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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING

- - -

PUBLIC HEARING

FRIDAY, DECEMBER 18, 2020

AT ABOUT 9:09 A.M.

- - -

VIA ZOOM VIDEO CONFERENCE

LANSING, MICHIGAN

- - -

- RE: Audiology - General Rules
(MOAHR #2020-35 LR)
- Landscape Architects - General Rules
(MOAHR #2020-06 LR)
- Veterinary Medicine - General Rules
(MOAHR #2019-108 LR)

- - -

HEARING FACILITATOR:

WESTON MacINTOSH
Bureau of Professional Licensing
611 W. Ottawa Street
Lansing, Michigan 48909

ALSO PRESENT: Dena Marks
Kerry Przybylo

REPORTED BY: Lori Anne Penn, CSR-1315

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1 Lansing, Michigan

2 Friday, December 18, 2020

3 At 9:09 a.m.

4 - - -

5 (Public Hearing commenced via Zoom Video Conference
6 pursuant to notice.)

7 MR. MacINTOSH: All right. Good morning.

8 My name is Weston MacIntosh, and I'm an analyst for the
9 Bureau of Professional Licensing in the Department of
10 Licensing and Regulatory Affairs, and I will be
11 conducting the hearing today.

12 This is a public hearing on proposed
13 administrative rules entitled "Audiology - General
14 Rules", "Landscape Architects - General Rules", and
15 "Veterinary Medicine - General Rules". We are conducting
16 the hearing as required by the Administrative Procedures
17 Act to allow the public to comment on the proposed
18 changes to these rule sets. As with all other public
19 hearings on draft rule sets, the only items discussed
20 during this hearing will be the proposed changes to the
21 rule sets. This hearing will not be covering any
22 questions or discussions on any other issues, such as
23 reopening businesses, as this is not the proper platform.

24 We are calling this hearing to order at
25 9:10 a.m. on December 18, 2020, via Zoom, to follow
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1 measures designed to help prevent the spread of
2 Coronavirus Disease 2019 (COVID-19). The notice of
3 public hearing was published in three newspapers of
4 general circulation, the Grand Rapids Press and the Flint
5 Journal on December 1, 2020, the Mining Journal on
6 December 3, 2020, as well as the *Michigan Register* at
7 Issue No. 22, published on December 15, 2020.

8 All comments should relate directly to
9 the proposed rules. If you have questions about the
10 rules, you may place your comments on the record and the
11 Department will review and consider them. If you have
12 suggested changes to the proposed rules, please include
13 the specific reasons why the changes would be in the
14 public interest.

15 We will take comments in the following
16 manner.

- 17 • For those using the Video Conference Portion,
18 please use the "Raise Your Hand" feature in
19 Zoom. I will call on individuals to speak and
20 they will be unmuted at that time.
- 21 • For participants that are available only by
22 telephone, we'll ask you if you wish to make a
23 comment after the video participants have
24 finished.
- 25 • If you have a comment but do not wish to speak,
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1 please note that the Department will also accept
2 written statements emailed or postmarked to
3 BPL-BoardSupport@Michigan.gov until
4 5:00 o'clock p.m. today.

5 Those making comments should clearly and
6 slowly say and spell your name and advise if you are
7 speaking on behalf of an organization. We will limit
8 comments to three minutes per person. Please remember
9 that only one person should speak at a time.

10 The Department staff from the Bureau of
11 Professional Licensing includes me, Kerry Przybylo, and
12 Dena Marks.

13 We will group the comments by rule set so
14 that we can group the comments together.

15 The first rule set that we will take
16 comments for is Audiology - General Rules. Is there
17 anyone who wishes to speak on those rules? And again, if
18 you're on Zoom, you can basically "Raise Your Hand" under
19 the participants' tab, and also there is actually a
20 reactions button that you can use as well.

21 Okay. And it looks like I see Victoria
22 Dinken. Do you want to unmute yourself, go ahead.

23 VICTORIA DINKEN: Hi. Good morning. I
24 don't know if you can hear me.

25 MR. MacINTOSH: Yep.

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1 VICTORIA DINKEN: Okay, great. I
2 apologize, I'm new to this, I hope my questions aren't
3 ignorant.

