

State Budget Office
Office of Regulatory Reinvention
111 S. Capitol Avenue; 8th Floor, Romney Building
Lansing, MI 48933
Phone: (517) 335-8658 FAX: (517) 335-9512

**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate the rules must complete and submit this form electronically to the Office of Regulatory Reinvention (ORR) at orr@michigan.gov.

1. Agency Information:

Agency name:	Department of Licensing and Regulatory Affairs		
Division/Bureau/Office:	Bureau of Professional Licensing		
Name, title, phone number, and e-mail of person completing this form:	Dena Marks, Board Analyst 517-335-3679 MarksD1@Michigan.gov		
Name of Departmental Regulatory Affairs Officer reviewing this form:	Liz Arasim, Department of Licensing and Regulatory Affairs		

2. Rule Set Information:

ORR assigned rule set number:	2018-037 LR
Title of proposed rule set:	Optometry – General Rules

3. Purpose for the proposed rules and background:

The existing rules regulate the licensure, renewals, and relicensure of optometrists. The proposed rules add a rule requiring a foreign-trained applicant to demonstrate a working knowledge of the English language, a telehealth rule, and a rule requiring controlled substance awareness training for prescribers and dispensers of controlled substances. New definitions are added to ensure a reader's understanding of the proposed rules. The proposed rules update and clarify the information pertaining to the examinations required for licensure. The rules regarding relicensure requirements are updated and reorganized. The proposed rules update, reorganize, and revise continuing education (CE) requirements.

4. Summary of proposed rules:

R 338.301: The proposed rule adds definitions that are used in the new proposed telehealth rule.

R 338.302: This is a new proposed rule that will advise licensees of the new opioid and controlled substances awareness training requirement for prescribers.

R 338.303: The current rule provides training standards for identifying victims of human trafficking. The proposed rule will provide the date by which an applicant for initial licensure or renewal must complete the training.

R 338.304: This is a new proposed rule that will advise an applicant for licensure that he or she must demonstrate a working knowledge of the English language if the applicant's educational or

training program was taught outside the United States. Exceptions are provided for those trained in English-speaking countries.

R 338.305: The current rule provides information regarding board approved standards for optometric degree programs. The proposed rule will update the information about the accreditation standards.

R 338.306: This is a new proposed rule that will advise a licensee of the consent needed and the standard of care required when providing telehealth services. This rule is required by statute, MCL 333.16287.

R 338.309: The current rule provides the requirements for an applicant seeking licensure by endorsement. The proposed rule will update information regarding the examinations required.

R 338.313: The current rule provides the requirements for relicensure after lapse. The proposed rule informs the applicant that he or she must establish that he or she is of good moral character, pass the optometry jurisprudence examination, and complete the required CE. If the applicant's license has been lapsed more than 3 years, he or she will also be required to submit fingerprints. If an applicant is applying for relicensure after a lapse of 6 years or more, he or she must also pass the licensure examinations.

R 338.319: The current rule adopts by reference the standards and criteria of the Council on Optometric Practitioner Education (COPE), approves CE programs approved by COPE, and informs a CE program sponsor how to become a board approved CE provider. The new proposed rule will amend the information in the rule and reorganize it for clarity.

R 338.320: This is a new proposed rule pertaining to approved CE. The substance of the new proposed rule was previously in R 338.323, but the current organization made this rule's relationship to R 338.319 ambiguous. The new proposed rule will clarify that the identified activities are board approved for CE credit.

R 338.321: The current rule pertains to CE. The proposed rule amends information and clarifies the CE requirements and limitations.

R 338.323: The current rule will be rescinded, and the information relocated to R 338.320 for clarity.

5. List names of newspapers in which the notice of public hearing was published and publication dates (attach copies of affidavits from each newspaper as proof of publication).

The Mining Journal, February 28, 2019
The Grand Rapids Press, February 28, 2019
The Flint Journal, February 28, 2019

6. Date of publication of rules and notice of public hearing in *Michigan Register*:

Issue No. 04-2019, March 15, 2019

7. Time, date, location, and duration of public hearing:

March 25, 2019, 9:00 a.m.; G. Mennen Williams Building Auditorium, 525 Ottawa Street, Lansing, Michigan

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

http://dmbinternet.state.mi.us/DMB/ORRDocs/RIS/1819_2018-037LR_ris.pdf

9. List of the name and title of agency representative(s) attending public hearing:

Weston MacIntosh, Board Analyst
LeAnn Payne, Technician
Dena Marks, Board Analyst

10. Persons submitting comments of support:

None.

11. Persons submitting comments of opposition:

None.

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12. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments Made at Public Hearing	Written Comments	Agency Rationale for Change	Rule Number & Citation Changed
1.					
2.					
3.					
4.					

