



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

December 22, 2020

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #19-103-LR)
Legislative Service Bureau (Secretary of State Filing #20-12-10)
Department of Licensing and Regulatory Affairs

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2019-103-LR (Secretary of State Filing #20-12-10) on this date at 03:14 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Sanitarians Registration – General Rules."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) 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.

Sincerely,

Jocelyn Benson
Secretary of State

Melissa Malerman, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the Director of the Department of Licensing and Regulatory Affairs by Sections 16145, 16148, and 18413 of the Public Health Code, 1978 PA 368, MCL 333.16145, 333.16148, and 333.18413, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2009-10, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 333.26364, and 445.2030.

R 338.3901 of the Michigan Administrative Code is amended, R 338.3911, R 338.3913, R 338.3921, R 338.3923, R 338.3925, R 338.3927, R 338.3929, and R 338.3931 are added, and R 338.3901a, R 338.3902, R 338.3903, R 338.3905, R 338.3906, R 338.3906a, and R 338.3910 are rescinded.

Date: 12/21/2020

Adopted by:  _____

Orlene Hawks
Director
Department of Licensing and Regulatory Affairs



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated April 22, 2020, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “Sanitarians Registration – General Rules” by:

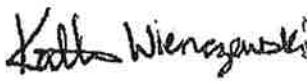
- ◆ Amending R 338.3901.
- ◆ Adding R 338.3911, R 338.3913, R 338.3921, R 338.3923, R 338.3925, R 338.3927, R 338.3929, and R 338.3931.
- ◆ Rescinding R 338.3901a, R 338.3902, R 338.3903, R 338.3905, R 338.3906, R 338.3906a, and R 338.3910.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: August 11, 2020

Michigan Office of Administrative Hearings and Rules

By: 
Katie Wienczewski,
Attorney



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Licensing and Regulatory Affairs dated April 22, 2020, amending R 338.3901, adding R 338.3911, R 338.3913, R 338.3921, R 338.3923, R 338.3925, R 338.3927, R 338.3929, and R 338.3931, and rescinding R 338.3901a, R 338.3902, R 338.3903, R 338.3905, R 338.3906, R 338.3906a, and R 338.3910 of the Department's rules entitled "Sanitarians Registration – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: August 10, 2020

LEGISLATIVE SERVICE BUREAU

By

Elizabeth R. Edberg,
Legal Counsel

Michigan Legislature

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

SANITARIANS REGISTRATION – GENERAL RULES

Filed with the secretary of state on December 22, 2020

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) 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, and 18413 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, and 333.18413, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2009-10, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 333.26364, and 445.2030)

R 338.3901 of the Michigan Administrative Code is amended, R 338.3911, R 338.3913, R 338.3921, R 338.3923, R 338.3925, R 338.3927, R 338.3929, and R 338.3931 are added, and R 338.3901a, R 338.3902, R 338.3903, R 338.3905, R 338.3906, R 338.3906a, and R 338.3910 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.3901 Definitions.

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

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

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

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

R 338.3901a Rescinded.

R 338.3902 Rescinded.

R 338.3903 Rescinded.

R 338.3905 Rescinded.

R 338.3906 Rescinded.

R 338.3906a Rescinded.

R 338.3910 Rescinded.

PART 2. EDUCATION

R 338.3911 Accreditation standards; adoption by reference.

Rule 11. (1) The department approves and adopts by reference the standards for accrediting environmental health baccalaureate programs developed and adopted by the National Environmental Health Science and Protection Accreditation Council (EHAC), effective January 1, 2017, and entitled "Requirements for the Accreditation of Environmental Health Science and Protection Baccalaureate Programs." The guidelines are available free of charge from The National Environmental Health Science and Protection Accreditation Council, P.O. Box 66057, Burien, Washington 98166, or from the council's website at <https://www.nehspac.org/> at no cost. Copies of the guidelines are available for inspection and distribution at a cost of 10 cents per page from the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.