4 MR. MacINTOSH: No worries.

5 VICTORIA DINKEN: Okay. I am an
6 audiologist in Michigan, I always have been licensed in
7 Michigan. I was just -- these are kind of minor
8 concerns, but I was just curious. The first one is I was
9 wondering why there was a sudden need to change the word
10 "shall" in so many instances as, and also the word
11 "pursuant" to -- sorry, got to look at my notes -- the
12 word "pursuant" to "under" when referencing a regulation?

13 MR. MacINTOSH: You know, and actually
14 that's not a silly question at all, I actually get it
15 frequently. It really, what it boils down to is we have
16 a legislative service bureau manual that has certain
17 considerations that we have to take into -- we have to
18 take into, certain things into consideration as far as
19 drafting and the certain words that are preferred over
20 others, and so that's really just a reflection of that.
21 It's nothing substantive, just using preferred words out
22 of that manual.

23 VICTORIA DINKEN: And again, not to sound
24 arrogant, but to me it seems less of a formal legal
25 language and more of a common language; is that the route

1 that the regulations are taking in general?

2 MR. MacINTOSH: Can you repeat that?

3 VICTORIA DINKEN: Oh, the reason for the
4 word, I mean I didn't see those as being archaic, I did
5 see them as being more formal; is that maybe the reason
6 behind why they are changing the words? I understand
7 your reason why you have to change them, but what was the
8 founding reason for why they decided to change it?

9 MR. MacINTOSH: Just to follow the style
10 manual, that's really -- at the end of the day, that's
11 really the reason, so.

12 VICTORIA DINKEN: Okay.

13 MR. MacINTOSH: And it goes through many
14 different hands, too, and there's some, you know,
15 particular preference for certain words, so that's all it
16 boils down to. Nothing substantive, it's just those are
17 preferred words, and certainly there's a difference of
18 opinion on some of those, but stylistically, that's --
19 those are some of the preferences.

20 VICTORIA DINKEN: I appreciate that
21 knowledge. Okay. So here's the second question and last
22 one for me. When we look at the CEUs, continuing
23 education units, and they delineate what types are
24 permitted and the maximum number of hours, I think this
25 is written this way for uniformity, but, for instance, if

1 we're required in Michigan to have 20 hours of CEUs every
2 two-year renewal period, why would in at least two
3 instances here they say a maximum of 20 hours? To me,
4 that would be confusing, especially to new audiologists
5 perhaps or anybody wishing to join the field. I would
6 have said something more along the lines of a maximum 20
7 hours are allowed for this activity, and I don't know if
8 that makes a difference or if it's just uniformity? And
9 again, kind of not real important question, but just a
10 curiosity question.

11 MR. MacINTOSH: Yeah. Again, I don't
12 think that's necessarily really a substantive question,
13 it's just probably to match similar language, you know,
14 across rule sets. Like I said, there's a 20-hour
15 requirement and it's probably just more or less to
16 inform, again, stylistic.

17 (Multiple speakers.)

18 COURT REPORTER: I'm sorry, you can only
19 talk one at a time. I missed what you said, Weston.

20 MR. MacINTOSH: Yeah. What I said was
21 it's not necessarily a substantive change or requirement,
22 it's more of just, again, probably more of like a
23 uniformity and stylistic.

24 VICTORIA DINKEN: Okay. I get that. And
25 I'm sorry, I do have one more question, I was looking at

1 my notes. With respect, and I don't know if this is
2 something you're able to answer or not, but with respect
3 to the number (J) for continuing education, it mentions
4 participation on a state or national committee board,
5 council, or association (inaudible) the field of
6 audiology, and that the committee, board, council, or
7 association must enhance a participant's knowledge and
8 understanding of audiology. I sit on a board which is
9 now only listed in the Upper Peninsula, it's a diabetes
10 board, this one is called Upper Peninsula Diabetes
11 Outreach Network, I represent audiology and I represent a
12 community service organization, and while they don't talk
13 about audiology per se, my participation is twofold in
14 the sense that I'm going to bring to them information how
15 diabetes affects hearing, but also I'm able to learn
16 about maybe some cures so that I can take it back to
17 patients. And my question is, would my sitting on that
18 board twice a year, generally it's three hours a meeting,
19 apply for -- or qualify as that requirement, because they
20 don't stipulate we're going to teach you about audiology?

