3) of the code, MCL 333.16174.		√	√
(iv) Submit proof of having completed 25 hours of continuing education in courses and programs approved by the board, including not less than 2 hours in pain and symptom management, all of which were earned within the 2-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 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.			
<p>(v) Submit proof of having completed 25 hours of continuing education in courses and programs approved by the board, including not less than 2 hours in pain and symptom management, with a minimum of 3 hours in each of the following areas, all of which were earned within the 2-year period immediately before the application for relicensure:</p> <p>(A) Safe documentation for nurses. (B) Critical thinking skills for nurses. (C) Pharmacology. (D) Preventing medication errors. (E) Professional and legal accountability for nurses.</p> <p>However, 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.</p>		√	√
(vi) Meet the implicit bias training required under R 338.7004.	√	√	√
<p>(vii) Within 3 years immediately before the application for relicensure, receive written certification of skill competency from a nurse education program approved under R 338.10303a. Certification of competency must cover the following skills:</p> <p>(A) Head-to-toe physical assessment, including vital signs. (B) Medication administration. (C) Documentation. (D) Surgical asepsis and infection control. (E) Safety, including fall prevention, body mechanics, and transfers.</p>		√	√
(viii) Within 2 years immediately after approval of the application for relicensure, retake and pass the NCLEX-PN examination.			√
<p>(ix) 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>	√	√	√

(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.			
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(b) For a licensed practical nurse who has let their license in this state lapse, but who holds a current and valid licensed practical nurse license in good standing in another state or a Canadian province:	License lapsed 0-3 Years.	License lapsed more than 3 years, but less than 7 years.	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 that term is defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(iii) Submit fingerprints as set forth in section 16174(3) of the code, MCL 333.16174.		√	√
(iv) Submit proof of completion of 25 hours of continuing education, including not less than 2 hours in pain and symptom management, all of which was earned within the 2-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 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) Meet the implicit bias training required under R 338.7004.	√	√	√
(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.

PART 3. NURSING EDUCATION PROGRAMS

R 338.10301 Definitions.

Rule 301. (1) As used in this part:

(a) “Accreditation” means a self-regulatory process that meets or exceeds educational quality standards and criteria set forth by a national nursing education accrediting organization.

(b) “Accrediting organization” means a board approved accrediting organization of nursing education programs listed in R 338.10303d.

(c) “Accredited program” means a program that has obtained accreditation from a board approved accrediting organization of nursing education programs, as that term is defined in R 338.10303d.

(d) “ADN” means an associate’s degree in nursing.

(e) “Capstone course” means a clinical experience completed in the final year of the nursing education program that synthesizes the cognitive, affective, and psychomotor skills acquired throughout the program to prepare the student for professional nursing practice.

(f) “Clinical experience” means direct nursing care experiences with actual patients or clients that offer students the opportunity to integrate, apply, and refine specific skills and abilities that are based on theoretical concepts and scientific principles. Clinical experience may include simulated nursing experiences subject to R 338.10306 and R 338.10309.

(g) “Clinical laboratory hours” means those hours of the curriculum that are assigned to laboratory practice, basic skills training, and observational experiences that offer the student the opportunity to meet educational outcomes.

(h) “Cohort” means a group of students admitted in the same academic semester or term with the intention of completing the nursing program at the same graduation date. Cohort includes students who transfer into the program at the same academic level.

(i) “Conceptual framework” means the distinct, systematic organization of concepts and planned student outcomes of the program that are consistent with relevant professional nursing standards and the mission, goals, philosophy, and purposes of the sponsoring institution, and gives direction to the curriculum.

(j) “Cooperating agency” means an individual, organization, or institution that, by written agreement or letter of intent, accepts students and faculty for nursing educational experiences.

(k) “Core curriculum for licensed practical nurse students” means courses in didactic instruction and planned clinical experience, which encompass the LPN scope of practice, in each of the following areas of nursing:

(i) Adult health nursing, which must consist of the study of nursing care throughout the adult lifespan; providing care for the acute and chronic phases of a medical illness; health promotion; and disease prevention.

(ii) Maternal and reproductive nursing, which must consist of the study of nursing care for women and their families in the gynecological, antepartum, labor and delivery, and postpartum phases of pregnancy, and includes the care of a newborn infant.

(iii) Children’s nursing, which must consist of the study of nursing care for children whose ages range from birth through adolescence and who are receiving nursing care for both medical and surgical reasons.

(iv) Surgical nursing, which must consist of the study of nursing care throughout the adult lifespan, providing care before, during, and after a surgical procedure, health promotion, and disease prevention.

(l) “Core curriculum for registered professional nurse students” means didactic instruction and planned clinical experience, which encompass the RN scope of practice, in each of the following areas of nursing:

(i) Adult health nursing, which must consist of the study of nursing care throughout the adult lifespan; providing care for the acute or chronic phases of a medical illness; health promotion; and disease prevention.

(ii) Maternal and reproductive nursing, which must consist of the study of nursing care for women and their families in the gynecological, antepartum, labor and delivery, and postpartum phases of pregnancy, and includes the care of a newborn infant.

(iii) Children’s nursing, which must consist of the study of nursing care for children whose ages range from birth through adolescence and who are receiving nursing care for both medical and surgical reasons.

(iv) Psychiatric/mental health nursing, which must consist of the study of nursing care of individuals with an acute or chronic mental health or psychiatric disorder.

(v) Surgical nursing, which must consist of the study of nursing care throughout an adult lifespan, providing care before, during, and after a surgical procedure, health promotion, and disease prevention.

(m) “Course student learning outcomes” means statements of educational expectations written in measurable terms for the knowledge, skills, or behaviors students must demonstrate by the end of the course. The statements must reflect contemporary evidence-based nursing practice and enhance achievement of end of program student learning outcomes.

(n) “Curriculum” means implementation of appropriate learning experiences that accomplish measurable course and program outcomes, which incorporate the nursing program’s purpose, philosophy, and conceptual framework of the nursing program through the systematic arrangement of courses. This includes outcomes stated in measurable terms and accomplished through appropriate learning experiences planned for a clearly defined group of students and extending over a defined period of time depending on the type of nursing education program. Systematic and ongoing evaluation within the context of measurable outcomes is inherent in the curriculum.

(o) “End of program student learning outcomes” means statements of educational expectations written in measurable terms for the knowledge, skills, or behaviors students must demonstrate by the end of the program. The statements must reflect professional standards, guidelines, contemporary nursing practice, guide the curriculum, and increase in complexity as students progress through the curriculum.

(p) “Final program approval report” means an updated self-study done after the graduation of the second cohort and before the graduation of the fourth cohort that is submitted to the board when the program is seeking full program approval.

(q) “Full program approval” means approval of a program granted after satisfactory demonstration to the board of compliance with these rules.

(r) “Initial approval” means approval that is granted by the board to inaugurate a program of nursing education.

(s) “Instruction” means educational methodology for achieving curriculum outcomes.

(t) “Learning experiences” means planned learning situations, which may include clinical experiences, clinical laboratory hours, or classroom instruction.

(u) “MSN” means a master’s of science in nursing.

(v) “Nurse site reviewer” means a nurse with expertise in curriculum development and nursing program administration or education that independently examines a nursing program applying for program approval.

(w) “Nursing education program report” means a report completed and submitted between the self-study submissions. It provides the board with information as to the program’s admissions, attrition, courses, clinical experience, faculty program evaluation, and outcomes and is submitted as follows:

(i) For programs that have received initial approval under R 338.10303, the report must be submitted each year during the program approval phase.

(ii) For programs that have received full approval under R 338.10303a, the report must be completed and submitted at the halfway point between the self-study submissions.

(x) “Nursing faculty” means a member of the faculty qualified to teach nursing courses and evaluate learning.

(y) “Nursing process” means the ongoing assessment, analysis, nursing diagnosis, planning, implementation, and evaluation of nursing care.

(z) “Observational experience” means a planned learning situation that is not direct patient care, does not require intervention by the student, meets preplanned stated outcomes, and provides for student evaluation.

(aa) “Philosophy” means the stated beliefs of faculty about nursing education and practice that determine the design of the curriculum and the evaluation of the program and that are consistent with the educational philosophy of the sponsoring agency.

(bb) “Practical nurse program” means a nursing program to prepare students for practical nurse licensure.

(cc) “Preceptor” means an experienced nurse, paired in a 1-to-1 relationship with a nursing student, who actively participates in the education, mentoring, and evaluation of the nursing student in a clinical setting.

(dd) “Probationary status” means the period when a program is under disciplinary action by the board.

(ee) “Program director” means a nurse who is delegated the authority and accountability for the nursing program by the sponsoring agency.

(ff) “Program of nursing education” means a plan or design indicating the relationship of the components necessary to achieve the goal of preparing individuals for licensure as registered or practical nurses under the code.

(gg) “Program outcomes” means documented and measurable indicators that reflect the program’s overall effectiveness.

(hh) “Registered professional nurse program” means a nursing program to prepare students for initial registered nurse licensure.

(ii) “Self-study report” means an in-depth written review of all aspects of a nursing education program that contains evidence of the program’s compliance with all the requirements of these rules.

(jj) “Simulation laboratory” means activities that replicate patient care scenarios and are designed to foster clinical decision-making and critical thinking. Scenarios may include the use of medium or high-fidelity mannequins, standardized patients, role playing, skills stations, and computer-based critical thinking simulations.

(kk) “Site visit” means a physical inspection of an institution and all the components of its program of nursing education for the purpose of determining compliance with the requirements of this part.

(ll) “Sponsoring agency” means the organization or institution of which the nursing program is a component.

(mm) “Unaccredited program” means a program that has not obtained accreditation from a board approved accrediting organization of nursing education programs, as that term is defined in R 338.10303d.

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

R 338.10303 Initial program approval; procedure.

Rule 303. The following requirements are established for initial approval of a program of nursing education:

- (a) The sponsoring agency shall submit all the following to the board:
 - (i) A letter of intent to initiate a program of nursing education.
 - (ii) A feasibility study that demonstrates all the following, with supporting documentation relative to the proposed program location:
 - (A) Need for the program.
 - (B) Need for graduates of the proposed program.
 - (C) Availability of students.
 - (D) Impact on all existing nursing education programs in a 50-mile radius of the proposed program. The applying institution is responsible for surveying schools within the radius to determine the perceived impact the proposed program will have on the availability of the existing program's clinical placements, faculty, and student recruitment.
 - (E) Ability of proposed clinical education sites to provide students with clinical experiences that meet course outcomes, provide students the opportunity to practice skills with individuals or groups across the life span and meet the requirements of R 338.10307(5), (6), (7), and (8). Evidence must also include documentation of the effect on other schools utilizing the proposed clinical facilities and letters of intent from the proposed clinical education sites, signed by the chief nursing officer, or an equivalent position, outlining the plan to accommodate all the sponsoring agency's students.
 - (iii) Evidence that the mission of the sponsoring agency is consistent with the philosophy and purpose of a program to prepare students for the practice of nursing.
 - (iv) Evidence that the sponsoring agency shall provide funding and other support for the nursing education program that meets all the following requirements:
 - (A) A 5-year budget in which the first 2 years of the budget do not include tuition and the remaining 3 years of the budget includes tuition.
 - (B) A financial statement prepared by an independent certified public accountant or auditor, a bank line of credit, or a surety bond that equals the total tuition for all students who have been enrolled for 2 years.
 - (C) Submission of evidence that the sponsoring agency shall provide appropriate physical facilities and other support services for the nursing education program, in conjunction with other departments in the sponsoring agency, including faculty, administration, and student participation in governance of the sponsoring agency, a grievance or complaint process, counseling, academic advising, career placement, financial aid, and learning resource centers or a library.
 - (v) Evidence of approval to provide financial aid for students, under Title IV of the Higher Education Act of 1965, 20 USC 1070 to 1099d. If the sponsoring agency is unable to submit evidence that it is approved to provide financial aid under Title IV of the Higher Education Act of 1965, 20 USC 1070 to 1099d, until after the board approves the program, the program, with board approval, may submit the evidence to the department before enrolling students to the program.
 - (vi) A sponsoring agency that is an institution requiring approval from the department's proprietary schools unit, or its successor agency, to conduct a nursing education program or to confer a particular degree or certificate on the graduates of the program shall submit to the board a copy of the approval. A proprietary school shall possess a state-issued license, be in operation for 2 years, offer health-related programs, and demonstrate student success with results that meet or exceed state or national averages.
 - (vii) Proposed number of students to be enrolled in the program annually, the number of times that enrollment periods are held per year, and the dates when enrollment periods are held annually.
 - (viii) Proposed first date of admission of students to the nursing sequence of the program.
 - (ix) Plans to recruit and employ a program director and other nursing faculty members sufficiently in advance of admitting students to the nursing sequence to ensure consistency in the planning and implementation of the curriculum. The plan should include a timeline for recruitment and disclose

recruitment resources. If already appointed, the names and qualifications of the director of the program and other nursing faculty members must be provided.

(x) The sponsoring agency shall provide evidence of a tuition policy in which students pay as they proceed through the program either by semesters, terms, units, or other time frame as specified by the sponsoring agency. The sponsoring agency shall also provide evidence of a refund policy that adheres to the refund policies of applicable state, federal, and accrediting agencies.

(xi) Evidence that students possess the necessary prerequisite education before admission to the program. The program shall not be the provider of the prerequisite education, unless it is a state-approved higher educational institution or has the approval of this state to offer prerequisite courses.

(xii) A student contract or enrollment application that outlines the nursing education program's admission requirements, a tuition refund policy that complies with paragraph (x) of this subdivision, a withdrawal and failure policy, and academic progression and program completion requirements.

(xiii) History of sponsoring agency.

(b) Following board approval of the required documentation in subdivision (a) of this rule and before admitting the first cohort, the program director shall submit a self-study report to be approved by the board. The report must set forth evidence of plans for and compliance with the following:

(i) History of sponsoring agency.

(ii) Philosophy.

(iii) Conceptual framework.

(iv) Curriculum to include end of program student learning outcomes and course student learning outcomes.

(v) Course descriptions and outlines.

(vi) Detailed plan of study that includes all of the following:

(A) Program plan of study including all required courses.

(B) Course sequence.

(C) Credits per course including theory, laboratory, clinical and simulation hours.

(vii) Signed clinical contracts for clinical placements.

(viii) Evaluation methods and tools.

(ix) Program outcomes.

(x) Director and nursing faculty credentials.

(xi) Student policies and support services.

(c) The board shall require a site visit to the program by a board-approved nurse site reviewer. The report of the site visit must be prepared by the nurse site reviewer and provided to the board and the sponsoring agency. The program may admit students after the board determines that all deficiencies noted in the report are sufficiently resolved.

(d) After the first cohort has been admitted and during the initial approval period, the program director shall submit an annual nursing education program report to the board. The nursing education program report must include information about each of the following:

(i) Admission, progression, and retention of students.

(ii) Student achievement on the required licensure NCLEX examination.

(iii) Systematic program evaluation results, including analysis of end of program student learning outcomes and program outcomes, including but not limited to, NCLEX pass rates for first time takers, program completion rates and employment rates.

(iv) Program changes.

(v) Nursing faculty qualifications, assignments, and any nursing faculty exceptions.

R 338.10303a Full program approval; procedure.

Rule 303a. (1) The sponsoring agency may apply to the board for full approval of the program after graduation of the second cohort, but no later than graduation of the fourth cohort. The sponsoring agency shall comply with the following requirements for full approval of a nursing education program:

(a) The sponsoring agency shall submit a final program approval report to the board. The report must provide an update of the self-study that was submitted for initial approval under R 338.10303(b), review the program's progress since initial approval was granted, and include a review and evaluation of program implementation.

(b) The board may require a site visit to the program by a board-approved nurse site reviewer before considering full approval. If conducted, a report of the site visit must be prepared by the nurse site reviewer and provided to the board and the sponsoring agency. If deficiencies are noted in the report, the program shall resolve the deficiencies within the timeline set by the board.

(2) NCLEX scores for the program up to the point of application of full approval must equate to the passage rates as required in R 338.10310.

(3) If by the end of the fourth cohort, a program does not satisfy the criteria for full approval set forth in this rule or has failed to apply for full approval as required under this rule, the board may begin the evaluation process of the program under section 17242 of the code, MCL 333.17242, and R 338.10310.

(4) When granted full approval for the program of nursing education, the sponsoring agency shall continue to meet all the requirements of this part.

R 338.10303b Continued program approval; self-study and nursing education program report requirements.

Rule 303b. (1) Self-study reports: After full approval has been granted under R 338.10303a, a sponsoring agency of an unaccredited program shall submit a comprehensive self-study report every 8 years. The report must include all the following information for all of the years since the last self-study report was approved by the board.

(a) History of sponsoring agency.
(b) Philosophy.
(c) Conceptual framework.
(d) Curriculum to include end of program student learning outcomes and course student learning outcomes.

(e) Detailed plan of study that includes all the following:
(i) Program plan of study including all required courses.
(ii) Course sequence.
(iii) Credits per course including theory, laboratory, clinical and simulation hours.
(f) Course descriptions and outlines.
(g) Signed clinical contracts or current letters of commitment for clinical placements.
(h) Evaluation methods and tools.
(i) Program outcomes.
(j) Director and nursing faculty credentials.
(k) Student policies and support services.

(2) Sponsoring agencies of accredited programs shall comply with all the following:
(a) All reporting requirements set forth by the accrediting organization.

(b) A sponsoring agency may submit to the board a letter of accreditation or reaccreditation from the accrediting organization instead of submitting a self-study report prepared for the board if no deficiencies were found.

(i) The letter must be submitted to the board within 90 days after the date on the decision letter.
(ii) If the sponsoring agency fails to submit the letter within 90 days, a self-study report must be prepared for the board in accordance with subrule (1) of this rule.

(c) If the letter of accreditation or reaccreditation from the accrediting organization noted deficiencies, the program shall provide the decision letter and supporting documentation from the accrediting organization along with all follow-up reports, supporting documentation, and resulting decision letters from the accrediting organization to the board.

(i) The letter of accreditation or reaccreditation and any follow up report decision letters must be submitted to the board within 90 days after the date on the letter.

(ii) The board may request further documentation from the sponsoring agency.

(d) Programs shall immediately notify the board of changes in the accreditation status, cycle, or reporting dates.

(3) Nursing education program reports: After a program has been granted full approval under R 338.10303a, the sponsoring agency of an unaccredited program shall submit a nurse education program report to the board every 4 years. Subject to subrule (4) of this rule, the sponsoring agency of an accredited program shall submit a nurse education program report to the board at the midpoint of the accreditation cycle. The nursing education program report must include all the following information for each year since the last self-study report was approved by the board:

(a) Program information pertaining to total program length, required credits, and all required courses, including any prerequisite courses, in the program's plan of study.

(b) Analysis and action plans for program performance outcomes including program completion rates, first-time NCLEX pass rates, and job placement rates.

(c) Systematic program evaluation results and action plan, including analysis of end of program student learning outcomes, including but not limited to, NCLEX pass rates for first time takers, program completion rates, and employment rates.

(d) Major program changes.

(e) Nursing faculty qualified to teach nursing courses, assignments, and any nursing faculty exceptions.

(f) End of program student learning outcomes for each program option.

(g) The plan of study that demonstrates progression of learning across the curriculum.

(4) Sponsoring agencies of accredited programs that are required to submit a midcycle report shall comply with all the following:

(a) All midcycle reporting requirements set forth by the accrediting organization.

(b) A sponsoring agency may submit to the board a midcycle report decision letter from the accrediting organization if no deficiencies requiring a supplemental report were found.

(i) The letter must be submitted to the board within 90 days after the date on the decision letter.

(ii) If the sponsoring agency fails to submit the letter within 90 days, a nursing education program report must be prepared for the board in accordance with subrule (3) of this rule.