(2) The department approves and adopts by reference the standards for accrediting environmental health graduate programs developed and adopted by EHAC, revised 2012, updated August 22, 2018, and entitled "Guidelines for the Accreditation of Environmental Health Science and Protection: Graduate Programs." The guidelines are available free of charge from The National Environmental Health Science and Protection Accreditation Council, P.O. Box 66057, Burien, Washington 98166, or from the council's website at <https://www.nehspac.org/> at no cost. Copies of the guidelines are available for inspection and distribution at a cost of 10 cents per page from the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.

(3) A baccalaureate program in environmental health or graduate program in environmental health accredited by the EHAC as an approved environmental health educational program under subrules (1) and (2) of this rule meets the qualifications for an environmental health educational program that is approved by the department.

(4) The department adopts by reference the recognition standards and criteria of the Council for Higher Education (CHEA), effective September 2018, and the procedures and criteria for recognizing postsecondary accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR part 602, subparts B and C (2018). Copies of the standards and criteria of CHEA and the United States Department of Education are available for inspection and distribution at a cost of 10 cents per page from the Bureau of Professional Licensing, Department of Licensing

and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909. The CHEA recognition standards also may be obtained from the Council for Higher Education Accreditation, One Dupont Circle NW, Suite 510, Washington, D.C. 20036-1110, or from the council's website at <http://www.chea.org> at no cost. The federal recognition criteria may be obtained from the United States Department of Education Office of Postsecondary Education, 1990 K Street, NW, Washington, D.C. 20006 or from the department's website at <http://www.ed.gov/about/offices/list/OPE/index.html> at no cost.

(5) A bachelor's degree, master's degree, or doctoral degree in any subject from a postsecondary institution that is accredited by a postsecondary accrediting agency that meets the recognition standards and criteria of CHEA under subrule (4) of this rule is an educational program that is approved by the department.

R 338.3913 Sanitarian educational training requirements.

Rule 13. (1) An applicant shall complete an educational program that satisfies 1 of the following requirements:

(a) A bachelor's degree, master's degree, or doctoral degree in environmental health from an educational program approved by the department under R 338.3911(3).

(b) A bachelor's degree, master's degree, or doctoral degree in any subject from an educational program at an institution approved by the department under R 338.3911(5) that includes both of the following requirements:

(i) At least 30 semester hours or 45 quarter hours of college level credit in basic science coursework, including engineering sciences, environmental sciences, health sciences, life sciences, natural sciences, or physical sciences.

(ii) College level credit for coursework in mathematics or statistics.

(c) A bachelor's degree, master's degree, or doctoral degree from an educational program at an institution located outside the United States that is substantially equivalent to the educational requirements under subdivision (a) or (b) of this subrule.

(2) If an applicant is a graduate of an educational program under subrule (1)(b) of this rule, the applicant shall have his or her educational credentials evaluated by a curriculum evaluation conducted by the National Environmental Health Association (NEHA).

(3) If an applicant is a graduate of an educational program under subrule (1)(c) of this rule, the applicant shall have his or her educational credentials evaluated by a credential evaluation organization that is a current member organization of the National Association of Credential Evaluation Services (NACES).

(4) The educational program shall verify that the applicant has successfully completed the program by sending the applicant's official transcripts to the department.

PART 3. REGISTRATION

R 338.3921 Training standards for identifying victims of human trafficking; requirements.

Rule 21. (1) Under section 16148 of the code, MCL 333.16148, an individual who is seeking registration or is registered shall complete training in identifying victims of human trafficking that satisfies all of the following:

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

R 338.3923 Examination; adoption.

Rule 23. The department approves and adopts the registered environmental health specialist/registered sanitarian examination developed by NEHA. The passing score for

the registered environmental health specialist/registered sanitarian examination is the passing score established by NEHA.

R 338.3925 Registration; requirements.

Rule 25. (1) An applicant for a sanitarian registration shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to satisfying the requirements of the code and the administrative rules promulgated under the code, an applicant shall satisfy 1 of the following:

(a) The requirements of R 338.3913(1)(a). No proof of prior work experience is required.

