State Budget Office
Office of Regulatory Reinvention
111 S. Capitol Avenue; 8th Floor, Romney Building,
Lansing, MI 48933
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REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Office of Regulatory Reinvention (ORR) before initiating any changes or additions to the rules. Submit copy to the 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 Marksd1@michigan.gov

2. Rule Set Information

Title of proposed rule set:	Pharmacy - Continuing Education
Rule number(s) or range of numbers:	R 338.3041 – 338.3045
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes.

3. Estimated timetable for completion, or statutory deadline, if applicable:

1 year.

4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

The Pharmacy Continuing Education rules pertain to license renewals, continuing education requirements, approval of continuing education courses and programs, and acceptable continuing education activities. The draft rules have been reorganized and rewritten to provide the requirements necessary to aid a licensee in accumulating the continuing education credits necessary for license renewal.

R 338.3041: This rule pertains to license renewal and continuing education requirements. The proposed rule will add renewal of a special retired pharmacist license, require training for identifying victims of human trafficking, require training in opioids and other controlled substances awareness, and require 1 hour of continuing education in pharmacy ethics and jurisprudence. It will also clarify the courses that will satisfy the 1 hour of required pain and symptom management continuing education. The proposed rule will prohibit a licensee from earning credit for the same course twice within a renewal period and advise the licensee that his or her submission of an application for renewal constitutes his or her certification that he or she has complied with all continuing education requirements of this rule. The proposed rule will also advise a licensee that a continuing education waiver request must be received by the department before the expiration date of the license.

R 338.3043: This rule pertains to approval of continuing education courses and programs. The proposed rule will establish additional requirements for an applicant seeking board approval of a continuing education course or program. The proposed changes include requiring submission of a "patient protection" form with the application if the course or program involves treating live patients, requiring submission at least 70 days before the course or program is to be conducted, and requiring that the course or program substantially meet an acceptable category of continuing

education. The proposed rule will provide that the board may approve a program for 3 years and will also require reevaluation of an approved course or program if changes are made to the course or program. The proposed rules will provide the required information that the sponsor must include on the certificate or other proof of completion of the course or program that must be provided to the licensee. Finally, it will provide that the board may revoke approval for noncompliance with the rules.

R 338.3044: This rule pertains to acceptable continuing education activities. The proposed rule will reorganize it into a more user-friendly format. The proposed rule will describe approved continuing education courses and programs, the number of continuing education hours that may be earned by completing each activity, and the licensee's duty to provide documentation of completion of the activity if audited.

R 338.3045: This rule pertains to continuing education equivalents for a licensee residing or practicing in another state. This rule will be rescinded because the substance of the rule is included as an acceptable continuing education activity in R 338.3044(e).

5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

MCL 333.16145, MCL 333.16148, MCL 333.16184, MCL 333.16201, MCL 333.16204, MCL 333.16205, MCL 333.17731, MCL 333.17737, MCL 333.17767, MCL 338.3501, MCL 445.2001, MCL 445.2011, MCL 445.2030.

6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

Each state establishes its own requirements with respect to continuing education for pharmacists. There is no federal rule or standard set by a national or state agency that the proposed rules are in conflict with or duplicate.

7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

The subject matter of these rules is not contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

These rules will be promulgated using the full rulemaking process.

9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.

The proposed rules do not incorporate any recommendation of any Advisory Rules Committee.

10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.

The Michigan Board of Pharmacy voted to open the rules at the regularly scheduled board meeting on December 13, 2017. Please see attached copy of the minutes from that meeting.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Liz Arasim Department of Licensing and Regulatory Affairs

↓ **To be completed by the ORR** ↓

Date RFR received:2-19-2019

☒ **Based on the information in this RFR, the ORR concludes that there are sufficient policy and legal bases for approving the RFR.**

ORR assigned rule set number:	**2019-022 LR**
Date of approval:	**2/21/19**

☐ **Based on the information in this RFR, the ORR is not approving the RFR at this time.**

Date of disapproval:	
Explanation:	