(c) If the midcycle accreditation report decision letter from the accrediting organization noted deficiencies, the program shall provide the decision letter and supporting documentation from the accrediting organization along with all follow-up reports, supporting documentation, and resulting decision letters from the accrediting organization to the board.

(i) The midcycle report decision letter and any follow up report decision letters must be submitted to the board within 90 days after the date on the letter.

(ii) The board may request further documentation from the sponsoring agency.

(5) The board shall notify the program director of the date by which a nursing education program report must be submitted.

R 338.10303c Major program changes and temporary seat increase requirements.

Rule 303c. (1) A major program change means any of the following:

(a) Revision of the program's philosophy, conceptual framework, course sequence-plan of study, curriculum, program outcomes, student learning outcomes, or changes that increase the use of simulation more than 10% of the current total clinical hours in a program.

(b) Change in primary instruction delivery methods for more than 50% of the program, if the delivery method does not allow for live or synchronous instruction, in-person or virtual, that provides for the opportunity of direct interaction between faculty and participants, including but not limited to, lectures, symposia, live teleconferences, and workshops.

(c) A permanent expansion in the number of students served.

(d) Increase or decrease in overall program credits.

(e) Providing the theory portion of the curriculum at an additional location that is separate from the primary campus using the same curriculum as the primary campus. Initial approval under R 338.10303 must be obtained if more than theory is taught at the additional location.

(2) A nursing education program shall submit major program changes to the board in writing. The changes must be approved before implementation. All the following must be provided when requesting a major program change:

(a) A comparative description of the current and proposed program or portion of the program which is proposed for change.

(b) Rationale for the change.

(c) Plans to evaluate the effect of the change.

(d) If a program requests a permanent increase in students, a campus relocation, or to utilize an additional site, it shall provide all the following:

(i) The number of additional seats requested.

(ii) Documentation that there is sufficient faculty on staff to handle the increase in students.

(iii) A list identifying current and additional clinical sites available for use.

(e) Documents evidencing support for the requested change.

(3) Requests for a temporary expansion of students must be submitted in writing and approved by the board before implementation.

(4) All the following must be provided when requesting a temporary expansion of students:

(a) The number of additional seats.

(b) Rationale for the change.

(c) Documentation that there is sufficient faculty on staff to handle the increase in students.

(d) Documentation that there is sufficient classroom and laboratory space to handle the increase in students.

(e) A list identifying current and additional clinical sites available for use.

(5) A temporary expansion of students requested under subrule (4) of this rule is valid for 1 year. If the nursing education program desires to make the temporary expansion of students permanent, a major program change must be submitted under subrule (1) of this rule.

(6) If a program closure occurs, the department or board may grant a temporary expansion of students to another program to assist displaced students if the criteria in subrule (4) of this rule is satisfied.

(7) The type of program approval, initial or full, under which a program is conducted, shall not be altered when program changes are approved.

R 338.10303d Accreditation.

Rule 303d. (1) A nursing education program approved by the board shall be accredited under 1 of the following:

(a) A nursing education program that has received full board approval under R 338.10303a, before, March 18, 2018, shall receive nursing accreditation by a board-recognized nursing accreditation organization no later than January 1, 2025.

(b) A nursing education program that has initial approval of the board shall receive nursing accreditation by a board-recognized nursing accreditation organization within 6 years after receiving full program approval under R 338.10303a.

(c) A nursing education program that fails to achieve nursing accreditation by a board-recognized nursing accreditation organization as set forth by this rule shall be removed from the list of approved programs under section 17242 of the code, MCL 333.17242.

(2) The board recognizes the following nursing education accrediting agencies or their successor organizations:

(a) Accreditation Commission for Education in Nursing (ACEN).

(b) Commission for Nursing Education Accreditation (CNEA).

(c) Commission on Collegiate Nursing Education (CCNE).

(3) Failure of a nursing education program to maintain accreditation from an approved national nursing accrediting organization shall result in withdrawal of school approval under section 17242 of the code, MCL 333.17242, and R 338.10311, after the graduation of the last cohort of currently enrolled students. If the program wishes to restart admission, it must apply for approval from the board as a new program under R 338.10303.

R 338.10304 Program approval; decision.

Rule 304. (1) Within 90 days after all materials requested by the board have been received, the board shall do either of the following:

(a) Grant initial or full approval of the program or approve the program change when the board finds that the requirements of this part are substantially met.

(b) Deny initial or full approval or approval of the program change when the board finds that the requirements of this part are not substantially met.

(2) The board shall issue its decision in writing.

(3) If approval is denied, the sponsoring agency may request a hearing that is conducted under the provisions of the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

R 338.10305 Registered professional nurse and licensed practical nurse programs; program requirements.

Rule 305. Programs of registered professional nursing education and licensed practical nursing education shall meet all the following requirements:

(a) Comply with the curriculum requirements established by the board and with other requirements in this part.

(b) Contribute to the safe practice of nursing by including the standards of practice, nursing behaviors, and other skills and knowledge in the curriculum to prepare students for the practice of nursing.

(c) Prepare students to meet the requirements for eligibility to take the required licensure NCLEX examination.

(d) Establish requirements for admission, progression, and graduation which must be made known and available in written form to prospective and current students.

(e) Establish a system for the permanent maintenance of course descriptions and student and graduate transcripts.

R 338.10305a Registered professional nursing education program; program requirements; faculty requirements.

Rule 305a. (1) Subject to subrule (2) of this rule, the program director and all nurse faculty members shall hold a current unrestricted license to practice as a registered professional nurse in this state.

(2) If clinical experiences are offered by the nursing education program at sites that are not located in this state, then any nurse faculty members at those sites shall hold a current unrestricted license to practice as a registered nurse in this state or Canadian province where the clinical experience is located.

(3) The program director shall hold a minimum of a graduate degree with a major in nursing. Written notification of a change in director must be provided to the board within 30 days and include a copy of the new director's curriculum vitae and school contact information.

(4) A member of the nursing faculty who provides didactic/theory instruction shall hold a minimum of a graduate degree, and the program shall ensure that the majority of the didactic/theory faculty hold a graduate degree with a major in nursing, unless an exception is granted under subrule (7) of this rule. If the graduate degree is not in nursing, the faculty member shall hold a minimum of a baccalaureate degree in nursing or an equivalent standing in a nationally nursing accredited ADN to MSN nursing education program with attestation of baccalaureate level competency from that educational program. Courses that are non-nursing in content but are health-related are exempt from the requirements of this subrule and may be taught by non-nurse faculty.

(5) A member of the nursing faculty who provides instruction in either the clinical, skills, laboratory, or simulation laboratory shall hold a minimum of a baccalaureate degree in nursing or an equivalent standing in a nationally nursing accredited ADN to MSN nursing education program with attestation of baccalaureate level competency from that educational program.

(6) Notwithstanding section 16148(6) of the code, MCL 333.16148, all nursing faculty shall meet the requirements of subrules (4) and (5) of this rule.

(7) An exception may be made to the requirements of subrule (4) of this rule for full-time or part-time nursing faculty based on the faculty member's progress toward meeting the requirements of these rules during each year for which the exception is requested. Board approval for faculty exception requests must be received before the faculty member begins course instruction. A maximum of 5 yearly exceptions are granted to any full-time or part-time faculty member.

(8) Nursing faculty is sufficient in number to prepare students to achieve the outcomes of the program. The maximum ratio of students to faculty in clinical areas involving direct care of patients must be not more than 8 students to 1 faculty member. The maximum ratio of students to faculty in clinical areas involving non-direct and precepted patient care must meet the clinical affiliate's guidelines and maintain patient and community safety.

R 338.10305b Licensed practical nursing education program; program requirements; faculty requirements.

Rule 305b. (1) Subject to subrule (2) of this rule, the program director and all nurse faculty members shall hold a current unrestricted license to practice as a registered professional nurse in this state.

(2) If clinical experiences are offered by the nursing education program at sites that are not located in this state, then any nurse faculty members at those sites shall hold a current unrestricted license to practice as a registered professional nurse in this state or Canadian province where the clinical experience is located.

(3) The program director shall hold a minimum of a graduate degree in nursing. Written notification of a change in director must be provided to the board within 30 days and include a copy of the new director's curriculum vitae and school contact information.

(4) Every member of the nursing faculty shall hold a minimum of a baccalaureate degree in nursing, unless an exception is granted under subrule (6) of this rule. Courses that are non-nursing in content but are health-related are exempt from the requirements of this subrule and may be taught by non-nurse faculty.

(5) Notwithstanding section 16148(7) of the code, MCL 333.16148, all nursing faculty shall comply with the requirements of subrule (4) of this rule.

(6) An exception may be made to the requirements of subrule (4) of this rule for full-time or part-time nursing faculty and is based on the faculty member's progress toward meeting the requirements of these rules during each year for which the exception is requested. Board approval for faculty exception requests must be received before the faculty member begins course instruction. A maximum of 5 yearly exceptions may be granted to any full-time or part-time faculty member.

(7) Nursing faculty is sufficient in number to prepare students to achieve the outcomes of the program. The maximum ratio of students to faculty in clinical areas involving direct care of patients must be not more than 8 students to 1 faculty member. The maximum ratio of students to faculty in clinical areas involving non-direct patient care must meet the clinical affiliate's guidelines and maintain patient and community safety.

R 338.10305c Registered professional nursing and licensed practical nursing education programs; preceptor requirements.

Rule 305c. (1) A program of nursing education that uses the personnel of a clinical facility as preceptors to facilitate the faculty-directed clinical experience of students to meet the requirements for an internship or to meet the clinical requirements in the capstone course, shall meet all the following requirements:

(a) Each preceptor is approved by the nursing faculty of the program. (b) Each preceptor shall possess a minimum of 1 year of clinical nursing experience as a registered nurse and supervisor recommendation.

(c) Each preceptor shall hold an unencumbered license in this state where the clinical experience occurs.

(d) Each preceptor is provided education including the roles and responsibilities of students, faculty members, and preceptors. The program shall maintain documentation of preceptor education.

(e) Before the preceptor begins instruction of the students, the nursing faculty of the program shall develop written learning outcomes for the clinical experience and provide a copy of those outcomes to each preceptor. (f) The nursing faculty member shall retain authority and responsibility for the student's learning experiences and confer routinely and periodically with the preceptor and student to monitor and evaluate the learning experiences.

(g) The maximum ratio of precepted students to a supervising nursing faculty member must be not more than 10 students to 1 nursing faculty member.

(h) If the nursing faculty member is not physically present in the area in which students are practicing, the nursing faculty member is immediately available by telephone or other means of telecommunication when students are engaged in clinical activities with a preceptor.

(i) Preceptors shall not be used to replace clinical nursing faculty in prelicensure certificate, associate, or baccalaureate degree nursing programs.

(j) A preceptor shall supervise not more than 1 student during any 1 scheduled work time or shift.

(2) This rule does not apply to staff nurses used by faculty intermittently during non-precepted clinical experiences.

R 338.10307 Registered professional nursing and licensed practical nursing education programs; curriculum; organization, development, implementation, control, and evaluation.

Rule 307. (1) The program director and faculty shall organize, develop, implement, control, and evaluate the curriculum on a regularly scheduled basis within the framework of the philosophy, purposes, and outcomes of the sponsoring agency and those approved by the board.

(2) The curriculum outcomes must identify the behavioral expectations of the graduate of the program and be used for all of the following purposes:

- (a) Developing, organizing, implementing, and evaluating the curriculum.
- (b) Identifying outcomes for levels of progression and course and program completion.
- (c) Providing to the student an organized pattern to follow in which the sequence of learning is from the simple to the complex.
- (d) Organizing the courses to approximate, as closely as possible, the schedules of the sponsoring agency in terms, quarters, semesters, or trimesters.
- (e) Distributing the courses throughout the curriculum so that an unreasonable overload does not exist in any segment of the sequence.

(3) The philosophy and conceptual framework or rationale for the program must be the basis for the organization of the nursing content of the curriculum.

(4) The course content and other learning experiences must promote student growth in all the following areas:

- (a) The understanding of the roles and responsibilities of the members of the nursing profession.
- (b) The application of the principles of nursing and the sciences which are basic to nursing practice in the development of plans of care for the patient or client.
- (c) The provision of direct and indirect nursing care.
- (d) The understanding of effective human relations and demonstrating the ability to use these principles in nursing situations.
- (e) The recognition of physical, psychosocial, and spiritual needs of diverse patient/client populations in the provision of nursing care.
- (f) The understanding of health, including the manifestations of disease and the initiation, organization, and application of the principles underlying the nursing care provided.
- (g) Developing skills and abilities in the administration of all aspects of nursing care using the nursing process, including all the following:

- (i) Communications.
- (ii) Critical thinking, clinical judgment, and problem solving.
- (iii) Understanding legal and professional responsibilities.
- (iv) Inter-professional relationships with other healthcare providers.
- (v) Evidence-based practice.
- (vi) Quality and safety.
- (h) Understanding and protecting the rights of patients or clients.

(5) All cooperating agencies selected for clinical laboratory and simulation laboratory experiences shall have standards of nursing care that demonstrate concern for the patient or client and evidence the skillful application of all measures of quality and safe, evidence-based nursing practice.

(6) All cooperating agencies shall have a current license, if required, for their operation and adhere to the local zoning ordinances governing their operation.

(7) When a nurse site reviewer visits a site, the nurse site reviewer may survey cooperating agencies as a part of the review process to determine the contribution each makes to the course and program outcomes. Selection must be made by the nurse site reviewer.

(8) Each resource selected to provide clinical experience shall indicate a willingness to cooperate in the curriculum by providing a letter of intent, a written agreement, or a formal contract. Each cooperating agency shall provide experiences of a quality and quantity that enable all students to meet the outcomes established for the clinical experience under R 338.10303.

R 338.10308 Registered professional nursing education program; curriculum; implementation.

Rule 308. (1) The director and faculty of a program of nursing education leading to licensure as a registered professional nurse shall comply with all the following provisions:

(a) Select courses and ensure teaching concepts for basic content in the biological, physical, behavioral, and other courses supportive of the nursing major which assist the student to succeed in the nursing sequence.

(b) Provide courses and clinical laboratory, skills laboratory, and simulation laboratory experiences in the care of individuals across diverse age groups, genders, races, and cultures, in medical, surgical, pediatric, geriatric, obstetrical, and psychiatric – mental health nursing and provide supervised practice in the administration of medication. Opportunities for learning experiences in community aspects of nursing must be made available. The elements of the nursing process and clinical judgment must be emphasized in all nursing courses. Clinical laboratory, simulation laboratory, and clinical experience hours must be sufficient in number to meet the course and program outcomes.

(c) Ensure that courses include content relating to all the following:

(i) The legal scope of practice of a registered nurse.

(ii) The standards of practice and performance and code of ethics for the nursing profession.

(iii) Historical perspectives of nursing and current legal-ethical issues.

(iv) Licensure requirements.

(d) Select cooperating agencies that meet the requirements of R 338.10307(5), (6), and (8).

(2) A registered professional nurse program may substitute up to 50% of clinical hours per specialty content area within a course with simulation laboratory experiences. For simulation laboratory experiences, the board adopts by reference the standards of the International Nursing Association for Clinical Simulation and Learning, as specified in the publication titled, “Standards of Best Practice: Simulation” 2021. The standards are available from the International Nursing Association for Clinical Simulation and Learning’s website at <http://www.inacsl.org> at no cost. Copies of the standards are available for inspection and distribution at a cost of 10 cents per page from the Board of Nursing, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.

R 338.10309 Licensed practical nursing education program; curriculum; implementation.

Rule 309. (1) The director and faculty of a program of nursing education leading to licensure as a licensed practical nurse shall comply with all the following provisions:

(a) Select courses and ensure teaching concepts on which the theory and practice of practical nursing are based. The basic principles of the natural and applied sciences that are fundamental to the theory and practice of practical nursing and that are applied in the planning and implementation of nursing care must be included.

(b) Provide courses and clinical laboratory, skills laboratory, and simulation laboratory experiences in the care of individuals across diverse age groups, genders, races, and cultures, in medical, surgical, pediatric, obstetrical, acute and chronic mental illness, and geriatric nursing and provide supervised practice in the administration of medications. The elements of the nursing process and clinical judgment must be emphasized in all nursing courses. Clinical laboratory, skills laboratory, simulation laboratory, and clinical experience hours must be sufficient to meet the course and program outcomes of the curriculum.

(c) Ensure that courses include content relating to all the following:

(i) The legal scope of practice of a licensed practical nurse.

(ii) The standards of conduct for members of the nursing profession and, in particular, a licensed practical nurse.

(iii) Historical perspectives of nursing and current legal-ethical issues.

(iv) Licensure requirements.

- (d) Select cooperating agencies that meet the requirements of R 338.10307(5), (6), and (8).
- (2) A licensed practical nursing education program may substitute up to 50% of clinical hours per specialty content area within a course with simulation laboratory experiences, except for pediatric and obstetric clinical hours. A licensed practical nursing education program may substitute up to 100% of pediatric and obstetric clinical hours with simulation laboratory. For simulation laboratory experiences, the board adopts by reference the standards of the International Nursing Association for Clinical Simulation and Learning, as specified in the publication titled, “Standards of Best Practice: Simulation” 2021. The standards are available from the International Nursing Association for Clinical Simulation and Learning’s website at <http://www.inacsl.org> at no cost. Copies of the standards are available for inspection and distribution at a cost of 10 cents per page from the Board of Nursing, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.

R 338.10310 Board evaluation of a nursing education program.

Rule 310. The board may evaluate a program of nursing education when any of the following occurs:

- (a) A request for initiating a program of nursing education is submitted.
- (b) A request for full approval of a program is submitted.
- (c) A request for approval of a major program change is submitted.
- (d) The pass rate for first-time test takers on the required licensure NCLEX examination is less than 80% for any 1 year of compiled statistics provided from the NCSBN.
- (e) Complaints regarding the conduct of the program are received and it is necessary to validate the complaints, under section 17242 of the code, MCL 333.17242.
- (f) Failure of a nursing education program to submit a nursing education program report, or self-study report under the time frames set forth in R 338.10303b.
- (g) Finding of deficiencies by the national accrediting body that is listed in R 338.10303d.
- (h) Failure of a nursing education program to submit faculty exception requests before the start date of the semester under R 338.10305a and R 338.10305b.
- (i) Program completion rate as submitted on a nursing education program report is below the standard set by the national accrediting organization for an accredited program or less than 70% for an unaccredited program.
- (j) Failure of a nursing education program to apply for full approval by the end of the fourth cohort.
- (k) Any violation or inconsistency with the code or rules.

R 338.10310a Nursing education program; board action following evaluation.

Rule 310a. (1) The board shall require an unaccredited nursing education program evaluated under section 17242 of the code, MCL 333.17242, and R 338.10310 and determined to be in noncompliance with any provision of the code or the rules to have an action plan or NCLEX improvement plan as the first step for improvement of the identified problem areas. The sponsoring agency shall submit the action plan or NCLEX improvement plan within 6 months after the evaluation or with the next nursing education program report, as that term is defined in R 338.10303b, whichever comes first. The plan must include all the following:

- (a) A statement that the evaluation of the nursing education program was conducted by the program’s director and faculty to identify problem areas.
- (b) Specific steps that are being taken to affect changes in the program.
- (c) Improvements to the curriculum, student admission and progression, faculty expertise in nursing and teaching, and institutional support.
- (d) A method for the evaluation of the changes and further action to be taken if program performance continues to be out of compliance. The evaluation method should include, but is not

limited to, an evaluation of student achievement of course learning outcomes and end of program student learning outcomes that reflect the changes.

(2) If there is no evidence of improvement 1 year from the plan's implementation, the program shall submit an amended action plan, progress report, or NCLEX improvement plan that contains the steps being taken to improve the problem areas of the program.