(b) The requirements of R 338.3913(1)(b) and verification by the employer sent to the department that the applicant has completed 4,000 hours in planning, developing, or implementing systems to improve the quality of air, water, food, or other environmental factors that affect the health of the public.

(c) The requirements of R 338.3913(1)(c), subject to the following requirements:

(i) If the credential evaluation required under R 338.3913(3) determines that the applicant's educational credentials are substantially equivalent to R 338.3913(1)(a), no proof of prior work experience is required.

(ii) If the credential evaluation required under R 338.3913(3) determines that the applicant's educational credentials are substantially equivalent to R 338.3913(1)(b), verification by the employer shall be sent to the department that the applicant has completed 4,000 hours in planning, developing, or implementing systems to improve the quality of air, water, food, or other environmental factors that affect the health of the public.

(2) In addition to satisfying the requirements of subrule (1)(a), (b), or (c) of this rule, an applicant shall complete and pass the examination adopted under R 338.3923.

(3) If an applicant for a sanitarian registration submits proof that he or she is a current holder in good standing of the registered environmental health specialist/registered sanitarian (REHS/RS) credential from NEHA, then it is presumed that the applicant satisfies the requirements of subrule (1)(a), (b), or (c) of this rule and satisfies subrule (2) of this rule.

R 338.3927 Registration by endorsement.

Rule 27. (1) An applicant for a Michigan registration by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to satisfying the other requirements of the code and administrative rules promulgated under the code, an applicant shall satisfy the educational and experiential requirements, as specified in R 338.3925(1)(a), (b), or (c) and satisfy the requirements of this rule.

(2) An applicant who was first licensed or registered in another state is presumed to have met the requirements of sections 16186(1)(a) and (b) of the code, MCL 333.16186, if he or she satisfies both of the following requirements:

(a) Verifies that he or she has been licensed or registered for a minimum of 3 years immediately before filing an application for registration as a sanitarian in this state. An applicant may submit either of the following as verification:

(i) Documentation of the applicant's employment verified by the employer of employment in another state as a licensed or registered sanitarian for the period specified under subdivision (a) of this subrule.

(ii) Documentation of the status of a license or registration from all other states in which the applicant currently holds or has ever held licensure or registration. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(b) Completed and passed the examination adopted under R 338.3923.

(3) If an applicant for a sanitarian registration submits proof that he or she is a current holder in good standing of the REHS/RS credential from NEHA, then it is presumed that the applicant satisfies the educational and experiential requirements as specified in R 338.3925(1)(a), (b), or (c) of subrule (1) of this rule and satisfies subrule (2) of this rule.

R 338.3929 Application for sanitarian re-registration; requirements.

Rule 29. (1) An applicant for re-registration as a sanitarian shall submit to the department a completed application on a form provided by the department, together with the requisite fee. In addition to satisfying the other requirements of the code and administrative rules promulgated under the code, an applicant shall satisfy 1 of the following requirements, as applicable:

(a) If the registration was lapsed for less than 3 years, an applicant shall satisfy all of the following requirements:

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

(ii) Submit to the department on a form provided by the department verification of his or her license or registration by the agency of any state in which the applicant holds a current license or registration or ever held a license or registration as a sanitarian. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(b) If the registration was lapsed for 3 or more years, an applicant shall satisfy all the following requirements:

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

(ii) Submit to the department fingerprints as set forth in section 16174(3) of the code, MCL 333.16174.

(iii) Provide to the department proof of passing the examination adopted under R 338.3923.

(iv) Submit on a form provided by the department verification of his or her license or registration by the agency of any state in which the applicant holds a current license or registration or ever held a license or registration as a sanitarian. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(2) If an applicant for sanitarian re-registration submits proof that he or she is a current holder in good standing of the REHS/RS credential from NEHA, then it is presumed that the applicant satisfies the requirement of subrule (1)(b)(iii) of this rule.

R 338.3931 Registration renewal; requirements.

Rule 31. An applicant for registration renewal who has been registered for the 2-year period immediately preceding the application for renewal shall submit to the department the required fee and a completed application on a form provided by the department.