21 MR. MacINTOSH: It really wouldn't be
22 appropriate for me to determine which -- it's certainly
23 not my place to determine whether, you know, your
24 circumstances, you know, meet a particular rule
25 requirement, it just wouldn't be appropriate for me to

1 opine, you know, on your certain circumstances, so it's
2 not really appropriate for our forum.

3 VICTORIA DINKEN: Thank you. I wasn't
4 sure if that was. I realize I heard your qualification
5 the beginning of this meeting. That is all I have.
6 Thank you very much.

7 MR. MacINTOSH: Thank you, Victoria.

8 So we're still on the Audiology - General
9 Rules. Again, if you are -- if you're on Zoom, you can
10 "Raise Your Hand" in the participants' table or you can
11 hit the reactions button at the bottom of your screen; if
12 you're on the phone, although it doesn't look like anyone
13 is, you can hit *6.

14 I'm not seeing anyone for Audiology, so
15 we'll next move on to the second rule set, which is
16 Landscape Architects - General Rules. Is there anyone
17 who wishes to speak on Landscape Architects? And you can
18 "Raise Your Hand" in the participants' tab or under the
19 reaction button.

20 MS. PRZYBYLO: Weston, this is Kerry.
21 Pam Blough has a comment.

22 MR. MacINTOSH: Okay. Pamela.

23 PAMELA BLOUGH: Yes. Thank you. I'm
24 Pamela Blough, I just -- I am a landscape architect, I've
25 been an architect for, landscape architect for over 30

1 years, and I just wanted to voice my support for these
2 rule changes and thank the State of Michigan for helping
3 us to move forward with our licensure in our profession.
4 Thank you.

5 MR. MacINTOSH: I'm glad to hear that,
6 Pamela. Thank you.

7 Any other participants who wish to speak
8 on Landscape Architects? I'm not seeing anyone.

9 So let's go ahead and move on to the
10 third rule set, which is Veterinary Medicine - General
11 Rules. Is there anyone who wishes to speak on Veterinary
12 Medicine? Again, you can "Raise Your Hand" in the
13 participants' tab or hit the reactions button. I'm not
14 seeing anyone.

15 So I think what we're going to do now is
16 we're just going to take a short recess, wait maybe 15-20
17 minutes, see if there's anyone else who wishes to speak,
18 and if not, then we'll sign off. So we're just going to
19 go into recess, I'm going to mute myself and see if
20 there's anyone who wishes to speak. If we don't have
21 anyone else, 15-20 minutes from now we'll go ahead and
22 sign off.

23 (At 9:21 a.m., there was a 15-minute recess.)

24 MR. MacINTOSH: Okay. Seeing that there
25 are no further comments at this time, I hereby declare
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1 the hearing closed. The record will remain open until
2 today at 5:00 o'clock p.m. for any other comments you may
3 wish to share about the proposed rules. Thank you for
4 attending.

5 (At 9:35 a.m., the public hearing concluded.)

6 - - -

1 STATE OF MICHIGAN)
)
2 COUNTY OF MACOMB)

3 I, Lori Anne Penn, certify that this
4 transcript consisting of 13 pages is a complete, true,
5 and correct record of the Public Hearing held in this
6 matter on Friday, December 18, 2020.

7 I further certify that I am not
8 responsible for any copies of this transcript not made
9 under my direction or control and bearing my original
10 signature.

11 I also certify that I am not a relative
12 or employee of or an attorney for a party; or a relative
13 or employee of an attorney for a party; or financially
14 interested in the action.

15
16
17 December 22, 2020
Date

Lori Anne Penn

Lori Anne Penn, CSR-1315
Notary Public, Macomb County, Michigan
My Commission Expires June 15, 2025