(3) If there is no evidence of improvement 2 years after the initial improvement plan is submitted, the board may proceed under R 338.10311.

(4) The board shall require an accredited nursing education program evaluated under section 17242 of the code, MCL 333.17242, and R 338.10310 and determined to be in noncompliance with any provision of the code or the rules to comply with all the following:

(a) Follow the reporting requirements of its national accrediting organization.

(b) Submit copies of all reports required by the accrediting organization and decision letters received from the organization to the board.

(c) If a program is placed in a probationary status by its accrediting organization, this notation must be made on the board's website.

(d) If a program loses accreditation from its national accrediting organization, it shall immediately cease enrollment of new cohorts and the board shall proceed under R 338.10311 and begin the process to withdraw approval of the program.

R 338.10312 Program termination; interruption or reduction of admissions.

Rule 312. (1) The program director shall inform the board if a date is established for termination of the program of nursing education.

(2) The program director shall inform the board regarding the system of retention of student records which are needed for endorsement purposes and proof of scholastic achievement. The system of records retention must comply with all applicable federal and state laws and regulations. The program shall inform the board of where the records are maintained so that graduates may be given the source of information on request.

(3) The program director shall inform the board if admissions to the program of nursing education are to be reduced, suspended, or interrupted.

(4) A licensed practical nursing program that has suspended admissions for 2 years shall apply for initial program approval under R 338.10303 and obtain board approval before resuming admissions.

(5) A registered professional nursing program that is 2 years in duration that has suspended admissions for 2 years shall apply for initial program approval under R 338.10303 and obtain board approval before resuming admissions.

(6) A registered professional nursing program that is 4 years in duration that has suspended admissions for 4 years shall apply for initial program approval under R 338.10303 and obtain board approval before resuming admissions.

(7) The board shall withdraw approval of any program that has suspended admissions for more than 4 years.

PART 4. NURSE SPECIALTY CERTIFICATION

R 338.10402 Automatic suspension or revocation of specialty certification.

Rule 402. The suspension or revocation of a license as a registered nurse shall automatically void the specialty certification.

R 338.10404 Specialty certification qualifications; nurse anesthetist.

Rule 404. A specialty certification for a nurse anesthetist shall be granted to a registered professional nurse who satisfies all of the following requirements:

- (a) Holds a current and valid license to practice nursing in this state.
- (b) Submits an application for certification as a nurse anesthetist on a form provided by the department, with the required fee.
- (c) Possesses current certification from the National Board of Certification and Recertification of Nurse Anesthetists (NBCRNA), or a successor organization.

R 338.10404b Specialty certification qualifications; nurse practitioner.

Rule 404b. A specialty certification for nurse practitioner shall be granted to a registered professional nurse who satisfies all of the following requirements:

- (a) Holds a current and valid license to practice nursing in this state.
- (b) Submits an application for certification as a nurse practitioner, on a form provided by the department with the required fee.
- (c) Possesses advanced practice certification from 1 of the following certification organizations, or successor organizations:
 - (i) The American Nurses Credentialing Center.
 - (ii) The Pediatric Nursing Certification Board.
 - (iii) The National Certification Corporation for Women's Health Care Nurse Practitioner and Neonatal Nurse Practitioner.
 - (iv) The American Academy of Nurse Practitioners for Emergency Nurse Practitioners, Family Nurse Practitioners, and Adult-Gerontology Primary Care Nurse Practitioners.
 - (v) The Oncology Nursing Certification Corporation.
 - (vi) The American Association of Critical Care Nurses Certification Corporation for Acute Care Nurse Practitioner.

R 338.10404c Specialty certification qualifications; clinical nurse specialist.

Rule 404c. A specialty certification for a clinical nurse specialist must be granted to a registered professional nurse who satisfies all the following requirements:

- (a) Holds a current and valid license to practice nursing in this state.
- (b) Submits an application for certification as a clinical nurse specialist, on a form provided by the department with the required fee.
- (c) Possesses an advanced practice certification from either of the following certification organizations, or successor organizations:
 - (i) The American Nurses Credentialing Center.
 - (ii) The American Association of Critical Care Nurses Certification Corporation.

R 338.10405 Nurse anesthetist specialty certification renewal or reregistration; schedule; requirements; maintenance of evidence of compliance.

Rule 405. (1) Specialty certification renewal must correspond with the same schedule as the license renewal.

(2) An applicant for renewal or reregistration of a lapsed certification shall have obtained recertification or maintained certification, within the 2-year period immediately before the application, from the NBCRNA, or a successor organization.

(3) An applicant or licensee shall maintain evidence of compliance with the requirements of this rule for a period of 4 years after the date of application, during which time the board may require the applicant or licensee to submit the evidence for audit.

R 338.10405a Nurse midwife specialty certification renewal or reregistration; schedule; requirements; maintenance of evidence of compliance.

Rule 405a. (1) Specialty certification renewal must correspond with the same schedule as the license renewal.

(2) An applicant for specialty certification renewal or reregistration of a lapsed certification shall have obtained recertification or maintained certification within the 2-year period immediately before the application, from the American Midwifery Certification Board (AMCB), or a successor organization.

(3) An applicant or licensee shall maintain evidence of compliance with the requirements of this rule for a period of 4 years after the date of application, during which time the board may require the licensee to submit the evidence for audit.

R 338.10405b Nurse practitioner specialty certification renewal or reregistration; schedule; requirements; maintenance of evidence of compliance.

Rule 405b. (1) Specialty certification renewal must correspond with the same schedule as the license renewal.

(2) An applicant for renewal or reregistration of a lapsed certification who holds national certification as a nurse practitioner shall have obtained recertification or maintained certification within the 2-year period immediately before the application from 1 of the following organizations or successor organizations:

(a) The American Nurses Credentialing Center.

(b) The Pediatric Nursing Certification Board.

(c) The National Certification Corporation for Women's Health Care Nurse Practitioner and Neonatal Nurse Practitioner.

(d) The American Academy of Nurse Practitioners for Family Nurse Practitioners, Emergency Nurse Practitioners, and Adult-Gerontology Primary Care Nurse Practitioners.

(e) The Oncology Nursing Certification Corporation.

(f) The American Association of Critical Care Nurses Certification Corporation.

(g) The American Association of Nurse Practitioners.

(3) An applicant or licensee shall maintain evidence of compliance with the requirements of this rule for a period of 4 years after the date of application, during which time the board may require the licensee to submit the evidence for audit.

PART 6. CONTINUING EDUCATION

R 338.10601 License renewals; requirements; applicability.

Rule 601. (1) Under section 16201 of the code, MCL 333.16201, an applicant for license renewal who has been licensed for the 2-year period immediately before the expiration date of the license, shall accumulate not less than 25 hours of continuing education that are approved by the board under these rules during the 2 years before the expiration of the license.

(2) An applicant for license renewal shall complete not less than 2 hours of the 25 required hours, of continuing education in pain and pain symptom management in each renewal period under section 16204(2) of the code, MCL 333.16204. Continuing education in pain and pain symptom management may include, 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.

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

(4) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. A nurse 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 board may require an applicant to submit evidence to demonstrate compliance with this rule. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.

(5) 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/nursing>.

R 338.10602 Acceptable continuing education; requirements; limitations.

Rule 602. (1) The 25 hours of continuing education required under R 338.10601(1) for the renewal of a license must comply with the following, as applicable:

(a) No more than 12 credit hours may be earned during a 24-hour period.

(b) Except for the implicit bias training required under R 338.7004 that may be used to comply with R 338.7004 and a continuing education requirement, an applicant may not earn continuing education credit for the human trafficking requirement 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.

(2) The board shall consider the following as acceptable continuing education:

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES		
(a)	<p>Completion of an approved continuing education program or activity related to the practice of nursing or any non-clinical subject relevant to the practice of nursing. 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:</p> <ul style="list-style-type: none"> • The American Association of Nurse Anesthetists (AANA). • The American Association of Nurse Practitioners (AANP). • The Accreditation Council for Continuing Medical Education (ACCME). • The American College of Nurse-Midwives (ACNM). • The American Medical Association (AMA). • The American Nurses Credentialing Center (ANCC). • The American Osteopathic 	<p>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 60 minutes of participation may be earned.</p>

	<p>Association (AOA).</p> <ul style="list-style-type: none"> • The National Association of Clinical Nurse Specialists. • The National Association for Practical Nurse Education and Service, Inc. (NAPNES). • The National League for Nursing (NLN). • Another state or provincial board of nursing. • A continuing nursing education program offered by a nursing education program that is approved by the board under R 338.10303a. <p>A continuing education program or activity is approved, regardless of the format in which it is offered, if it is approved for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> • Another state or provincial board of nursing. <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>	
(b)	<p>Completion of academic courses related to nursing practice offered by a nursing education program in this state approved by the board under part 3 of these rules or a post-licensure or graduate nursing program that is nationally accredited by a nursing education accrediting organization included in R 338.10303d(2).</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>
(c)	<p>Obtaining specialty certification or maintaining certification as 1 of the following: Clinical nurse specialist. Nurse anesthetist.</p>	<p>Twenty-five hours of continuing education, including 2 hours for pain and symptom management, may be credited for obtaining or maintaining specialty certification</p>

	<p>Nurse midwife. Nurse practitioner.</p> <p>If audited, an applicant shall submit proof of certification or recertification.</p>	<p>during the renewal period.</p>
(d)	<p>Successful completion of a national nursing specialty examination.</p> <p>If audited, an applicant shall submit proof of a passing score on the examination.</p>	<p>Ten hours of continuing education may be earned in the year in which the applicant achieves a passing score.</p> <p>A maximum of 20 hours of continuing education may be earned in each renewal period. Credit must not be given for repeating the same examination in a renewal period.</p>
(e)	<p>Initial publication of a chapter or an article related to the practice of nursing or allied health in any of the following: A nursing or healthcare textbook. A peer-reviewed textbook. A nursing or healthcare peer-reviewed journal.</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>Ten hours of continuing education may be earned per publication.</p> <p>A maximum of 10 hours of continuing education may be earned in each renewal period.</p>
(f)	<p>Independent reading of articles or viewing or listening to media related to nursing practice that do not include a self-assessment component.</p> <p>If audited, an applicant shall submit an affidavit attesting to the number of hours the applicant spent participating in these activities and that includes a description of the activity.</p>	<p>One hour of continuing education may be earned for each 50 to 60 minutes of participation.</p> <p>A maximum of 4 hours of continuing education may be earned in each renewal period.</p>
(g)	<p>Participation on a healthcare organization committee dealing with quality patient care or utilization review.</p> <p>If audited, an applicant shall submit a letter from an organization official verifying the applicant's participation and the number of hours the applicant spent participating on the committee.</p>	<p>One hour of continuing education may be earned for each 60 minutes of participation.</p> <p>A maximum of 4 hours of continuing education may be earned in each renewal period.</p>
(h)	<p>Presentation of an academic or continuing education program that is not a part of the applicant's regular job description.</p>	<p>Three hours of continuing education may be earned for each 60 minutes of presentation.</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.	A maximum of 6 hours of continuing education may be earned in each renewal period.
(i)	<p>Participation as a preceptor for at least 1 nursing student or a new employee undergoing orientation.</p> <p>A preceptorship must be for a minimum of 24 preceptor hours with a preceptor ratio of 1 student or employee to 1 preceptor. Twenty-four preceptor hours equals 1 continuing education hour.</p> <p>If audited, an applicant shall submit written documentation from the educational institution or preceptor's supervisor verifying the dates and hours of the preceptorship.</p>	A maximum of 5 hours of continuing education may be earned in each renewal period.
(j)	<p>Participation in learning experiences which may include clinical experiences, clinical laboratory hours, or classroom instruction related to nursing orientation in a clinical setting or nurse residency program, or orientation as a new nurse educator in an academic setting.</p> <p>The orientation must be for a minimum of 24 hours. Twenty-four hours of orientation equals 1 continuing education hour.</p> <p>If audited, an applicant shall submit written documentation from the supervisor at the clinical setting or educational institution verifying the dates and hours of the orientation.</p>	A maximum of 5 hours of continuing education may be earned in each renewal period.

PART 7. NURSING PROFESSIONAL FUND SCHOLARSHIP PROGRAM

R 338.10703 Eligibility of and allocation to nursing education programs.

Rule 703. (1) To be eligible for a scholarship award, a school shall meet 1 of the following criteria:

- (a) Provide a prelicensure nursing program that complies with all the following:
 - (i) Is approved by the board.
 - (ii) Has a primary campus located in this state.
 - (iii) Offers a program of nursing that meets the predetermined category and area of need as established by the board under R 338.10702.
- (b) Provide a post-licensure nursing program that complies with both of the following:

- (i) Is accredited by a national nursing education accrediting entity.
- (ii) Has a primary campus located in this state.
- (2) A school shall submit an application on a form approved by the department declaring intent to participate in the scholarship. However, an application may only be submitted for programs that are included in the annual list of scholarship program categories and areas of need as determined by the board under R 338.10702.
- (3) The department shall annually determine the allocation for each eligible education program.

R 338.10704 Nursing education program awards to eligible students; requirements; procedures.

Rule 704. (1) An eligible nursing education program, on receiving an allocation, shall award a scholarship to a full-time or part-time student who meets all the following criteria:

- (a) Is a permanent resident of this state.
- (b) If licensed as a nurse, holds an unencumbered license in this state to practice nursing.
- (c) Maintains satisfactory progress as determined by the eligible nursing education program.
- (2) A nursing education program shall apply a scholarship award first to the cost of tuition, books, and fees associated with the program. A nursing program shall then provide the remainder of the award, if any, to the student in the form of a stipend.
- (3) The nursing education program shall complete the notice of intent to award the board of nursing scholarship form supplied by the department. The notice must contain all the following information:
 - (a) The name, address, and date of birth of the recipient.
 - (b) Course of study or program in which the recipient is enrolled.
 - (c) Attestation that all criteria of subrule (1) of this rule have been met.
 - (d) Information regarding electronic funds transfer from the department to the program.
 - (e) Signature of the program director and financial aid director or other employee employed by the financial aid office who can attest to accuracy of the information on the form.
- (4) If a recipient withdraws from the nursing education program, then within 30 days after withdrawal, the nursing education program shall notify the department, in writing, of its intent to do 1 of the following:
 - (a) Award the scholarship funds to a recipient who has been chosen to receive the scholarship for the current scholarship year.
 - (b) Select a new applicant and submit the recipient's application and the notice of intent to award the board of nursing scholarship form to the department.
 - (c) Return the unused funds to the department.
- (5) The nursing education program shall account for all the funds disbursed by the department no later than February 15 of the academic year in which the funds were distributed. Both of the following apply:
 - (a) The department shall supply the accounting form to each program that is participating in the nurse professional fund scholarship program.
 - (b) Failure of a program to submit an accounting statement to the department under this subrule prohibits the program from participating in the scholarship in future years until all past due accounting statements have been submitted and approved.

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

MCL 24.242(3) states in part:

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

MCL 24.208 states in part:

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

* * *

(d) Proposed administrative rules.

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

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR’S OFFICE

REAL ESTATE APPRAISERS - GENERAL RULES

Filed with the secretary of state on

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the ~~Michigan~~ board of real estate appraisers by section 308 of the occupational code, 1980 PA 299, MCL 339.308; and on the director of the department of licensing and regulatory affairs by sections 202, 205, 210, 2601, 2605, and 2617 of the occupational code, 1980 PA 299, MCL 339.202, 339.205, 339.210, 339.2601, 339.2605, and 339.2617; and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030)

R 339.23101, R 339.23104, R 339.23203, R 339.23203a, R 339.23301, R 339.23303, R 339.23307, R 339.23309, R 339.23311, R 339.23315, R 339.23317, R 339.23319, R 339.23321, and R 339.23403 of the Michigan Administrative Code are amended, R 339.23105, R 339.23202, R 339.23322, R 339.23322a, R 339.23322b, R 339.23322c, R 339.23322d, and R 339.23322e are added, and R 339.23207, R 339.23316, R 339.23325, and R 339.23326 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 339.23101 Definitions.

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

- (a) **“AQB” means the appraiser qualification board.**
- (b) **“AQB criteria” means the real property appraiser qualification criteria.**
- (c) **“Board” means the ~~Michigan~~ board of real estate appraisers created under section 2603 of the code, MCL 339.2603.**
- (~~bd~~) **“Code” means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.**
- (~~ee~~) **“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.
- (f) **“PAREA” means the practical applications of the real estate appraisal program created by the AQB.**
- (g) **“USPAP” means the uniform standards of professional appraisal practice created by the Appraisal Foundation’s Appraisal Standards Board.**

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

R 339.23104 Exemption from standard.

Rule 104. The following are exempt from the requirements of the ~~Uniform Standards of Professional Appraisal Practice (USPAP)~~, Standard 3 and Standard 4:

- (a) A board member who is performing an investigation or testifying at an adjudicatory hearing on behalf of the department.
- (b) A board member who is serving in the capacity of a reviewer while reviewing the work experience of an applicant for licensure.
- (c) An investigator employed by or retained by the department who is performing an investigation or testifying at an adjudicatory hearing.

R 339.23105 Standard for performing an appraisal.

Rule 105. Section 2605(1) of the code, MCL 339.2605, requires that a licensee perform an appraisal utilizing the USPAP that are in effect at the time the appraisal is performed.

PART 2. LICENSING

R 339.23202 AQB Criteria required.

Rule 202. Section 2605(4) of the code, MCL 339.2605, requires that the AQB Criteria be utilized regarding education, examination, and experience for licensure.

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 **supervisory certified appraiser's** 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~~ **the** application, **including the an** applicant's experience log, ~~or an. An~~ affidavit of work experience ~~is accepted~~ **acceptable** instead of an experience log **if dated** 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 (AQB-approved 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~~ **AQB-approved** PAREA program.

R 339.23203a Supervisory certified appraiser.

Rule 203a. (1) A supervisory certified appraiser shall comply with the supervisory certified appraiser qualifications in the AQB criteria.

(2) Before supervising, a supervisory certified appraiser shall complete a course that, ~~at a minimum,~~ complies with the specifications for course content established by the AQB criteria **and provide proof of completion of the course to the department.**

(3) A supervisory certified appraiser shall provide each real estate appraiser trainee with documentation establishing that the supervisory certified appraiser has completed the requisite supervision course referenced in subrule (2) of this rule.

~~(3)(4)~~ A supervisory certified appraiser shall not supervise more than 3 real estate appraiser trainees pursuant to the AQB criteria unless written authorization by the department is granted, under subrule ~~(4)(5)~~ of this rule, to exceed the number of trainees at any 1 time.

~~(4)(5)~~ The department may authorize a supervisory certified appraiser to exceed the maximum number of trainees allowed to be supervised under subrule ~~(34)~~ of this rule, provided all of the following are complied with:

(a) The applicant **contacts the department by email to request permission to supervise more than 3 real estate appraiser trainees.** ~~submits an application on a form provided by the department and approved by the board to the department.~~

(b) The supervisory certified appraiser submits proof to the department that ~~he or she~~ **the supervisory certified appraiser** has complied with the supervisory certified appraiser qualifications in the AQB criteria and has more than 5 years of experience as an appraiser.

(c) The supervisory certified appraiser ~~agrees in his or her application to~~ **attests that they will** limit supervision to no more than 6 trainees at any 1 time, with no more than 3 trainees with less than 1 year of experience.

(d) The supervisory certified appraiser prepares and maintains trainee progress reports on each trainee and makes them available to the department until the trainee becomes certified or licensed or after 2 years ~~has have~~ lapsed since supervising the trainee, whichever is earlier.

(e) The supervisory certified appraiser provides the department with a mentoring plan for each trainee before supervising the trainee.