13. Date report completed:

March 26, 2019

The Mining Journal

Upper Michigan's Largest Daily Newspaper

249 W. Washington St., P.O. Box 430, Marquette, Michigan 49855. Phone (906)228-2500. Fax (906)228-3273.

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

AFFIDAVIT OF PUBLICATION

For the County of **MARQUETTE**

In the matter of: Notice of Public Hearing
Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Marriage and Family Therapy – General Rules
Optometry – General Rules
Podiatric Medicine and Surgery – General Rules

Size: 2 x 10

State of **MICHIGAN**, County of Marquette ss.

JAMES A. REEVS

being duly sworn, says that he is.

PUBLISHER

of **THE MINING JOURNAL**

a newspaper published and circulated in said county and otherwise qualified according to Supreme Court Rule; that annexed hereto is a printed copy of a notice which was published in said newspaper on the following date, or dates, to-wit

February 28, 2019


JAMES A. REEVS

Subscribed and sworn to before me this 28th day of February 2019.


HOLLY GASMAN

Notary Public for **MARQUETTE** County, Michigan
Acting in the County of Marquette
My commission expires: May 25, 2025.

made from bovine cells that closely resembles the texture and flavor of its cow-borne counterpart.

For now, the tiny steaks are just 3 millimeters (a tenth of an inch) wide – roughly the size of a very thin strip of roast beef.

Each Israeli player has raised several million dollars in early investment, including from major food manufacturers such as U.S. giant Tyson Foods, Germany's PHW Group, and Israel's Strauss Group.

RD OF REVIEW IAL MEETING

ette County) Board of Review
ch 05, 2019 at the City Hall,
t Baraga Avenue, Marquette,

this meeting. This notice is
of the 1976 Public Acts of
an organizational meeting.
ng any changes in the above

D OF REVIEW TEST MEETINGS

tte County) Board of Review
ission Chambers, 300 West
hear property tax assessment
times:

n 9:00 a.m. to 12:00 noon

1:00 p.m. to 4:00 p.m. and

Y EXEMPTIONS

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FORE the MONDAY, MARCH
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3 DISABLED EMPTION

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ecuniary assistance due to
sing. (c) Has been rated by
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surviving spouse of the
exemption based upon the
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married. You must complete
proof of eligibility.

de necessary, reasonable
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materials being considered
disabilities at the meeting/
to the City of Marquette.
auxiliary aids or services
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ven regarding any changes

00 West Baraga Avenue,
78

highlighted a series of frothy
bridal gowns. And the final
flourish was reserved for the

slit-skirt and short-shorts
with a sweater with a pair of
cats had youthful flair.

Department of Licensing and Regulatory Affairs Bureau of Professional Licensing NOTICE OF PUBLIC HEARING

March 25, 2019
9:00 a.m.

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

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

Marriage and Family Therapy – General Rules (ORR 2018-049 LR)

Authority: MCL 333.16145; MCL 333.16148; MCL 333.16901; MCL 333.16903; MCL 333.16909; MCL 333.16913; MCL 338.3501; MCL 445.2001; MCL 445.2011; MCL 445.2030.

Overview: The proposed revisions to the rules amend the human trafficking rule to include a date of promulgation, update standards that are adopted by reference, update requirements pertaining to relicensure, and add requirements for license renewal.

Optometry – General Rules (ORR 2018-037 LR)

Authority: MCL 333.16145, MCL 333.16148, MCL 333.16174, MCL 333.16287, MCL 333.17431, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.

Overview: The proposed revisions to the rules will revise definitions; add a rule requiring opioid and controlled substances awareness training; advise when an applicant for licensure or renewal must have completed the training for identifying victims of human trafficking; advise a foreign-trained applicant for licensure that he or she must demonstrate of a working knowledge of the English language; update standards for optometric degree programs; add a telehealth services rule; update licensure examination information; revise and update relicensure requirements; and revise and reorganize continuing education and license renewal requirements.

Podiatric Medicine and Surgery – General Rules (ORR 2018-106 LR)

Authority: MCL 333.16145; MCL 333.16148; MCL 333.16174; MCL 333.16178; MCL 333.16182; MCL 333.16186; MCL 333.16204; MCL 333.16205; MCL 333.16287; MCL 333.18031; MCL 333.18033; MCL 338.3501; MCL 445.2001; MCL 445.2011; MCL 445.2030.

Overview: The proposed revisions to the rules will clarify definitions; add a new rule that will advise a foreign-trained applicant that he or she must demonstrate a working knowledge of the English language; advise when an applicant for licensure or renewal must have completed the training for identifying victims of human trafficking; revise and update examination, residency, and preceptorship requirements; amend required examination information; clarify limited license renewals; revise continuing education requirements; update and clarify relicensure information; amend the rule regarding educational and residency programs accreditation standards; and add a telehealth rule.

The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules. Comments on the proposed rules may be presented in person at the public hearing. Written comments will also be accepted from date of publication until 5:00 p.m. on March 25, 2019, at the following address or e-mail address:

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

A copy of the proposed rules may be obtained by contacting Board Support at (517) 241-7500 or the email address noted above. Electronic copies also may be obtained at the following link:

http://dmbinternet.state.mi.us/DMB/DTMBORR/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level_1=Bureau+of+Professional+Licensing

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