R 339.23207—~~Market analysis by real estate licensees; acceptable experience. Rescinded.~~

Rule 207. Market analysis as performed by a real estate licensee may be included in the experience required in R 339.23203, if both of the following conditions are met:

~~(a) The applicant provides proof that he or she was properly licensed as a real estate broker, associate broker, or salesperson when the real estate market analysis was performed.~~

~~(b) The analysis is prepared in conformity with standards 1 and 2 of USPAP, and the individual can demonstrate that he or she is using similar techniques as appraisers to value properties and effectively utilizes the appraisal process.~~

PART 3. APPRAISER EDUCATION

R 339.23301 Definitions.

Rule 301. As used in this part:

(a) "Continuing education course" means a course that complies with the AQB criteria for continuing education courses, ~~and is approved by the department.~~, **and contributes to maintaining and increasing a licensee's skill, knowledge, and competency in real property appraising.**

(b) "Coordinator" means an individual who assumes, on behalf of a course sponsor, the responsibility ~~pursuant to these rules for~~ offering courses relating to the activities of real estate appraisers **in accordance with these rules.**

(c) "Instructor" means an individual who is determined to be qualified by the sponsor to instruct students or licensees in prelicensure or continuing education courses and ~~who~~ provides instruction directly and interactively ~~in contact~~ with students or licensees. An instructor may utilize guest speakers but shall bear ultimate responsibility to the sponsor for the quality of information imparted to students or licensees.

(d) "Prelicensure course" means a course that complies with the AQB criteria for prelicensure education courses and is approved by the department.

(e) "Sponsor" means an entity that meets the requirements of section 2617(2) of the code, MCL 339.2617, and ~~that~~ offers or proposes to offer either prelicensure appraiser education or continuing education.

R 339.23303 Education; submission of documentation by applicants for licensure.

Rule 303. (1) ~~In~~ **When** 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 **sponsor's** name ~~of the sponsor~~, the sponsor's current address, ~~and the sponsor's~~ telephone number, **and email address**, 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~~ **When** 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.

R 339.23307 Prelicensure education; Conduct 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) and (5) 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, and email address 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.

(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.

R 339.23309 Prelicensure course sponsor; instructorSponsors; duties; instructors; duties.

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 ~~ensuring relating~~ all information that is presented ~~relates~~ to the practice of real estate appraisal.
- (2) **Appraiser education programs may be offered using** ~~Components of distance education delivered in include~~ synchronous, asynchronous, and hybrid **formats**. Sponsors shall ensure that all forms of distance education comply with the AQB criteria.
- ~~(3)(a)~~ In synchronous distance education, the instructor and students shall interact simultaneously online, including phone calls, video chat, live webinars, or web-based meetings.
- ~~(4)(b)~~ In asynchronous distance education, the instructor and student's interaction may be non-simultaneous, and the student may progress at ~~his or her~~ **the student's** own pace and follow a structured course content and quiz-exam schedule.
- ~~(5)(c)~~ 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)(3)~~ The course must be equivalent to 15 classroom hours ~~for prelicensure courses and 2 classroom hours for continuing education courses.~~
- ~~(7)(4)~~ A sponsor shall **only** select as instructors ~~only individuals~~ who can demonstrate mastery of the material being taught and who possess ~~either~~ **one or more** 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)(5)~~ Instructors of USPAP shall comply with the AQB instructor certification program as required by the ~~real property~~ AQB criteria.

R 339.23311 **Unacceptable prelicensure Courses** ~~courses, activities not acceptable for prelicensure or continuing education.~~

Rule 311. The department shall not approve a prelicensure ~~or continuing education~~ course or activity, nor shall it grant credit to a licensee for the USPAP course for any of the following:

- (a) Courses that are offered using distance education platforms that do not ~~provide student or licensee access to an instructor during the course.~~ **meet distance education course requirements of the AQB criteria.**
- (b) Courses that deal with employment-related topics including explanations of rights, benefits, and responsibilities; organizational structure; and on-the-job methods, processes, or procedures.
- (c) Membership in or service in an office, or on a committee of a professional, occupational, trade, or industry society or organization.
- (d) Conferences, delegate assemblies, or similar meetings of professional organizations for policy-making purposes.
- (e) Meetings and conventions of societies and associations; however, educational activities that are provided independently, by an approved course sponsor, and ~~that~~ are held concurrently with a meeting or convention of societies or associations may be given credit.
- (f) Attendance at lecture series, cultural performances, entertainment, or recreational meetings or activities, or participation in travel groups, unless these activities are an integral part of a course that is approved pursuant to these rules.
- (g) On-the-job training, apprenticeships, and other work experiences.

(h) Courses in sales promotion, motivation, marketing, psychology, time management, mechanical office, or business skills, including typing, speed-reading, or the use of office machines or equipment other than calculators or computers.

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:~~ **Approval of a course will be rescinded if any of the following occur:**

- (a) ~~The sponsor or instructor fails~~ **Failing** to comply with the requirements of the code or these rules.
- (b) ~~Graduates from the last 5 course offerings have~~ **Having a high rate of failure rate of more than 50%** on a licensing examination as a result of a lack of competent instruction.
- (c) ~~The sponsor or instructor make~~ **Making** a substantial misrepresentation regarding ~~an appraisal education sponsor or course.~~ **the course.**
- (d) ~~The sponsor or instructor pursue~~ **Pursuing** a continued course of misrepresentation or making false promises through agents, salespersons, advertising, or otherwise.

PART 3A. PRELICENSURE EDUCATION COURSE APPROVAL

R 339.23316 ~~Prelicensure education.~~ **Rescinded.**

Rule 316. ~~Prelicensure education courses may be used to obtain credit for both prelicensure education and continuing education. However, the prelicensure exam may not be used toward continuing education hours.~~

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, **email address**, and telephone number of the sponsor.
- (d) The name, business address, **email address**, and telephone number of the course coordinator.
- (e) The name, license number, and qualifications of instructors.
- (f) The graduate pass rate on a licensing examination for the last 5 course offerings.**
- ~~(f)(g)~~ **(g)** 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)(h)~~ **(h)** 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)(i)~~ **(i)** 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)(j)~~ **(j)** 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)(k)~~ **For a distance education course, the methodology for proctoring the examination. Distance education courses, whether synchronous, asynchronous, or hybrid, must comply with AQB criteria and require the student to 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.**

(I) 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~~ **department** 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 ~~of~~ whether the proposed course change is approved. The sponsor shall not offer the course with the proposed changes without ~~departmental~~ **department** approval.

~~(65)~~ 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.

~~(76)~~ 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.

R 339.23319 Prelicensure education; student or licensee records; permanent record; course completion certificate.

Rule 319. (1) A course sponsor shall establish and permanently maintain a record for each student ~~or licensee~~. The record must contain all of the following information:

(a) The student's ~~or licensee's~~ name and address.

(b) The student's ~~or licensee's~~ date of birth.

(c) The number of classroom hours attended.

- (d) The title of the course and the department's course completion number.
- (e) The date of course completion.
- (f) The student's ~~or licensee's~~ grade.
- (g) The licensee's real estate appraiser license number, if applicable.
- (2) A course sponsor shall issue a certificate of completion to a student ~~or licensee~~ who completes the entire course and receives a passing grade in a prelicensure education course. The certificate must include all of the following information:
 - (a) The name of the student ~~or licensee~~.
 - (b) The name of the sponsor.
 - (c) The name of the course attended.
 - (d) The number of classroom hours completed by the student ~~or licensee~~.
 - (e) The date of course completion.
 - (f) The signature of the course coordinator or instructor.
 - (g) The sponsor number assigned by the department.
 - (h) The course approval number assigned by the department.
- (3) Within 15 business days after the conclusion of a course, a sponsor shall certify to the department the names of students ~~and licensees~~ who complete an approved course in a manner approved by the department.

PART 3B. CONTINUING EDUCATION

R 339.23321 ~~Continuing education; application for course approval; forms; requirements.~~ **Continuing education requirements for license renewal.**

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.~~

To renew a license, a licensee shall successfully complete 28 hours of continuing education every 2 calendar years. The continuing education must include all the following:

(a) The 7-hour national USPAP continuing education course, or its AQB-approved equivalent, not less than every 2 calendar years. Equivalency is determined through the AQB course approval program or by an alternate method established by the AQB. The following provisions apply to licensees licensed in more than 1 state and instructors:

(i) Licensees who are credentialed in more than 1 state do not have to take more than one 7-hour national USPAP continuing education course.

(ii) AQB certified USPAP instructors who successfully complete an instructor recertification course and examination, if an examination is required, within the current licensure cycle, have satisfied the 7-hour national USPAP continuing education course requirement.

(b) Beginning January 1, 2026, a course pertaining to valuation bias and fair housing law and regulations that meets the content requirements of the AQB. The course shall meet the following length requirements:

(i) The first time a licensee completes the continuing education requirement for this course, the course length must be 7 hours. If the licensee successfully completed a 7-hour course, plus a 1-

hour examination, as part of the licensee's qualifying education, the licensee has met this requirement.

(ii) Every 2 calendar years after completing the continuing education requirement for the first time, the course length must be at least 4 hours.

(c) The remaining required continuing education hours must be completed with educational offerings that contribute to maintaining and increasing a licensee's skill, knowledge, and competency in real property appraising, are consistent with the AQB criteria, and can be fulfilled at any time during the 2-year licensure cycle.

(2) A licensee shall not receive credit for attending the same course more than 1 time during the same licensure cycle.

(3) The department shall not approve a continuing education course or activity that is listed in R 339.23311.

(4) The department shall not grant waivers to a licensee who has failed to meet the continuing education requirements.

(5) The department shall not grant deferrals to a licensee, except in the case of an individual returning from active military duty or an individual impacted by a state or federally declared disaster. However, the department may allow the following:

(a) A licensee returning from active military duty to remain in active status for a period of up to 90 days pending completion of all continuing education requirements.

(b) A licensee impacted by a state or federally declared disaster that occurs within 90 days before the end of the continuing education cycle to remain in active status for a period of up to 90 days after the end of the licensee's continuing education cycle, pending completion of all continuing education requirements.

R 339.23322 Activities that simultaneously count toward prelicensure education and continuing education requirements.

Rule 322. The following activities must be simultaneously counted toward prelicensure education credit and continuing education requirements:

(a) Prelicensure education subject to all of the following:

(i) The examination taken in a prelicensure course may not be used toward continuing education hours.

(ii) The prelicensure course must be equivalent to 2 classroom hours.

(iii) When 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.

(b) Up to 1/2 of a licensee's continuing education requirement may be granted for participation, other than as a student, in appraisal educational processes and programs, including, but not limited to, teaching or program development of an approved real estate appraiser course, authorship of textbooks, or similar activity. Credit for instructing a course or seminar may be awarded only once during the licensure cycle.

(c) The classroom hours for the completion of an instructor recertification course and examination if an examination is required.

(d) Educational offerings taken by a licensee to fulfill the class hour requirement for a different classification than the licensee's current classification may be simultaneously counted toward the continuing education requirement of the licensee's current classification.

R 339.23322a Application for continuing education course approval; forms;

requirements.

Rule 322a. (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 is not limited to, all 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, email address, and telephone number of the sponsor.**
- (d) The name, business address, email 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 to ensure the following requirements are met:**
 - (i) A licensee shall attend the entire course to obtain credit for the course.**
 - (ii) Continuing education course sponsors utilizing distance-learning systems shall have an acceptable method of ensuring that the licensee achieves an equivalent to classroom hours.**
 - (iii) Credit for a distance learning course requires completion of the entire course.**
 - (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 a 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 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 decides whether to approve the course.**
 - (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 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.

R 339.23322b Conduct of continuing education courses.

Rule 322b. (1) A course sponsor shall comply with all 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 339.23322c(4) and (5) 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, and email address 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.

(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 a licensee's records to be maintained permanently by the successor entity. The successor entity shall ensure that a licensee's records are available to a licensee who needs 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 comply with the proprietary schools act.

R 339.23322c Continuing education sponsor; instructor; duties.

Rule 322c. (1) A sponsor is responsible for all 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 licensees with current and accurate information.

(c) Maintaining an atmosphere that is conducive to learning in the classroom or virtual environment.

(d) Ensuring and certifying the attendance of licensees who are enrolled in courses.

(e) Providing assistance to licensees and responding to questions relating to course materials.

(f) Supervising all guest lecturers and ensuring all information that is presented relates to the practice of real estate appraisal.

(2) Appraiser education programs may be offered using distance education delivered in synchronous, asynchronous, and hybrid formats. Sponsors shall ensure that all forms of distance education comply with the AQB criteria and are delivered in 1 of the following formats:

(a) In synchronous distance education, the instructor and licensee shall interact simultaneously online, including phone calls, video chat, live webinars, or web-based meetings.

(b) In asynchronous distance education, the instructor's and licensee's interaction may be non-simultaneous, and the licensee may progress at the licensee's own pace and follow a structured course content and quiz-examination schedule.

(c) In hybrid distance courses, also known as blended courses, a licensee may interact with an instructor both in-person and online through synchronous or asynchronous education.

(3) The course must be equivalent to 2 classroom hours.

(4) A sponsor shall only select instructors 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.

(5) Instructors of USPAP shall comply with the AQB instructor certification program as required by the real property AQB criteria.

R 339.23322d Unacceptable continuing education courses, activities.

Rule 322d. The department shall not approve a continuing education course or activity, nor shall it grant credit to a licensee for the USPAP course for any of the following courses or activities:

(a) Courses that are offered using distance education platforms that do not meet distance education course requirements of the AQB criteria.

(b) Courses that deal with employment-related topics including explanations of rights, benefits, and responsibilities; organizational structure; and on-the-job methods, processes, or procedures.

(c) Membership in or service in an office, or on a committee of a professional, occupational, trade, or industry society or organization.

(d) Conferences, delegate assemblies, or similar meetings of professional organizations for policy-making purposes.

(e) Meetings and conventions of societies and associations. However, educational activities that are provided independently, by an approved course sponsor, and are held concurrently with a meeting or convention of societies or associations may be given credit.

(f) Attendance at lecture series, cultural performances, entertainment, or recreational meetings or activities, or participation in travel groups, unless these activities are an integral part of a course that is approved pursuant to these rules.

(g) On-the-job training, apprenticeships, and other work experiences.

(h) Courses in sales promotion, motivation, marketing, psychology, time management, mechanical office, or business skills, including typing, speed-reading, or the use of office machines or equipment other than calculators or computers.

R 339.23322e Misleading information in continuing education courses.

Rule 322e. A person, including a sponsor, shall not provide misleading information about courses or any component of a course. Information is misleading when, taken as a whole, there is a probability that it deceives the class of persons that it is intended to influence. A sponsor shall not represent that the department's approval of a course is a recommendation or endorsement of the sponsor or the content of the course.

~~R 339.23325—Continuing education; course credit for instructors. Rescinded.~~

~~Rule 325.~~ Real estate appraisers who are also instructors may earn up to ½ of their required real estate appraiser continuing education credit per license cycle by teaching an approved real estate appraiser course. Credit is granted to an instructor once in a licensing cycle for the same course either as a licensee or as an instructor.

~~R 339.23326—Continuing education requirements for a licensee. Rescinded.~~

~~Rule 326. (1) A licensed appraiser shall successfully complete the 7 hour national USPAP update course, or its equivalent, not less than every 2 years. Equivalency is determined through the AQB course approval program or by an alternate method established by the AQB.~~

~~(2) USPAP qualifying education credit is awarded only when the class is taught by at least 1 instructor who is an AQB-certified instructor and who is a certified residential real estate appraiser or a certified general real estate appraiser.~~

~~—(3) Every 2 years, a licensed appraiser shall successfully complete not less than 2 hours of continuing education devoted to this state's appraiser license law and rules.~~

~~(4) Credit for attending the board of real estate appraisers meeting pursuant to the AQB criteria requires proof of attendance by submission of the department form with the signature of a board member or department staff person.~~

~~—(5) The department shall not grant waivers to a licensee who has failed to meet the continuing education requirements.~~

~~—(6) The department shall not grant deferrals to a licensee, except in the case of an individual returning from active military duty, or an individual impacted by a state or federally declared disaster. The department may allow a licensee returning from active military duty to remain in active status for a period of up to 90 days pending completion of all continuing education requirements. The department may allow a licensee impacted by a state or federally declared disaster that occurs within 90 days before the end of the continuing education cycle to remain in active status for a period of up to 90 days after the end of the licensee's continuing education cycle, pending completion of all continuing education requirements.~~

PART 4. STANDARDS OF CONDUCT

R 339.23403 State-licensed real estate appraiser; certified residential real estate appraiser; certified general real estate appraiser; allowed functions.

Rule 403. (1) If a state-licensed real estate appraiser is properly qualified to undertake an assignment, a state-licensed real estate appraiser may perform any of the following appraisal services:

- (a) Appraise properties that are not federally related transactions.
 - (b) Appraise **noncomplex** 1 to 4-family residential properties **having a transaction value less than \$1,000,000.00 or more or the property is complex and must be appraised by a certified residential or certified general real estate appraiser. and complex 1 to 4-family residential properties having a transaction value of less than \$400,000.00.**
 - (c) Appraise nonresidential properties for federally related transactions and real estate related financial transactions where the transaction value ~~is less than~~ **does not exceed \$250,000.00\$500,000.00.**
 - (d) Assist a certified residential or certified general real estate appraiser in the development of an appraisal of a complex residential property or a nonresidential property that is the subject of a federally related transaction, as appropriate. The state- licensed real estate appraiser shall not sign the report. However, the certified residential or certified general real estate appraiser shall acknowledge the specific contributions of the state-licensed real estate appraiser within the appraisal report.
- (2) A certified residential real estate appraiser, if properly qualified to undertake an assignment, may perform any of the following appraisal assignments:
- (a) Appraise properties that are not federally related transactions.
 - (b) Appraise 1 to 4-family residential properties without regard to complexity or value.
 - (c) Appraise nonresidential properties for federally related transactions and real estate related financial transactions where the transaction value ~~is less than~~ **does not exceed \$250,000.00\$500,000.00.**
 - (d) Assist a certified general real estate appraiser in the development of an appraisal of a nonresidential property that is the subject of a federally related transaction, as appropriate. The certified residential real estate appraiser shall not sign the report. However, the certified general real estate appraiser shall identify the specific contributions of the certified residential real estate appraiser within the appraisal report.
- (3) The licensee allowed to sign the report shall identify all participating licensees and their contributions to the report.

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Administrative Rules for Real Estate Appraisers – General Rules
Rule Set 2023-32 LR

NOTICE OF PUBLIC HEARING

Tuesday, June 4, 2024
09:00 AM

UL-5

611 W. Ottawa Street, Lansing, Michigan

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Real Estate Appraisers – General Rules rule set.

The proposed rules include the following modifications: clarify and update language; disallow market analysis as performed by a real estate licensee to count toward the education requirements for licensure; separate the requirements for prelicensure education, prelicensure course approval, and continuing education into separate sections; ensure prelicensure distance education programs are compliant with AQB criteria; clarify the circumstances under which approval for a prelicensure course shall be rescinded; update the AQB criteria for continuing education courses and clarify the number of hours and topics required; and update the transaction limits for a state licensed real estate appraiser to align with federal standards.

By authority conferred on the Department of Licensing and Regulatory Affairs by MCL 339.308, 339.202, 339.205, 339.210, 339.2601, 339.2605, and 339.2617, and Executive Reorganization Order Nos. 19919, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030.

The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website at www.michigan.gov/ARD and in the 6/1/2024 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: BPL-BoardSupport@michigan.gov.

Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 6/4/2024 at 05:00PM.

Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing– Boards and Committees Section, Attention: Departmental Specialist

P.O. Box 30670, Lansing, MI 48909-8170

BPL-BoardSupport@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 711- to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OSTEOPATHIC MEDICINE AND SURGERY - GENERAL RULES

Filed with the secretary of state on

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 16174, 16201, 16204, 16215, 16287, 17531, 17533, and 17548 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16174, 333.16201, 333.16204, 333.16215, 333.16287, 333.17531, 333.17533, and 333.17548, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.111, R 338.114, R 338.119, R 338.120, R 338.121, R 338.123, R 338.125, R 338.127, R 338.129, R 338.133, R 338.141, and R 338.143 of the Michigan Administrative Code are amended, as follows:

PART 1. GENERAL PROVISIONS

R 338.111 Definitions.

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

(a) "Board" means the Michigan board of osteopathic medicine and surgery created under section 17521 of the code, MCL 333.17521.

(b) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(c) ~~"Department" means the department of licensing and regulatory affairs.~~ **"COMLEX-USA" means the Comprehensive Osteopathic Medical Licensing Examination of the United States.**

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

(e) "NBOME" means the National Board of Osteopathic Medical Examiners.

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

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~~ **who** is geographically accessible to the patient, if medically necessary.

(b) Makes ~~himself or herself~~ **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 any telehealth service shall do both of the following:

(a) Act within the scope of ~~his or her~~ **the licensee's** practice.

(b) Exercise the same standard of care applicable to a traditional, in-person ~~health care~~ **healthcare** service.

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.~~

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~~ **who** is licensed shall ~~complete~~ **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 ~~health care~~ **healthcare** settings.

(iii) Identifying the warning signs of human trafficking in ~~health care~~ **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 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~~ **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 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~~ **peer-reviewed** journal, ~~health-care~~ **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 beginning December 20, 2021.~~

PART 2. LICENSES

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

Rule 21. (1) The 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~~ **titled** "Accreditation of Colleges of Osteopathic Medicine: COM **Continuing** Accreditation Standards," effective ~~July 1, 2019,~~ **August 1, 2023**, which are available at no cost on the association's website at <https://osteopathic.org>, are approved and adopted by reference. ~~Any~~ **An** 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~~ **titled** "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~~ **An**

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~~ **titled** “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~~ **An** 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~~ **titled** “ACGME Common Program Requirements,” effective July 1, ~~2021~~, **2023**, which are available at no cost on the council’s website at <https://www.acgme.org>, are approved and adopted by reference. ~~Any~~ **A** medical postgraduate training program accredited by the Accreditation Council for Graduate Medical Education is approved.

(5) Copies of the standards adopted by reference in **subrules (1) to (4) of this rule** are available for inspection and distribution at a cost of ~~40~~ **25** 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.

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~~ **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 degree from a school of osteopathic medicine that satisfies the standards under R 338.121(1).
- (c) Provide proof, **as directed by the department**, verifying passing scores on all levels of the ~~Comprehensive Osteopathic Medical Licensing Examination of the United States (COMLEX-USA)~~ **COMLEX-USA** adopted under R 338.129 and ~~provide proof~~, verifying satisfaction of all the requirements under R 338.129.
- (d) Provide proof, **as directed by the department**, 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~~ **not** more than 15 days before the scheduled date of completion.

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~~ **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 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, **as directed by the department**, 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, **as directed by the department**, 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, **as directed by the department**, 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, **as directed by the department**, 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, **as directed by the department**, 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~~ **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 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.

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~~ **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 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, **as directed by the department**, 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~~ **is renewable for** not more than 5 years.

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)~~, **NBOME**, which 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.~~ **COMLEX-USA Level 3.**
- (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~~ **shall not** make more than ~~6~~ **4** 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.~~

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~~ **and** the rules promulgated under the code, ~~as well as~~ **and** all 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 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, **as directed by the department**, 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, **as directed by the department**, 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, **as directed by the department**, 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, **as directed by the department**, 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~~ **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.

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.

(5) An applicant shall 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.

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.

(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~~ **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. **A maximum of 90 continuing education credits may be obtained through category 2 programs listed in subrule (3) of this rule.**

(e) Completion of implicit bias training under R 338.7004 during the 3 years immediately preceding the application for renewal may be used toward satisfaction of the requirements of R 338.141(2) and subrule (1) 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/ and Allowed for the Activity
(a)	Attendance at Attending 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	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 hours must be

	<p>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"> - American Osteopathic Association. - Michigan Osteopathic Association. <p>If audited, a licensee shall provide a copy of a letter or certificate of completion showing the licensee's name, number of credits 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 or dates on which the program or activity was completed.</p>	<p>earned in this activity. A maximum of 150 hours of continuing education credit hours may be earned for this activity in each renewal period.</p>
(b)	<p>Attendance at Attending 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"> - American Medical Association. - Accreditation Council for Continuing Medical Education. Education (ACCME) including non-ACCME accredited providers engaging in joint providership with ACCME accredited providers. - Michigan State Medical Society. <p>If audited, the licensee shall provide a copy of a letter or certificate of completion showing the licensee's name, number of credits 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 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 maximum of 110 hours of continuing education credit hours may be earned for this activity in a renewal period.</p>
(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</p>	<p>A specialty board certification or recertification examination successfully passed during the renewal period is granted 50 hours of continuing education credit.</p>

	<p>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>	<p>hours. A maximum of 50 hours of continuing education credit hours may be earned for this activity in each renewal period.</p>
(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>	<p>One hour of continuing education credit hour is granted for every 60 minutes spent on the activity. A maximum of 30 hours of continuing education credit hours may be earned for this activity in each renewal period.</p>
(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>	<p>Two hours of continuing education credit is credit hours are granted for each scheduled lecture or clinical consultation. Additional credit for preparation of the lecture cannot be granted. A maximum of 90 hours of continuing education credit hours may be earned for this activity in each renewal period.</p>
(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>	<p>Five hours of continuing education credit is hours are granted per inspection. A maximum of 90 hours of continuing education credit hours may be earned for this activity in each renewal period.</p>
(g)	<p>Participating in any of the following committees:</p> <ul style="list-style-type: none"> - A peer-review committee dealing with quality patient care as it relates to the practice of osteopathic medicine and surgery. 	<p>Fifteen continuing education hours for each committee per year is are granted. A maximum of 90 hours of continuing education credit hours may be earned for this activity in each renewal period.</p>

	<ul style="list-style-type: none"> - A committee dealing with utilization review as it relates to the practice of osteopathic medicine. - A health care healthcare organization committee with patient care issues related to the practice of osteopathic medicine. - A national or state committee, board, council, or association related to the practice of osteopathic medicine. <p>A committee, board, council, or association is 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.</p>	
(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>	<p>One hour of continuing education credit hour is granted for each every 60 minutes spent consulting or reviewing the disciplined licensee's work. A maximum of 50 hours of continuing education credit hours may be earned for this activity per renewal period.</p>
(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>	<p>Fifty continuing education credits hours are granted per year. are granted. A maximum of 150 credits continuing education hours per renewal period may be earned for this activity in each renewal period.</p>
(j)	<p>Publication of a scientific article relating to the practice of osteopathic medicine in a peer-reviewed journal or periodical.</p> <p>If audited, the licensee shall provide a copy of the publication that identifies the licensee as the author or a publication acceptance letter and documentation.</p>	<p>Ten hours of continuing education credit hours are granted for serving as the primary author. Five hours of continuing education credit hours are granted for serving as a secondary author. Under subrule (1)(a) of this rule, credit continuing education hours for an article is are granted only once per renewal period. A maximum of 90 hours of</p>

		continuing education credit hours 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"> - A professional health care healthcare textbook. - A peer-reviewed textbook. <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>Ten hours of continuing education credit is hours are granted for serving as the primary author. Five hours of continuing education credit is hours are granted for serving as a secondary author. A maximum of 90 hours of continuing education credit hours may be earned for this activity in each renewal period. Under subrule (1)(a) of this rule, credit continuing education hours for publication is are granted once per renewal period.</p>

(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~~ **hours are** 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~~ **continuing education hours** for a presentation ~~is~~ **are** 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.

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Administrative Rules for Osteopathic Medicine and Surgery – General Rules
Rule Set 2023-36 LR

NOTICE OF PUBLIC HEARING

Tuesday, June 4, 2024
09:00 AM

UL-5

611 W. Ottawa Street, Lansing, Michigan

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Osteopathic Medicine and Surgery – General Rules rule set.

The proposed rules include: revisions to follow current drafting standards; removal of the prohibition on delegation 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; updates to accreditation standards; edits to decrease the number of allowed attempts to pass any level of the COMLEX-USA from six attempts to four attempts; removal of the requirement that an applicant shall successfully pass all steps of the COMLEX-USA within seven years after the date the applicant first passed a step of the COMLEX-USA; clarification of the period in which a licensee must request a waiver of continuing education; clarification that a licensee who completes implicit bias training under R 338.7004 may also use that training toward fulfillment of continuing education requirements; and allowance of non-Accreditation Council for Continuing Medical Education (ACCME) accredited providers engaging in joint providership with ACCME accredited providers to qualify as acceptable providers of continuing education.

By authority conferred on the department in consultation with the board under MCL 333.16145, 333.16148, 333.16174, 333.16201, 333.16204, 333.16215, 333.16287, 333.17531, 333.17533, and 333.17548, and Executive Reorganization Nos. 1991-9, 1996-2, 2003-1 and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.

The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website at www.michigan.gov/ARD and in the 6/1/2024 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: BPL-BoardSupport@michigan.gov.

Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 6/4/2024 at 05:00PM.

Department of Licensing and Regulatory Affairs Bureau of Professional Licensing – Boards and Committees Section P.O. Box 30670 Lansing, MI 48909-8170 Attention: Departmental Specialist

Department of Licensing and Regulatory Affairs Bureau of Professional Licensing – Boards and Committees Section P.O. Box 30670 Lansing, MI 48909-8170 Attention: Departmental Specialist

BPL-BoardSupport@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 711- to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF **HEALTH AND HUMAN SERVICES**

~~PROGRAM POLICY ADMINISTRATION~~ **ECONOMIC STABILITY ADMINISTRATION**

FOOD ASSISTANCE PROGRAM

Filed with the secretary of state on

These rules become effective on October 1, 2024.

(By authority conferred on the department of health and human services by section 6 of The social welfare act, 1939 PA 280, MCL 400.6)

R 400.3009 of the Michigan Administrative Code is amended and R 400.3010 is rescinded, as follows:

R 400.3009 Child support; ~~good cause claim and determination; exceptions to cooperation requirement.~~ **required offer of service.**

Rule 9. The department shall offer services to establish paternity and obtain child support to the client if the food assistance program group includes a child or children, but the food assistance program group does not include 1 or both parents of the child or children. The department shall provide comprehensive information about paternity and child support services to ensure the client can make an informed decision about whether to pursue or not to pursue those services.

~~(1) A client shall take all action required by 1939 PA 280, MCL §400.1 to 400.122 to establish paternity and obtain support.~~

~~(2) A client may claim good cause for not taking the action specified in subrule (1) of this rule. Good cause includes any of the following reasons:~~

~~(a) The child entitled to support was conceived due to incest or forcible rape.~~

~~(b) Legal proceedings for the adoption of the child entitled to support are pending before a court.~~

~~(c) A client is currently receiving counseling from a public or licensed private social agency to decide if the child entitled to support should be released for adoption and the counseling has not continued for more than 3 months.~~

~~(d) Physical or emotional harm may result if the client or child has been subject to or is in danger of any of the following:~~

~~(i) Serious physical harm to the child entitled to support.~~

~~(ii) Serious physical harm to the client.~~

~~(iii) Serious emotional harm to the child entitled to support that actually harms the child's ability to function in everyday life.~~

~~(iv) Serious emotional harm to the client that actually harms the client's capacity to adequately care for the child entitled to support.~~

~~(e) Sexual abuse~~

~~(f) Sexual activity involving a dependent child.~~

~~(g) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities.~~

~~(h) Threats of, or attempts at, physical or sexual abuse.~~

~~(i) Mental abuse.~~

- ~~(j) Neglect or deprivation of medical care.~~
- ~~(3) A client's cooperation in establishing paternity and obtaining support is not required if good cause exists for not cooperating, but a support action may proceed if the FIA department determines that the action would not endanger the child entitled to support or the client.~~
- ~~(4) If a client is informed of the right to claim good cause and decides to make the claim, then he or she shall do all of the following:~~
 - ~~(a) Specify the type of good cause.~~
 - ~~(b) Specify the persons covered by the good cause reason.~~
 - ~~(c) Provide written evidence to support the claim within 20 calendar days of filing the claim. The time period shall be extended up to 25 calendar days if the client has difficulty obtaining the evidence.~~
- ~~(5) The department shall make a good cause determination within 45 calendar days of the client's written claim, unless the client was granted an additional 25 calendar day extension to the original 20 calendar day limit and more information is needed that cannot be obtained within the 45 calendar day limit.~~
- ~~(6) The department shall make a good cause determination based on 1 of the following findings:~~
 - ~~(a) Good cause does not exist and the client must cooperate.~~
 - ~~(b) Good cause does exist and the client's cooperation in obtaining support is not required.~~
 - ~~(c) Good cause does exist, but a support action can proceed without the client and without endangering the client or the child entitled to support.~~

R 400.3010-Imposition of support disqualification; removal of support disqualification. Rescinded.

~~Rule 10. (1) Failure to cooperate in obtaining support without good cause shall result in disqualification and a minimum of a 1-month period of ineligibility for the person who failed to cooperate.~~

- ~~(2) The remaining group members may receive full program benefits, if eligible.~~
- ~~(3) If the family independence program (FIP) closes due to child support noncooperation, the last FIP grant is budgeted in the FAP budget for 1 month.~~
- ~~(4) The noncooperative person shall remain disqualified until he or she cooperates and takes action to establish paternity or obtain support.~~

NOTICE OF PUBLIC HEARING

Department of Health and Human Services
Economic Stability Administration
Administrative Rules for Food Assistance Program
Rule Set 2023-41 HS

NOTICE OF PUBLIC HEARING

Wednesday, June 12, 2024
09:00 AM

Grand Tower Building - Dempsey Room 1st Floor
235 S. Grand Avenue, Lansing, Michigan 48933

The Department of Health and Human Services will hold a public hearing to receive public comments on proposed changes to the Food Assistance Program rule set.

The rules provide the eligibility and expectations by the Department for the food stamp recipient in order to continue to receive food stamp assistance. The child support cooperation standard will be rescinded in the food assistance program (FAP) rules as it has been found to create barriers and suspension of the food assistance program to the detriment of the family. Families will continue to be eligible for child support services at any time they choose to participate.

By authority conferred on the department director of health and human services by section 6 of 1939 PA 280, MCL 400.6.

The proposed rules will take effect 10/1/2024 after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website at www.michigan.gov/ARD and in the 6/1/2024 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: MDHHS-AdminRules@michigan.gov.

Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 6/14/2024 at 05:00PM.

Department of Health and Human Services Attn: Mary E. Brennan/Nicole Denson Sogbaka

Grand Tower Building, 235 S. Grand Avenue- 2nd Floor, Lansing, MI 48933

MDHHS-AdminRules@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 517-335-4276 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR’S OFFICE

ARCHITECTS – GENERAL RULES

Filed with the secretary of state on

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the board of architects by section 308 of the occupational code, 1980 PA 299, MCL 339.308, and on the director of the department of licensing and regulatory affairs by sections 205 and 2009 of the occupational code, 1980 PA 299, MCL 339.205 and 339.2009, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 339.15101, R 339.15201, R 339.15304, R 339.15401, R 339.15404, R 339.15501, and R 339.15502 of the Michigan Administrative Code are amended, as follows:

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~~ **distance** learning courses that examine or investigate current and emerging topics in architecture, ~~that which~~ can be in the form of an online quiz or test offered by a sponsor, ~~that which~~ 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.

(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.

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~~ **requirement** 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~~ **verifies** the applicant for licensure **received a degree that satisfies all the categories, subject areas, and semester credit hour requirements** ~~has met~~ **established under** the NCARB Education Standard ~~established in the NCARB Education Guidelines.~~ **adopted by reference under subrule (2) of this rule.**

(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) **of** 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.

PART 3. RELICENSURE

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 credit** hours of continuing education **in** activities approved under R 339.15502, during the 2-

year period immediately before the date of **filing** the relicensure application. If the department determines that the amount of continuing education **credit** hours provided with the application ~~is~~ **are** deficient, the applicant has 1 year after the date of **filing** the application to provide proof of completing the deficient **credit** 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~~ **Provides** proof, as directed by the department, verifying that the applicant has completed ~~not less than~~ 24 **credit** hours of continuing education **in** activities approved under R 339.15502, during the 2-year period immediately before the date of **filing** the relicensure application. If the department determines that the amount of continuing education **credit** hours provided with the application ~~is~~ **are** deficient, the applicant has 1 year after the date of **filing** the application to provide proof of completing the deficient **credit** hours.

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~~, **2023**, 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.

R 339.15404 ~~Seal design, use, security, and validation.~~ **Architect seal.**

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: **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 404



PART 5. LICENSE RENEWAL AND CONTINUING EDUCATION

R 339.15501 License Continuing education required for renewal; requirement; certification of compliance; document retention; 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 credit** 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~~ **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 under R 339.15502 on request of the department.

(5) ~~The department shall receive~~ **An applicant shall 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.

R 339.15502 Acceptable continuing education- education; limitations.

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 **credit** 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 Continuing Education Credits Earned Credit Hours Granted for Activity and Allowed for Renewal Licensure Cycle
(a)	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	The number of continuing education credits credit hours approved by the sponsor or the approving organization- entity .

	<p>continuing education credit hours by any of the following:</p> <ul style="list-style-type: none"> - Another state board of architects. - NCARB. - American Institute of Architects. - Construction Specifications Institute. - University of Michigan. - Lawrence Technological University. - University of Detroit Mercy. - Andrews University. - An NAAB accredited degree granting institution. - United States Green Building Council. <p>If audited, a licensee shall provide a copy of a letter or a certificate of completion issued by the relevant above-referenced sponsor or organization showing the licensee's name, number of credits credit hours 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.</p>	
(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 credit hours are granted for each semester credit, or 10 continuing education credit hours are granted for each quarter credit.</p> <p>A maximum of 15 continuing education credit 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</p>	<p>One continuing education credit hour is granted for every 50 minutes of continuous instruction.</p> <p>One-half (0.5 credit hour) of 1 continuing education credit hour is granted for every additional 25 minutes of continuous instruction</p>

	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.	that follows the initial 50 minutes of continuous instruction.
(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 credit hour is granted for every 50 minutes continuous instruction.</p> <p>One-half (0.5 credit hour) of 1 continuing education credit 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 credit hours are granted for this activity.</p> <p>Credit for continuing education credit hours is not granted for multiple publications of the same peer-review paper, article, or book.</p> <p>A maximum of 12 continuing education credit hours are granted for this activity during each renewal period.</p>
(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>Three continuing education credit hours are granted for each committee, board, council, or association that the licensee is a member.</p> <p>A maximum of 3 continuing education credit hours are granted for this activity during each renewal period.</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.	
(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 credit hour is granted for every 50 minutes of continuous instruction.</p> <p>One-half (0.5 credit hour) of 1 continuing education credit hour is granted for every additional 25 minutes of continuous instruction that follows the initial 50 minutes of continuous instruction.</p>

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

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Administrative Rules for Architects – General Rules
Rule Set 2023-47 LR

NOTICE OF PUBLIC HEARING

Tuesday, June 4, 2024

09:00 AM

UL-5

611 W. Ottawa Street, Lansing, Michigan

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Architects – General Rules rule set.

The proposed rules include revisions to follow current drafting standards and adoption of the latest version of the model rules of conduct.

By authority conferred on the department in consultation with the board under MCL 339.308, 339.205, and 339.209, and Executive Reorganization Nos. 1991-9, 1996-2, 2003-1 and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.

The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website at www.michigan.gov/ARD and in the 6/1/2024 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: BPL-BoardSupport@michigan.gov.

Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 6/4/2024 at 05:00PM.

Department of Licensing and Regulatory Affairs Bureau of Professional Licensing – Boards and Committees Section P.O. Box 30670 Lansing, MI 48909-8170 Attention: Departmental Specialist

Department of Licensing and Regulatory Affairs Bureau of Professional Licensing – Boards and Committees Section P.O. Box 30670 Lansing, MI 48909-8170 Attention: Departmental Specialist

BPL-BoardSupport@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 711- to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PROFESSIONAL SURVEYORS – GENERAL RULES

Filed with the secretary of state on

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the board by section 308 of the occupational code, 1980 PA 299, MCL 339.308, and on the director of the department of licensing and regulatory affairs by sections 205 and 2009 of the occupational code, 1980 PA 299, MCL 339.205 and 339.2009, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 339.17303, R 339.17403, R 339.17505, and R 339.17506 of the Michigan Administrative Code are amended, as follows:

PART 3. PROFESSIONAL SURVEYOR SEAL AND RELICENSURE

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 ~~45~~ **30 credit** hours of continuing education, ~~1-hour~~ **2 credit hours** of which must be in professional ethics related to surveying, in activities approved under R 339.17506, during the ~~1-year~~ **2-year** period immediately before the date of filing the relicensure application. If the department determines that the amount of the continuing education **credit** 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 **credit** 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 **credit** hours of continuing education, 2 **credit hours** 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 **credit** 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 **credit** hours.

PART 4. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

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.~~

PART 5. LICENSE RENEWAL AND CONTINUING EDUCATION

R 339.17505 Continuing education; ~~license~~ **education required for renewal; requirements; certification of compliance; document retention; continuing education waiver.**

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 **credit** 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 **credit** 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 **credit** 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~~ **An applicant shall 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.

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 Credit Hours Granted for the Activity and Allowed for Licensure Cycle
(a)	<p>Completing a continuing education program or activity related to professional surveying that is approved or offered for continuing education credit hours 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 credit hours earned, sponsor name and contact information, program title, and the date the program was held or completed.</p>	<p>The number of continuing education credits credit hours approved by the sponsor or the approving entity. are granted for this activity.</p>
(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>	<p>Fifteen continuing education credits credit hours are granted for each semester credit, or 10 continuing education credits credit hours must are granted for each quarter credit.</p>
(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>	<p>One continuing education credit hour is granted for every 50 minutes of continuous instruction.</p>
(d)	<p>Presenting a seminar, in-house course, workshop, or professional or technical presentation related to surveying. A licensee shall not receive credit hours 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</p>	<p>Two continuing education credits credit hours are granted for every 50 minutes of continuous instruction.</p>

	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.	
(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 credit hours are granted for every 50 minutes of continuous instruction.
(f)	<p>Initial publication of a peer-reviewed paper, article, or 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>	Six continuing education credits credit hours 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, credit hours, 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 credit hours 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, credit hours, 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 hour 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, credit hours, 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 credits credit hours are granted for this activity.</p>
(j)	<p>Obtaining patents related to surveying.</p>	<p>Ten continuing education credit hours are granted for each approved patent.</p>

(2) Continuing education ~~credits~~ **credit hours** ~~must are 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~~ **credit hours** during the renewal period.

(3) Not more than 12 continuing education ~~credits~~ **credit hours** 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.

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Administrative Rules for Professional Surveyors – General Rules
Rule Set 2023-49 LR

NOTICE OF PUBLIC HEARING

Tuesday, June 4, 2024

09:00 AM

UL-5

611 W. Ottawa Street, Lansing, Michigan

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Professional Surveyors – General Rules rule set.

The proposed rules include revisions to follow current drafting standards; edits to the continuing education requirements for relicensure so it will be the same as the requirements for renewal to ensure licensees are completing the same continuing education requirements under either set of circumstances, and elimination of R 339.17403(3) as it is redundant.

By authority conferred on the department in consultation with the board under MCL 339.308, 339.205, and 339.2009, and Executive Reorganization Nos. 1991-9, 1996-2, 2003-1 and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.

The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website at www.michigan.gov/ARD and in the 6/1/2024 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: BPL-BoardSupport@michigan.gov.

Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 6/4/2024 at 05:00PM.

Department of Licensing and Regulatory Affairs Bureau of Professional Licensing – Boards and Committees Section P.O. Box 30670 Lansing, MI 48909-8170 Attention: Departmental Specialist

Department of Licensing and Regulatory Affairs Bureau of Professional Licensing – Boards and Committees Section P.O. Box 30670 Lansing, MI 48909-8170 Attention: Departmental Specialist

BPL-BoardSupport@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 711- to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF STATE

BUREAU OF BRANCH OFFICE SERVICES

VISUAL STANDARDS FOR MOTOR VEHICLE DRIVERS' LICENSES

Filed with the secretary of state on

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the secretary of state by section 309 of the Michigan vehicle code, 1949 PA 300, MCL 257.309)

R 257.3 and R 257.4 of the Michigan Administrative Code are amended, as follows:

R 257.3 Restricted drivers' licenses.

Rule 3. (1) A restricted driver's license requiring the driver to wear appropriate corrective lenses while driving may be issued if corrective lenses are necessary to meet any vision requirement.

(2) A restricted driver's license ~~permitting~~ **allowing** daylight driving only may be issued if an applicant or licensee submits a statement from an ~~ophthalmologist~~ **ophthalmologist** or optometrist stating 1 of the following:

(a) ~~He~~ **The applicant or licensee** has visual acuity less than 20/50 to and including 20/70 with no recognizable progressive abnormalities affecting vision.

(b) ~~He~~ **The applicant or licensee** has visual acuity less than 20/50 to and including 20/60 with recognizable progressive abnormalities affecting vision.

(3) A restricted driver's license containing additional conditions and requirements may be issued to an applicant or licensee who has a peripheral field of vision of less than 110 degrees to and including 90 degrees. The applicant or licensee shall pass any driving test specified by the department.

(4) A restricted driver's license for the use of a telescopic or bioptic lens may be issued to an applicant or licensee who has not less than 20/50 visual acuity in 1 eye if the following are satisfied:

(a) The applicant or licensee receives satisfactory behind the wheel training in the use of telescopic or bioptic lens from a qualified individual as specified by the department.

(b) The applicant or licensee passes testing as specified by the department.

(c) The biocular acuity through a carrier lens is not less than 20/200.

(5) (4) A restricted driver's license may contain additional conditions and requirements.

R 257.4 Denial or suspension of drivers' licenses.

Rule 4. A driver's license ~~shall~~ **must** be denied or suspended indefinitely if an applicant or licensee has visual acuity less than 20/60 with recognizable progressive abnormalities affecting vision; visual acuity less than 20/70 without recognizable progressive abnormalities affecting vision; visual acuity of 20/100

or less in 1 eye and less than 20/50 in the other; or **an unaided** peripheral field of vision less than 90 degrees.

NOTICE OF PUBLIC HEARING

Department of State
Driver Licensing
Administrative Rules for Visual Standards For Motor Vehicle Driver's Licenses
Rule Set 2023-55 ST

NOTICE OF PUBLIC HEARING

Wednesday, August 7, 2024
09:00 AM

Operations Center 1st Floor Conference Rooms A, B, and C
7285 Parsons Dr., Charlotte, MI 48821

The Department of State will hold a public hearing to receive public comments on proposed changes to the Visual Standards For Motor Vehicle Driver's Licenses rule set.

The proposed rules formally establish a standard for restricted driving privilege eligibility when using bioptic or telescopic lens. The rules ensure that individuals who use bioptic or telescopic lens meet a reasonable standard to be eligible for restricted driving privileges. The rules also ensure the standard cannot be changed without a formal process.

By authority conferred upon the secretary of state by section 309 of Act No. 300 of Public Acts of 1949, as amended, being Section 257.309 of the Michigan Compiled Laws.

The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website at www.michigan.gov/ARD and in the 6/1/2024 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: MDOS-BiopticSOS@Michigan.gov.

Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 7/24/2024 at 11:59PM.

Michigan Department of State, Attention: Driver Assessment Section (Manager)

PO Box 30810, Lansing MI 48909-9832

MDOS-BiopticSOS@Michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 517-335-7051 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF STATE

BOARD OF STATE CANVASSERS

CONDUCT OF ELECTION RECOUNTS

Filed with the secretary of state on

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the board of state canvassers by section 889 of ~~Act No. 116 of the Public Acts of 1954, being S168.889 of the Michigan Compiled Laws~~ **the Michigan election law, 1954 PA 116, MCL 168.889**)

R 168.901, R 168.902, R 168.903, R 168.904, R 168.905, R 168.906, R 168.906a, R 168.908, R 168.909, R 168.910, R 168.911, R 168.912, R 168.915, R 168.916, R 168.917, R 168.922, R 168.923, R 168.925, R 168.925b, R 168.927, R 168.928, R 168.929, and R 168.930 of the Michigan Administrative Code are amended, R 168.901a is added, and R 168.907, R 168.909a, R 168.913, R 168.914, R 168.918, R 168.919, R 168.920, R 168.921, R 168.924, R 168.925a, and R 168.926 are rescinded, as follows:

R 168.901 ~~Enforcement of rules; decisions subject to appeal~~ **Definitions.**

Rule 1. ~~The rules and regulations prescribed herein shall be enforced by the board of state canvassers and its representatives to insure the fair, impartial, and uniform conduct of recounts. Decisions of the boards of county canvassers, under these rules and regulations, applicable statutes and court decisions, shall be subject to appeal to the board of state canvassers, as hereinafter set forth.~~ **(1) As used in these rules:**

(a) “Act” means the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(b) “Change the result of the election” means either the candidate who lost the election and is requesting the recount would be elected or the recount would result in the opposite outcome for a ballot question.

(c) “Election materials” means equipment used in administering elections, including, but not limited to, electronic voting systems, seals, ballots, ballot containers, ballot container certificates, poll books, results report, statement book, tabulator tape, or another document or report considered necessary by the boards of county or state canvassers.

(d) “Interested party” means the individual or individuals who filed a recount petition or a counter recount petition. More specifically, a candidate, 1 representative of a ballot question committee, or if a ballot question committee did not participate in an election in which there was a ballot question on the ballot, 1 elector who voted in that election.

(e) “Poll book” includes the physical poll book and any poll lists.

(f) “Precinct” as used in a recount means any of the following:

(i) An election day precinct.

(ii) An absent voter counting board.

(iii) A precinct at an early voting site.

(g) “**Recount center**” means a single location where recounts of multiple precincts from multiple counties are conducted.

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

R 168.901a Enforcement of rules; decisions subject to appeal.

Rule 1a. The board of state canvassers and its representatives enforce these rules and regulations to ensure the fair, impartial, and uniform conduct of recounts. Decisions of the boards of county canvassers, under these rules and regulations, applicable statutes, and court decisions, are subject to appeal to the board of state canvassers under R 168.925.

R 168.902 Security arrangements.

Rule 2. (1) ~~Upon~~ **On** the filing of a petition for recount, the board of state canvassers ~~shall will~~ make arrangements with ~~the state police~~ **law enforcement** to provide for security of **the recount staff and** all ballots, ballot boxes ~~containers~~, and ~~voting machines~~ **electronic voting systems** used in the election precincts to be recounted until the recount is completed and the results ~~thereof are~~ certified by the board of state canvassers.

(2) All ~~such ballots, ballot boxes, their keys, voting machines and the keys thereto~~ **election materials** shall ~~must~~ remain in the possession of the ~~city or township clerk~~ **charged by law with the custody thereof** ~~clerk responsible for the election~~ until requisitioned by the boards of county canvassers as ~~hereinafter provided~~ **under R 168.903**.

R 168.903 Time and place of recount.

Rule 3. (1) The board of state canvassers ~~will~~ **shall** publicly announce the time and place for the recount of votes ~~east in each county~~ affected by ~~such petition for a~~ **petition**.

(2) **The board of state canvassers may mandate the use of 1 or more recount centers where multiple counties or jurisdictions are recounted at a central location.**

(3) The boards of county canvassers shall arrange for the delivery of the ballots, ballot boxes ~~containers, ballot box keys, poll lists, tally sheets, statements of returns and such other documents and reports including registration cards as~~ **election materials** the boards of county canvassers ~~may deem~~ **determine** are necessary, at the time and place designated for the recount by the board of state canvassers.

(4) **Electronic** ~~Voting machines systems and the keys thereto~~ shall ~~must~~ remain in the possession of the ~~officials~~ **clerk** charged with their security and custody ~~thereof, as above provided~~ **under the act and the rules promulgated by the secretary of state**.

R 168.904 Review of rules, regulations, and arrangements prior to recount.

Rule 4. ~~Before~~ **Prior to commencement of beginning** the recount, the board of state canvassers or its representatives and the board of county canvassers or its representatives shall meet for the purpose of reviewing these rules and regulations and the arrangements made or to be made by the board of county canvassers for the proper conduct of the recount ~~as herein provided~~.

R 168.905 Meeting between state board and county board.

Rule 5. At the time and place designated for the commencement of the recount ~~in each county~~, the board of county canvassers ~~therefor~~ shall meet with the board of state canvassers or its representatives ~~for the purpose of commencing to begin~~ the recount.

R 168.906 ~~Court reporter or stenographer~~ Meeting minutes.

Rule 6. The boards of county canvassers shall ~~provide a court reporter or a competent stenographer who shall be present at all times during the recount and who shall make a stenographic record of the proceeding as hereinafter provided~~ **conduct a recount in an open meeting and keep meeting minutes. Meeting minutes must be provided to the board of state canvassers on request.**

R 168.906a Order of counting precincts.

Rule 6a. ~~Paper ballot precincts within a county shall be counted first unless otherwise specifically provided by the board of state canvassers.~~ Precincts shall be counted in the order ~~which~~ **that will** results in the most expeditious conduct of the recount without regard for who requested the counting of a particular precinct.

~~VOTING MACHINES~~

R 168.907 ~~Persons present at recount; procedure~~ Rescinded.

~~Rule 7. (1) Representatives of the board of county canvassers and of the board of state canvassers together with 1 recount clerk, 2 tally clerks and a court reporter or competent stenographer as above provided, and not more than 2 representatives and an attorney of each candidate for the office or offices the votes for which are being recounted and of each of the petitioners in the case of a recount of a proposition shall be present during the opening and recount of each such voting machine. Prior to the opening of the counter compartment of any of the automatic machines or the unsealing of the rear door on any of the Shoup machines used in a precinct, a representative of the board of county canvassers shall dictate for the record, any part of which may be on forms prepared by the board of state canvassers, the following:~~

- ~~—(a) The precinct in which the voting machines were used.~~
- ~~—(b) Any unusual conditions relative to any of the voting machines.~~
- ~~—(c) The identification numbers on each voting machine.~~
- ~~—(d) The seal number on each of the voting machines.~~
- ~~—(e) The condition of the seal on each of the voting machines.~~
- ~~—(f) The numbers recorded on the public and protective counters of each voting machine.~~
- ~~(2) Such representative shall also dictate for the record the entries contained in the poll book and inspectors' return sheets relative to the number of voters who voted in the precinct, the identification numbers on the various voting machines, the number shown on the respective protective counters prior to the opening of the polls, the readings on the various public and protective counters upon the close of the polls, and the number on the various seals used to seal the voting machines.~~
- ~~(3) A representative of any interested party or of the board of state canvassers shall have the right to dictate into the stenographic record any objection, proposed correction, or addition to such information.~~

R 168.908 ~~Machine not to be recounted; conditions~~ Performance of recount; materials not subject to a recount.

Rule 8. If a voting machine is not locked and sealed in such manner as to render it impossible to vote on the machine or to otherwise change the totals appearing on the individual candidate or proposition counters, or if the seal contains a number other than the number recorded by the inspectors on their returns, that voting machine shall not be recounted and the original return of the inspectors of election

~~for that machine shall be taken as correct~~**(1) A recount is performed only if the number of ballots to be recounted is enough to change the result of the election.**

(2) A recount is an administrative process limited to determining the number of votes cast on ballots for each candidate seeking a particular office or determining the number of votes cast for or against a ballot question.

(3) If the board of state canvassers or the board of county canvassers receives a petition to conduct an investigation or an audit of the conduct of an election, a petition to assess the qualifications of electors participating in an election or the manner in which ballots are applied for or issued to electors, or a petition to do anything other than conduct a recount as described in this rule, the board of state canvassers or the board of county canvassers must deny that request for a recount.

(4) When conducting a recount, the only materials available to be reviewed in the recount are the ballots, poll book, and any poll lists necessary to complete the recount.

~~R 168.909 Machine not to be recounted; additional condition~~**Electronic voting system recount.**

~~Rule 9. If the number appearing on the protective counter of a machine at the time of the recount does not equal the total of:~~

~~(a) The number appearing on the protective counter at the opening of the polls as shown by the certificate of election inspectors, and~~

~~(b) The number appearing on the public counter at the close of the polls, as shown on the certificate of election inspectors, the voting machine shall not be recounted and the original return of the inspectors of election shall be taken as correct~~**Recounts performed using an electronic voting system software application under section 871(4) of the act, MCL 168.871, are governed by the procedures set forth in R 168.793 and the act.**

~~R 168.909a Machine not to be recounted; additional condition~~**Rescinded.**

~~Rule 9a. If the sum of the numbers appearing on the public counters of all machines used in a precinct is in excess of the total of:~~

~~–(a) The number of voters who voted in the precinct as shown by the poll book, and~~

~~–(b) The number of times the machine was operated by the inspectors and custodians, as shown by the record of the election inspectors, the returns for that precinct as made by the election inspectors shall be deemed correct and no machines shall be recounted in that precinct.~~

~~R 168.910 Opening or unsealing machine subject to recount~~**Determining when to recount precinct.**

~~Rule 10. If 1 or more voting machines in a precinct is subject to recount, these voting machines shall be opened and if necessary unsealed. A representative of the board of county canvassers shall enter into the record the name and position of the person opening or unsealing the machines, a description of any unusual conditions relating to any of the machines and a description of their contents. The recount clerk shall read and announce in a distinct voice the name and number, if any, of each candidate for the office involved in the recount and the number of votes shown on the individual candidate counters for each candidate, and shall, in like manner, read and announce the vote on each proposition involved in the recount. The votes so called shall be recorded simultaneously by the 2 tally clerks on proper forms provided for that purpose and shall then be called back from the tally sheets by one of the tally clerks and verified on the voting machine by the other tally clerk. The count as shown by the inspectors' returns shall be used for those machines not subject to recount~~**(1) A precinct shall be recounted if all the following are satisfied:**

(a) The ballots are properly sealed in a ballot container in a manner that does not allow a ballot to be added to, or removed from, the ballot container.

(b) The seal number on the seal is accurately recorded in the poll book, on the ballot container certificate, or on the statement of results.

(c) The precinct is in balance, which means the number of ballots to be recounted is the same as the number of ballots issued in the precinct as shown in the poll book, the number of ballots tabulated as shown on the tabulator tape, or the number of ballots cast as shown by the county canvass; or the precinct was certified as out of balance during the county canvass and remains out of balance by an identical or fewer number of ballots.

(2) A recount may still be conducted even if the precinct does not satisfy the conditions under subrule (1) of this rule, if there is a satisfactory explanation in a sworn affidavit demonstrating that the security of the ballots is preserved.

(3) An explanation is satisfactory if the reason for the discrepancy does not affect the security of the ballots and demonstrates that a recount of the ballots will yield a reliable and accurate result. For example, a discrepancy that was caused by innocent human error and specifically explained in the poll book notes, or when evaluating whether the total number of ballots and the total number of voters match, a discrepancy that was caused by spoiled or defective ballots, ballots that were duplicated for proper reasons under procedures mandated by the local clerk, or provisional envelope ballots not included in the ballot container.

(4) The only documents that a board of canvassers may use to determine whether a precinct may be recounted are the poll book, the poll lists, the statement of results, the ballot container certificate, the total ballots counted by a tabulator, the county canvass notations on the number of ballots and electors in the poll book, affidavits, and tabulator tapes.

(5) If a precinct is not eligible for a recount, the original return of the votes for that precinct must be taken as correct.

R 168.911 Recounting absent voters' ballots.

Rule 11. (1) Absent voters' ballots, **including absent voter ballots cast at absent voter counting board precincts and combined absent voter counting board precincts, shall must** be recounted in the manner hereafter described **provided under these rules** for counting paper ballots **cast on election day**.

(2) Absent voters' ballots in original sealed envelopes ~~shall must~~ be counted as ~~the same should have been if they were~~ voted if the recount board determines they are eligible for voting.

(3) Absent voters' ballots ~~which that~~ have been voted ~~shall must~~ be recounted to determine whether the ballots were validly marked.

(4) Validly marked ballots found not to have been voted ~~shall must~~ be counted as ~~the same should have been if they were~~ voted.

(5) Invalidly marked ballots found to have been voted **must shall** be rejected.

(6) Appropriate additions and deductions **must shall** be made to or from the precinct count.

(7) Unless clearly shown to the contrary, ~~there is a~~ presumption of regularity of action by precinct inspectors ~~shall obtain~~. To determine facts required for decision of issues under this rule, precinct inspectors may, if necessary, be called and sworn to give evidence.

~~(8) In communities using absent voter counting precincts, absent voter ballots shall be recounted as provided in the rules for paper ballots.~~

R 168.912 ~~Opportunity to observe reading of counters~~ **Recounting ballots cast at early voting sites.**

Rule 12. ~~The representatives of each interested party shall be afforded an opportunity to observe the reading of the individual candidates or proposition counters and each absent voter's ballot, if any, as the votes are called and to make such notations on their private records as they may desire.~~ **(1) Ballots cast at early voting sites must be recounted in the same manner provided under these rules for ballots cast on election day.**

(2) If a ballot container from an early voting site contains ballots from multiple precincts and 1 or more of those precincts is subject to a recount, each ballot container must be opened, and the ballots must be sorted by precinct to identify and segregate the ballots subject to the recount.

(3) Unless clearly shown to the contrary, there is a presumption of regularity of action by early voting site precinct inspectors. To determine facts required for decision of issues under this rule, early voting site precinct inspectors may, if necessary, be called and sworn to give evidence

R 168.913 ~~Record of recount proceedings~~ **Rescinded.**

~~Rule 13. All proceedings taken in the recount of any voting machines shall be recorded as above provided by the stenographer provided by the board of county canvassers. Representatives of all interested parties shall be afforded an opportunity to make a full and complete stenographic record of any challenges or objections to the proceedings. Upon request of the board of state canvassers, such record shall be transcribed and a copy furnished to the board of state canvassers at the cost of the county. Upon request by any other party, the cost of transcription shall be borne by the party requesting the transcription. Cost of copies of the transcription shall be borne by the recipients.~~

R 168.914 ~~Challenges or objections to recount of voting machines~~ **Rescinded.**

~~Rule 14. (1) Upon completion of the recount of all voting machines in a precinct, all challenges or objections shall be presented to the board of county canvassers for its decision. Upon request by the board of county canvassers, the stenographic record of such challenges or objections shall be read to the board of county canvassers. Representatives of each interested party shall be afforded an opportunity to submit authorities and argument to the board of county canvassers for and against such challenges or objections and to make a full and complete stenographic record thereof, including the decision of the board of county canvassers and its grounds therefor. Nothing herein contained shall limit the right of the board of county canvassers to examine any voting machine against the recount of which challenges or objections have been made. Any interested party who considers himself aggrieved by the decision of the board of county canvassers may at the time the decision is rendered appeal such decision to the representatives of the board of state canvassers in the same manner as hereinabove provided for presenting challenges or objections to the recount of voting machines to the board of county canvassers.~~

~~(2) The decisions of the board of county canvassers may be confirmed, set aside, or modified by the representative of the board of state canvassers.~~

~~(3) At the conclusion of the recount in the several counties, the board of state canvassers shall notify each interested party that such county recounts have been completed. Such notice shall be by registered mail, return receipt demanded, at the address furnished to the secretary of state by the interested parties.~~

~~(4) The decisions of the representatives of the board of state canvassers may be confirmed, set aside, or modified by the board of state canvassers upon review by written petition therefor setting forth the grounds in detail by any interested party or upon its own motion. Such petition shall be filed with the board of state canvassers not later than 5 days after the mailing of the notice above provide for, Saturdays, Sundays, and legal holidays excluded.~~

~~PAPER BALLOTS~~

R 168.915 ~~Providing tables, recount clerks, and tally clerks~~ **Recount staff.**

Rule 15. ~~The boards of county canvassers shall provide 1 table where all ballot boxes in each county shall be opened in the manner hereinafter provided and as many other tables as shall be necessary to efficiently recount the ballots in the manner hereinafter provided. The boards of county canvassers shall also provide 1 recount clerk and 2 tally clerks for duty at each such table whenever a ballot box is opened or ballots are recounted. At each table where ballot containers are opened, the boards of county canvassers shall provide at least 2 recount clerks to conduct the recounting of ballots.~~

R 168.916 Candidate and ~~petitioner~~ **ballot question committee** representatives; powers; **identification.**

Rule 16. (1) ~~Each candidate for the office or offices the votes for which are being recounted and each of the petitioners in the case of a recount of a proposition shall be entitled to have not to exceed or~~ **ballot question committee representative is entitled to observe the recount and have their counsel and not more than 2 representatives-additional individuals** present at each table where ballot boxes containers are being opened or ballots are being recounted., and they

(2) **The individuals in subrule (1) of this rule** shall be afforded an opportunity to observe the opening of ballot boxes containers and each ballot as the votes are called, **challenge the tabulation of a ballot, and take notes as desired for recordkeeping purposes** and to make such notations on their private records as they may desire.

(3) **Each individual representing a candidate or ballot question committee shall have written identification provided by the candidate, the candidate's political party, the ballot question committee, or a proponent or opponent of the ballot question if there is no ballot question committee involved in the recount.**

(4) **For a recount for a ballot question, the treasurer of a ballot question committee involved in the recount shall appoint no more than 1 lead representative for each recount center. The lead representative shall be is responsible for the individuals present at each table where ballot containers are being opened or ballots are being recounted. Once designated, the lead representative may not be changed during the course of the recount.**

R 168.917 Board of county canvassers and of state canvasser representatives; duties.

Rule 17. (1) A representative of the board of county canvassers and ~~of the board of state canvassers~~ shall be present during the opening of ~~such-all~~ **ballot boxes-containers**. A representative of the board of county canvassers shall dictate for the record, any part of which may be on forms provided by the board of state canvassers, the following:

- (a) The precinct being recounted.
- (b) Any unusual conditions relative to the ballot ~~boxes-container~~.
- (c) ~~The manner in which way~~ the ballot ~~boxes-container~~ is sealed.
- (d) ~~Its~~ **The ballot container's** seal number.
- (e) The condition of the seal.
- (f) The name and official position of the ~~person~~ **individual** who unseals and opens the ballot boxes **container**.

(g) A description of any ballot package, **ballot bag**, or roll of ballots which is, may be, or is claimed to be involved in the recount, **including the way the bag is sealed and the number on the seal**. ~~The description shall include a description of the manner in which the ballot packages or rolls are wrapped,~~

~~tied, sealed, and endorsed. If ballot bags are used in lieu of packages or rolls, the description shall set forth the manner in which the bag is sealed and the number on the seal.~~

(2) ~~Such~~ **The representative of the board of county canvassers** shall also dictate for the record the entries contained in the poll book and statement book relative to the number of voters who voted at the election and the seal numbers with which ballot boxes ~~containers~~ and ballot bags, if used, were sealed.

(3) A representative of any interested party or of the board of state canvassers **has** ~~shall have~~ the right to dictate **any objection, proposed correction, or additional information** into the stenographic record; ~~any objection, proposed correction, or addition to such information.~~

R 168.918 Recounting ballots where ballot box locked and sealed. Rescinded.

~~Rule 18. If the ballot box is locked and sealed in such manner as to render it impossible to open it without breaking such seal, and if the ballots therein contained are properly wrapped, tied, and sealed, the ballots shall be recounted; but if the ballots are not properly wrapped, tied, and sealed or if the seal, tape, or wrapper shall have been loosened or broken, such ballots shall be recounted only if they correspond in number with the poll list delivered to the county clerk.~~

R 168.919 Recounting ballots where ballot box not locked and sealed. Rescinded.

~~Rule 19. If the ballot box is not locked and sealed in such manner as to render it impossible to open it without breaking such seal, the ballots therein contained shall be recounted if they are properly wrapped, tied, and sealed in such manner as to render it impossible to open such package or roll or remove any of the contents thereof without breaking said seal, but only if they correspond in number with the poll list delivered to the county clerk.~~

R 168.920 Recount where ballots in ballot box must correspond in number with poll book; procedure. Rescinded.

~~Rule 20. If ballots in a ballot box must correspond in number with the poll book as above provided before they may be recounted, such ballots shall be returned to their ballot box and assigned to a recount table for a physical count. The recount clerk shall remove such ballots from their wrappers, place them face down upon the recount table, and count the number of ballots. If there are the proper number of ballots, such ballots shall be recounted in the manner hereinafter provided; if such ballots do not correspond in number with the poll book as above provided, such ballots shall not be recounted and the recount clerk shall report such fact to the representative of the board of county canvassers at the ballot box opening table for instructions as to the disposition of said ballots. With reference to such precinct, the original return of the inspectors of election shall stand.~~

R 168.921 Recount where correspondence in number between ballot box and poll list not required; procedure. Rescinded.

~~Rule 21. If any ballots are subject to recount regardless of their corresponding in number with the poll list, such ballots shall be returned to their ballot box and assigned to a table for recount. The recount clerk shall remove such ballots from their wrappers, place them face down upon their count table, and count the number of ballots. If the number of ballots is equal to or less than the number of ballots issued on election day, as shown by the poll list, such ballots shall be recounted in the manner hereinafter provided. If the number of ballots is in excess of the number of ballots issued on election day, as shown by the poll list, the ballots shall be turned face up and so many blank ballots or ballots upon which there is no attempted vote for the office or offices or for the proposition or propositions being recounted shall first be withdrawn as shall be equal to the excess. If there are not sufficient blank ballots or ballots upon which there is no such attempted vote to equal such excess,~~

~~the remaining ballots shall be shuffled and mixed and replaced in the ballot box and the recount clerk shall then draw out so many ballots therefrom as shall be equal to the excess remaining. All such ballots withdrawn shall be publicly destroyed by the recount clerk and the remaining ballots shall be recounted in the manner hereinafter provided. Such ballots shall be laid aside but not destroyed in case a recount of another office or proposition involving the same ballots is being conducted or is pending.~~

R 168.922 Recounting ballots; procedure.

Rule 22. (1) The ballots ~~shall~~ **must** be placed ~~face up~~ on the recount table and, ~~if where~~ applicable, separated by the recount clerk into piles of straight **party vote** ballots, split **party vote** ballots, and special proposition **ballot question** ballots. ~~Where applicable, the recount clerk shall take each pile of ballots separately and count the straight ballots first. The total straights for each candidate shall then be entered in the proper place on the tally sheet. The split and mixed votes for each office involved in the recount shall then be tallied. When votes are called, they shall be recorded simultaneously by the 2 tally clerks on proper forms provided for that purpose. Votes for and against each proposition involved in the recount shall be separated into piles and then counted. The counting shall be done at least twice and by different people. The whole number of votes cast for each candidate and for and against each proposition shall be recorded.~~

(2) The recount staff shall count **1 pile of ballots at a time**. One recount clerk shall call the votes, and 1 clerk shall confirm the called votes. The 2 recount clerks shall record the votes on proper forms provided for that purpose.

(3) The whole number of votes cast for each candidate, and for and against each ballot question, must be recorded.

(4) The board of state canvassers may approve an alternative manner of conducting the recount.

R 168.923 ~~Rules governing recounting of votes~~ **Determining the validity of ballot markings.**

Rule 23. ~~The following rules shall govern the recounting of votes:~~ (1) A vote on a ballot is indicated by making a mark within the predefined target area designated for casting a vote. A vote is valid and must be counted if there is a mark within the predefined area for casting a vote.

(2) The following is a non-exhaustive list of examples of valid votes:

(a) A circle of the predefined area that goes through the inside of the predefined area designated for casting a vote and meant to be filled in by the voter.

(b) A check mark, cross, or “x” that is inside any part of the predefined area designated for casting a vote and meant to be filled in by the voter, even if part of the mark extends outside the predefined area designated for casting a vote.

(c) The word “yes” written inside the predefined area designated for casting a vote and meant to be filled in by the voter.

(d) If the predefined area has a mark inside of it, but there is also a correction that causes a false tabulator read, such as a filled in oval or square that is crossed out or labeled as a “mistake” or similar description.

(3) The following is a non-exhaustive list of examples of invalid votes:

(a) A circle of the predefined area designated for casting a vote that goes around the area, but does not intersect the inside of the predefined area designated for casting a vote.

(b) A check mark, cross, or “x” along the side, top, or bottom of the outside edge of the predefined area designated for casting a vote.

(c) The word “yes” written along the side, top, or bottom of the outside edge of the predefined area designated for casting a vote, regardless of any arrows pointing to the predefined area.

(4) A stray mark within the predefined target area is not a mark indicating a valid vote. The following apply to the evaluation of marks:

(a) To determine whether a mark within a predefined area is a stray mark compare the mark with other marks appearing on the ballot.

(b) A check mark or cross appearing within the predefined area is not considered a stray mark and is a valid vote even if the voter does not consistently mark the entire ballot with the check mark or cross.

(a5) ~~Where~~ If it is clearly evident from an examination of any ballot that the same ~~is has been~~ mutilated for the purpose of distinguishing it or ~~that there~~ has been placed thereon some mark, printing, or writing for the purpose of distinguishing it, ~~then such~~ the ballot ~~shall must~~ be void and ~~shall not be~~ counted. The following criteria must be met to find a mark or mutilation to be distinguishing:

(ia) ~~If~~ The mark or mutilation must be clearly evident.

(ib) ~~That the~~ The mark or mutilation was placed on the ballot by the voter.

(iic) The mark or mutilation was for ~~For~~ the purposes of distinguishing it.

~~(b) A cross, the intersection of which shall be within or on the line of the proper circle or square, shall be valid. Crosses otherwise located on the ballot shall be void;~~

~~(c) Marks other than crosses used to designate the intention of the voter shall not be counted;~~

~~(d) A cross shall be valid even though 1 or both lines thereof shall be duplicated, provided that the lines intersect within or on the line of the square or circle;~~

~~(e) Two lines meeting within or on the line of the square or circle, although not crossing each other, shall be deemed to be a valid cross where it is apparent that the voter intended to make a cross. This provision shall not be construed as validating so-called "check marks";~~

(f6) A failure to properly mark a ballot as to 1 or more candidates ~~shall does~~ not of itself invalidate the entire ballot if the ~~same ballot has been~~ is properly marked as to other candidates, unless ~~such the~~ improper marking ~~shall constitutes~~ a distinguishing mark as ~~herein defined~~; **under subrule (5) of this rule.**

(g7) Erasures and corrections on a ballot made by the elector in a manner frequently used for such purpose ~~shall are determined to be not be deemed~~ distinguishing marks or mutilations; **under subrule (5) of this rule.**

(h8) Any ballot or part of a ballot from which it is impossible to determine the elector's choice of candidate ~~shall be is~~ void as to the candidate or candidates ~~thereby~~ affected;

(i9) Any votes cast for a deceased candidate ~~shall be is~~ void and not counted;

(j10) All ballots cast ~~which that~~ are not counted ~~shall be are~~ marked by the inspector "not counted," kept **maintained** separate from the others by being tied or held in 1 package, and placed in the ballot box ~~container~~ with the counted ballots; ~~and.~~

(k) No vote shall be counted for any candidate unless a cross has been placed by the voter in the circle at the head of the party ticket, if any, on which the name of the candidate has been printed, written or placed or unless a cross has been placed by the voter in the square before the space in which the name of the candidate has been printed, written, or placed.

R 168.924 Determining how ballot recounted; rules **Rescinded.**

Rule 24. The following rules as set forth in S168.737 of the Michigan Compiled Laws, as amended, together with applicable court decisions, shall be followed in determining how a ballot shall be recounted.

~~(a) If the elector makes a cross (x) in the circle under the name of his party at the head of the ballot and does nothing further, he has voted a straight ticket.~~

~~(b) Where only 1 candidate is to be elected to an office, to vote for a candidate not on his party ticket, the elector should make a cross (x) in the circle under the name of his party, and also make a~~

~~cross (x) in the square before the name of the candidate for whom he desires to vote on the other ticket. In such case, it shall not be necessary to cross off the name of the candidate on his party ticket. If the elector votes for more than 1 candidate for the same office where only 1 candidate is to be elected to said office, said ballot shall not be counted for either of such candidates, but shall be as to them null and void.~~

~~—(c) When 2 or more candidates are to be elected to the same or like office, such as coroners, to vote for a candidate or candidates not on his party ticket for such office, the elector should mark a cross (x) in the circle under his party name, and mark a cross (x) in the square before the name or names of the candidate or candidates for whom he desires to vote on the other ticket or tickets, and also cross off an equal number of names of the candidates for such office on his party ticket; but if such elector shall not have crossed off the names of an equal number of candidates for such office on his party ticket, he shall be deemed to have crossed off the name of each candidate for such office which is printed on his party ballot opposite the name of the candidate on some other party ticket in front of which name he has made a cross (x);~~

~~—(d) To vote for a candidate not on any ticket, the elector should write or place the name of such candidate on his ticket opposite the name of the office and make a cross (x) in the circle under the party name;~~

~~—(e) A ticket marked with a cross (x) in a circle under a party name shall be deemed a vote for each of the candidates named in such party column whose name is not crossed off, except those candidates where a cross (x) is placed in the square before the name of some opposing candidate on another ticket, or where there is written or pasted on the party ticket a name which is not printed on any party ticket;~~

~~—(f) If the name of any person who is not a candidate on any ticket is written or placed on the party ticket opposite the name of the office and there is a cross (x) in the circle under the party name, the name so written or placed shall be counted 1 vote for such person, whether the original name on the party ticket is erased or not, excepting cases where there is a cross (x) in the square before the name of some opposite candidate on some other party ticket;~~

~~—(g) If no cross (x) is placed in the circle under the party name, a cross (x) in the square before the name of any candidate shall be deemed a vote for such candidate except in cases where the elector votes for more candidates for the same office than are to be elected; and~~

~~—(h) Such elector shall indicate his preference on any constitutional amendment or other submitted question by making a cross (x) in the square opposite the word "Yes" or in the square opposite the word "No" opposite or below such question on the proper ballots.~~

R 168.925 Challenged B-ballots counted or rejected for recount under protest; appeals.

Rule 25. (1) ~~Any ballot counted or rejected for recount by the recount clerk under protest made by any interested party's representative shall be identified by a numbered exhibit card stapled to the challenged ballot. Upon completion of the recount of all ballots in a precinct, all challenged ballots shall be presented to the board of county canvassers for its decision. Representatives of each interested party shall be afforded an opportunity to submit authorities and argument to the board of county canvassers for counting or rejecting each such challenged ballot and to make a full and complete stenographic record thereof, including the decision of the board of county canvassers and its grounds therefor. Any interested party who considers himself aggrieved by the decision of the board of county canvassers may at the time the decision is rendered appeal such decision to the representatives of the board of state canvassers in the same manner as hereinabove provided for presenting challenged ballots to the board of county canvassers.~~ **An interested party may make a challenge to the board of county canvassers of a determination to count or not count a specific vote on a ballot for a candidate or for or against a ballot question subject to the recount.**

~~(2) The decisions of the board of county canvassers may be confirmed, set aside, or modified by the representative of the board of state canvassers. Any challenged ballot counted or rejected for recount must be identified by a numbered exhibit card logically associated with the challenged ballot.~~

~~(3) At the conclusion of the recount in the several counties, the board of state canvassers shall notify each interested party that such county recounts have been completed. Such notice shall be by registered mail, return receipt demanded, at the address furnished to the secretary of state by the interested parties. The board of canvassers shall keep a record of the challenge, and representatives of all interested parties shall be afforded an opportunity to make a full and complete record of challenges to the proceedings.~~

~~(4) The decisions of the representatives of the board of state canvassers may be confirmed, set aside, or modified by the board of state canvassers upon review by written petition therefor, setting forth the grounds in detail by any interested party or upon its own motion. Such petition shall be filed with the board of state canvassers not later than 5 days after the mailing of the notice above provided for, Saturdays, Sundays, and legal holidays excluded. After the recount of all ballots in a precinct, but before the recount proceeding itself is completed, all challenged ballots must be presented to the board of county canvassers, which will hear arguments on the challenge and decide whether to accept or reject the challenge.~~

~~(5) Challenged ballots shall not be disposed of as provide in R 168.929, but shall be placed in envelopes provided by the board of county canvassers for that purpose. The contents of such envelopes shall be identified as required on forms provided by the board of state canvassers. Such envelopes shall be sealed with a state election seal, initialed by at least 2 members of the board of county canvassers and delivered to the county clerk for safekeeping. An interested party can appeal the decision of the board of county canvassers to the representative of the board of state canvassers, who may confirm, reject, or modify the decision of the board of county canvassers.~~

~~(6) An interested party can petition the board of state canvassers for a de novo review of the decision of the representative of the board of state canvassers. The petition for de novo review must be filed before the completion of the recount by the board of county canvassers and specify the substance of the challenge and request a de novo review by the board of state canvassers.~~

~~(7) The board of state canvassers shall accept petitions for a de novo review only for challenges that concern the determination of how a specific vote on a ballot for a candidate, or for or against a ballot question, is counted.~~

~~(8) Once the board of state canvassers receives a petition for de novo review its representative shall make an exhibit detailing the resolution of the challenge that includes the ballot, which must be securely sealed in an exhibit envelope and retained by the board or its representative. The representative shall provide the clerk responsible for the election with a receipt for the ballot that is subject to challenge.~~

~~(9) In the same manner that notice of the recount was given under section 868 of the act, MCL 168.868, the board of state canvassers shall notify all interested parties of the date of the meeting where the board of state canvassers will consider the petition for a de novo review.~~

~~(10) The interested parties are allowed to present oral and written arguments on the challenges at the meeting where the board of state canvassers will consider the petition. The arguments presented to the board of state canvassers must be limited to arguments made to the board of county canvassers.~~

~~(11) The board of state canvassers shall hear and rule on the challenge at the meeting only if the total number of challenges submitted to it could change the result of the election.~~

~~(12) The board of county canvassers or the representative of the board of state canvassers may determine a challenge is frivolous. If a challenge is determined to be frivolous, the board of state~~

canvassers may decline to consider the challenge. A challenge may only be determined to be frivolous if any of the following apply:

- (a) The challenge is based on a procedure already approved by the board of state canvassers.
- (b) The challenge is not related to the tabulation of a specific, individual ballot.
- (c) The observer does not provide an explanation for the challenge.
- (d) The observer issues multiple challenges at 1 time or otherwise issues challenges designed to delay or interfere with the recount.

R 168.925a ~~Ballot bags used in lieu of ballot packages; references; tags.~~ **Rescinded.**

~~Rule 25a. Where ballot bags are used in lieu of ballot packages, all references to ballot packages shall be deemed to include ballot bags, except that references to seals shall be to metal rather than paper seals.~~

GENERAL PROVISIONS

R 168.925b Withdrawal of petition; discontinuance of recount.

Rule 25b. (1) If the ~~person~~ **individual** petitioning for a recount ~~shall withdraws his~~ ~~the~~ petition or discontinues the recount before ~~the~~ ~~its~~ completion, ~~of the recount of the precincts for which he petitioned, then in such event the original return shall be~~ ~~is~~ **determined** to be correct regardless of any change shown by the recount of the precincts. ~~he or the counter petitioner petitioned to be recounted. In the event of such withdrawal by the petitioner, it shall not be~~ **It is not** necessary for the **any** counter petitioner to withdraw or ask for a discontinuance **after a petitioner withdraws.**

(2) If the counter petitioner for a recount ~~shall withdraws his~~ ~~the~~ petition or discontinues the recount ~~of the precincts he petitioned to have recounted, then the original returns for all precincts for which he requested a recount shall be~~ ~~involved~~ **are determined** ~~deemed to be~~ correct regardless of any changes shown by the recount at the time of the withdrawal. A counter petitioner shall not be ~~permitted~~ **allowed** to withdraw if all precincts ~~for which he~~ ~~the counter petitioner~~ petitioned have been recounted. ~~In the event that~~ **If** a counter petitioner withdraws, the recount ~~as to the~~ ~~of~~ precincts petitioned for by the original petitioner ~~shall~~ **must** continue until the completion thereof or until such time as ~~he~~ ~~the original petitioner~~ withdraws.

(3) All withdrawals must be in writing signed by the petitioning party.

R 168.926 ~~Candidate and petitioner representatives; identification.~~ **Rescinded.**

~~Rule 26. Each candidate for the office or offices the votes for which are being recounted and each of the petitioners in case of a recount of a proposition shall be entitled to have present at the recount not to exceed 1 representative for every table at which ballot boxes are being opened or ballots recounted, and for every voting machine which is being recounted and not to exceed 1 watcher and tallier at each such table and voting machine provided for in R 168.907 and R 168.916 hereof. Every such representative shall be furnished written identification by the candidate he represents, or the candidate's political party, or by the proponents or opponents of a proposition whom he represents.~~

R 168.927 Public observance of recounts; **handling of ballots.**

Rule 27. (1) ~~Provision shall be made for public observance of the conduct of recounts~~ **The recount must be open to the public for observation**, but the public ~~shall not be~~ ~~is~~ **not** allowed within the confines of the actual working area; **and no individual may vocally or otherwise disturb the recount staff or interfere with the recount process.** ~~nor shall vocal or other disturbance of the recount staff by the public be permitted~~ **Violation of this rule results in removal from the recount area by law enforcement.**

(2) Only the recount staff, the county board of canvassers, the state board of canvassers or its representative, or a clerk responsible for maintaining the custody of election materials may handle ballots. No member of the public, observer, candidate or the candidate's representative, or a representative of a ballot question committee may touch or otherwise handle a ballot or other election materials.

R 168.928 Designated representative of board of state canvassers.

Rule 28. **(1) The board of state canvassers may designate 1 or more representatives in each county or recount center to supervise in its behalf the conduct of recounts on the board of state canvasser's behalf, as above set forth.**

(2) In those counties designated by the board of state canvassers, at least 1 such representative shall be on duty at all times and the decisions of the representative on duty shall prevail. The representative of the board shall be an employee of the department of state, a county clerk, or a staff member of the county clerk, and must have knowledge and experience in conducting a recount.

(3) In those counties so designated by the board of state canvassers, at least 2 representatives shall be on duty at all times and any 2 representatives concurring shall have the power to make decisions. In any such county designated by the board of state canvassers, such representatives shall be divided into teams of 3 representatives each, 1 such team to be on duty at all times and a majority decision of the team shall prevail. If more than 1 representative is present at a recount, the representatives present shall designate a lead representative.

R 168.929 Completion of recount; procedure.

Rule 29. **(1) Upon completion of the recount of any precinct, all ballots shall must be properly wrapped by the recount clerk with a statement of the number and kind of ballots included in each such package, and placed in the voting machine or ballot box container. The ballot boxes containers and voting machines shall must then be properly locked and the ballot boxes sealed with a state seal to be supplied by the board of state canvassers. and delivered, together with the lock keys, to the respective officers having the care and custody thereof. The ballot containers must be returned to the officers charged with their care and custody under R 168.902. The recount staff shall record the new seal number on the ballot container certificate.**

(2) At the conclusion of the recount, the board of state canvassers shall notify each interested party that the recount is complete. The board of state canvassers shall provide notice by mail or email.

R 168.930 Certificate of recount results.

Rule 30. The results of the recount for each county shall must then be entered upon a certificate provided for that purpose by the board of state canvassers, signed by the board of county canvassers and representative of the board of state canvassers. The county clerk shall certify that the **individuals** persons signing the certificate as members of the board of county canvassers are such members of that county. The certificate shall must then be forthwith delivered to the board of state canvassers at Lansing, Michigan, which shall then compile said the returns from each county and certify the result.

NOTICE OF PUBLIC HEARING

Department of State
Elections & Campaign Finance
Administrative Rules for Conduct of Election Recounts
Rule Set 2024-18 ST

NOTICE OF PUBLIC HEARING

Monday, June 17, 2024
10:00 AM

Room 1100 of the Binsfeld Office Building
201 Townsend St. Lansing, MI 48933

The Department of State will hold a public hearing to receive public comments on proposed changes to the Conduct of Election Recounts rule set.

The purpose of these rules is to amend the Conduct of Election Recounts rules by updating terminology to account for technological and procedural changes since the rules were promulgated in 1979. The rules will also be updated to conform with current legal requirements and current practices.

By authority conferred on the board of state canvassers by section 889 of the Michigan election law, 1954 PA 116, MCL 168.889.

The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website at www.michigan.gov/ARD and in the 6/1/2024 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: Elections-PublicComment@michigan.gov.

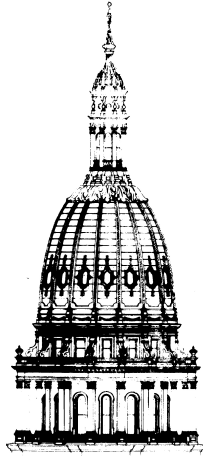
Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 6/17/2024 at 05:00PM.

Board of State Canvassers

Bureau of Elections, P.O. Box 20126, Lansing, Michigan, 48901-0726

Elections-PublicComment@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 517-335-3234 to make arrangements.



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**ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2024 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

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

* * *

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

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

2024 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

May 22, 2024
Compiled through PA 48 of 2024

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0001	4416		Yes	2/21/2024	2/21/2024	2/21/2024	Probate; other ; general amendments to the estates and protected individuals code; provide for. (Rep. Graham Filler)
0002	4417		Yes	2/21/2024	2/21/2024	5/21/2024	Vehicles; title ; transfer of ownership of vehicle to surviving spouse or heir after owner's death; modify maximum value and adjust for cost of living. (Rep. Graham Filler)
0003	4418		Yes	2/21/2024	2/21/2024	2/21/2024	Probate; other ; uniform transfers to minors act; modify amount of transfer allowed. (Rep. Kelly Breen)
0004	4419		Yes	2/21/2024	2/21/2024	5/21/2024	Watercraft; other ; watercraft eligible for issuance of certificate of title transferring deceased owner's interest; increase maximum value of, subject to Consumer Price Index. (Rep. Kelly Breen)
0005	4845		Yes	2/21/2024	2/21/2024	2/21/2024	Highways; memorial ; portion of M-125; designate as the "Captain Joseph M. Liedel Memorial Highway". (Rep. William Bruck)
0006	4325		No	2/21/2024	2/21/2024	**	Environmental protection; other ; criminal penalties and civil fines for unlawful dumping of garbage; provide for. (Rep. Helena Scott)
0007	4824		No	2/27/2024	2/27/2024	** #	Administrative procedure; other ; cross-reference to administrative procedures act within the natural resources and environmental protection act; update. (Rep. Donovan McKinney)
0008	4825		No	2/27/2024	2/27/2024	** #	Administrative procedure; other ; cross-reference to administrative procedures act within the state police retirement act of 1986; update. (Rep. Jenn Hill)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0009	4826		No	2/27/2024	2/27/2024	**	Environmental protection; other , environmental rules review committee; eliminate. (Rep. Sharon MacDonell)
0010	4677		No	2/27/2024	2/27/2024	**	Children; foster care , assessments of education facilities at child care institutions; require. (Rep. Stephanie A. Young)
0011	4678		No	2/27/2024	2/27/2024	**	Children; child care , assessments of education facilities at child care institutions; require. (Rep. Kimberly Edwards)
0012	4979		Yes	3/12/2024	3/12/2024	3/12/2024	Property tax; assessments , procedures related to appointing designated assessors; modify. (Rep. Jenn Hill)
0013	4857		No	3/12/2024	3/12/2024	**	Agriculture; plants , classification of milkweed as a noxious or exotic weed by local governments; prohibit. (Rep. Samantha Steckloff)
0014	4524		Yes	3/12/2024	3/12/2024	6/10/2024	Courts; drug court , termination procedure for drug treatment courts; modify. (Rep. Joey Andrews)
0015	4522		Yes	3/12/2024	3/12/2024	3/12/2024	Courts; other , family treatment court; create. (Rep. Kelly Breen)
0016	4190		No	3/12/2024	3/12/2024	**	Construction; asbestos , public contracts for asbestos abatement projects; require disclosure of environmental violations. (Rep. Curtis VanderWall)
0017	4185		No	3/12/2024	3/12/2024	**	Labor; health and safety provisions related to civil penalties; modify with respect to repeated violations and asbestos-related violations. (Rep. Denise Mentzer)
0018		0057	Yes	3/12/2024	3/12/2024	6/10/2024 #	Controlled substances; drug paraphernalia , sale of nitrous oxide devices; prohibit. (Sen. Stephanie Chang)

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0019		0058	Yes	3/12/2024	3/12/2024	6/10/2024 #	Controlled substances; drug paraphernalia penalties for sale of nitrous oxide devices; provide for. (Sen. Joseph Bellino)
0020		0721	Yes	3/28/2024	3/28/2024	3/28/2024	Property; recording ; marketable record title; modify. (Sen. Jeremy Moss)
0021	4511		No	3/28/2024	3/28/2024	** #	Vehicles; equipment ; child restraint safety seats; require positioning of car seats to depend on weight of child, and make other revisions. (Rep. Carrie Rheingans)
0022	4512		No	3/28/2024	3/28/2024	** #	Vehicles; equipment ; waiver of civil fine and costs for a violation of section 710d; revise requirements. (Rep. John Fitzgerald)
0023	4676		No	3/28/2024	3/28/2024	**	Children; foster care ; education requirements for children placed in foster care; provide for. (Rep. Stephanie A. Young)
0024	5207		No	4/1/2024	4/1/2024	** #	Family law; other ; surrogate parenting act; repeal, and establish the assisted reproduction and surrogacy parentage act. (Rep. Samantha Steckloff)
0025	5208		No	4/1/2024	4/1/2024	** #	Records; birth ; birth certificates issued for a child whose parentage is determined under the assisted reproduction and surrogacy parentage act; provide for. (Rep. Christine Morse)
0026	5209		No	4/1/2024	4/1/2024	** #	Criminal procedure; sentencing guidelines sentencing guidelines for surrogate parentage contracts involving minors or intellectually disabled and for compensation; remove. (Rep. Kelly Breen)
0027	5210		No	4/1/2024	4/1/2024	** #	Probate; wills and estates intestate succession; revise for children conceived by assisted reproduction or surrogacy. (Rep. Jason Hoskins)
0028	5211		No	4/1/2024	4/1/2024	**	Family law; paternity ; determination under the paternity act; exclude children conceived by assisted reproduction or surrogacy. (Rep. Jennifer Conlin)

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0029	5212		No	4/1/2024	4/1/2024	** #	Family law; other ; reference to surrogate parenting act; eliminate, and refer to the assisted reproduction and surrogacy parentage act. (Rep. Jason Morgan)
0030	5213		No	4/1/2024	4/1/2024	** #	Family law; paternity ; determination under the summary support and paternity act; exclude children conceived by assisted reproduction or surrogacy. (Rep. Penelope Tsernoglou)
0031	5214		No	4/1/2024	4/1/2024	** #	Family law; paternity ; determination under the acknowledgment of parentage act; exclude children conceived by assisted reproduction or surrogacy. (Rep. Laurie Pohutsky)
0032	5215		No	4/1/2024	4/1/2024	** #	Family law; paternity ; determination under the genetic parentage act; exclude children conceived by assisted reproduction or surrogacy. (Rep. Amos O'Neal)
0033	4012		Yes	4/2/2024	4/2/2024	4/2/2024	Traffic control; speed restrictions procedure for establishing speed limits; modify. (Rep. Bradley Slagh)
0034	4183		Yes	4/2/2024	4/2/2024	4/2/2024	Vehicles; historic ; historic vehicle plates allowed driving time; expand. (Rep. John R. Roth)
0035	5048		Yes	4/2/2024	4/2/2024	4/2/2024	Taxation; hotel-motel ; local units to levy a hotel tax; allow and increase rate allowed to be levied by counties. (Rep. John Fitzgerald)
0036	5527		No	4/27/2024	4/29/2024	**	Education; safety ; cardiac emergency response plans; modify. (Rep. John Fitzgerald)
0037	5528		No	4/27/2024	4/29/2024	**	Education; athletics ; CPR and AED certification requirements for athletic coaches; provide for. (Rep. Tyrone Carter)
0038	5392		Yes	4/30/2024	4/30/2024	4/30/2024	Criminal procedure; sentencing ; sunset on certain costs that may be imposed upon criminal conviction; modify. (Rep. Sarah Lightner)

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*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0039	4608		No	4/30/2024	4/30/2024	**	Health occupations; dietitians and nutritionists licensure of dietitian nutritionists; provide for. (Rep. Laurie Pohutsky)
0040	5096		Yes	5/17/2024	5/17/2024	5/17/2024	Economic development; renaissance zones designation of renaissance zone; modify. (Rep. Kristian Grant)
0041		0027	No	5/21/2024	5/21/2024	**	Insurance; health insurers equitable coverage for behavioral health and substance use disorder treatment; provide for. (Sen. Sarah Anthony)
0042	5103		No	5/22/2024	5/22/2024	**	Traffic control; driver license certain requirements for obtaining a driver license; remove. (Rep. Donovan McKinney)
0043	4596		No	5/22/2024	5/22/2024	**	Environmental protection; sewage labeling standards for disposable wipes products; provide for. (Rep. Denise Mentzer)
0044	4523		Yes	5/22/2024	5/22/2024	8/20/2024	Courts; other violent offender eligibility for mental health court; modify. (Rep. Kara Hope)
0045	4525		Yes	5/22/2024	5/22/2024	8/20/2024	Courts; drug court violent offender eligibility for drug treatment court; modify. (Rep. Graham Filler)
0046	4343		No	5/22/2024	5/22/2024	**	Financial institutions; payday lending legislative report requirement concerning deferred presentment service providers and transactions; revise. (Rep. Jennifer Conlin)
0047	5534		No	5/22/2024	5/22/2024	**	Criminal procedure; sentencing supreme court to determine court operation costs and propose new funding system; require. (Rep. Kelly Breen)
0048		0249	No	5/22/2024	5/22/2024	**	Health occupations; emergency medical services personnel examinations for certain emergency medical services personnel; modify, and require certain notices from education program sponsors. (Sen. Kevin Hertel)

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*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.