



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

April 15, 2021

**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 #20-037-LR)  
Legislative Service Bureau (Secretary of State Filing #21-04-12)  
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 #2020-037-LR (Secretary of State Filing #21-04-12) on this date at 1:12 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Genetic Counseling – 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

A handwritten signature in black ink that reads "Melissa Malerman /MK".

Melissa Malerman, Departmental Supervisor  
Office of the Great Seal

Enclosure



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS  
DIRECTOR

April 15, 2021

The Honorable Jocelyn Benson  
Secretary of State  
Office of the Great Seal  
Richard H. Austin Building – 1<sup>st</sup> Floor  
430 W. Allegan  
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules  
Administrative Rules #: 2020-37 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated November 18, 2020 for the Department of Licensing & Regulatory Affairs “**Genetic Counseling - General Rules**”. We are transmitting these rules to you pursuant to 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.

Sincerely,

Michigan Office of Administrative Hearings and Rules



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 November 18, 2020, adding R 338.2451, R 338.2455, R 338.2457, R 338.2461, R 338.2463, R 338.2465, R 338.2471, R 338.2473, and R 338.2481 of the Department's rules entitled "Genetic Counseling - General Rules." I approve the rules as to form, classification, and arrangement.

Dated: December 10, 2020

LEGISLATIVE SERVICE BUREAU

By

Elizabeth R. Edberg,  
Legal Counsel



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 November 18, 2020, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Genetic Counseling – General Rules**” by:


- ◆ Adding R 338.2451, R 338.2455, R 338.2457, R 338.2461, R 338.2463, R 338.2465, R 338.2471, R 338.2473, and R 338.2481.

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: January 4, 2021

Michigan Office of Administrative Hearings and Rules

By:   
Katie Wienczewski,  
Attorney



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, 16174, 16204, 16287, 17091, 17092, and 17096 of the Public Health Code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16174, 333.16204, 333.16287, 333.17091, 333.17092, and 333.17096, 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 338.2451, R 338.2455, R 338.2457, R 338.2461, R 338.2463, R 338.2465, R 338.2471, R 338.2473, and R 338.2481 are added to the Michigan Administrative Code.

Date: 4-5-2021

Adopted by: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Orlene Hawks", written over a horizontal line.

Orlene Hawks  
Director  
Department of Licensing and Regulatory Affairs

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENETIC COUNSELING – GENERAL RULES

Filed with the secretary of state on April 15, 2021

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, 16174, 16204, 16287, 17091, 17092, and 17096 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16174, 333.16204, 333.16287, 333.17091, 333.17092, and 333.17096, 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 338.2451, R 338.2455, R 338.2457, R 338.2461, R 338.2463, R 338.2465, R 338.2471, R 338.2473, and R 338.2481 are added to the Michigan Administrative Code, as follows:

PART 1. GENERAL PROVISIONS

R 338.2451 Definitions.

Rule 151. (1) As used in these rules:

(a) "ABGC" means the American Board of Genetic Counseling, Inc., or its successor.

(b) "ABMGG" means the American Board of Medical Genetics and Genomics or its successor.

(c) "Board" means the Michigan board of medicine created under section 17021 of the code, MCL 333.17021.

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

(e) "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 338.2455 Telehealth.

Rule 155. (1) Consent for treatment must be obtained before providing a telehealth service under section 16284 of the code, MCL 333.16284.

(2) Proof of consent must be maintained in the patient's up-to-date medical record and retained in compliance with 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 his or her practice and in compliance with section 16285 of the code, MCL 333.16285, and if he or she does both of the following:

(a) If medically necessary, refers the patient to a provider that is geographically accessible to the patient.

(b) Makes himself or herself 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 practice.

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

R 338.2457 Training standards for identifying victims of human trafficking; requirements.

Rule 157. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure or registration or who is licensed or registered shall complete training in identifying victims of human trafficking that satisfies all of the following standards:

(a) Training content must cover all of the following:

(i) Understanding the types and venues of human trafficking in 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 board for initial licensure or 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 subdivision (a) of this subrule 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 license or registration renewals beginning with the first renewal cycle after the promulgation of this rule and for initial licenses or registrations issued 5 or more years after the promulgation of this rule.

## PART 2. LICENSURE

R 338.2461 Application for license; qualifications.

Rule 161. (1) In addition to satisfying the requirements of the code, an applicant for a genetic counselor license shall satisfy all of the following requirements:

(a) Submit a completed application on a form provided by the department.

(b) Pay the required fee to the department.

(c) Provide proof directly to the department of current certification in good standing with the ABGC or the ABMGG.

(2) In addition to satisfying the requirements of the code, an applicant for a temporary-licensed genetic counselor license shall satisfy all of the following requirements:

(a) Submit a completed application on a form provided by the department.

(b) Pay the required fee to the department.

(c) Provide proof directly to the department of active candidate status with the ABGC or the ABMGG.

(d) Provide proof acceptable to the department that he or she will be supervised by a qualified supervisor in this state.

(3) An applicant shall have his or her license, certification, or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as a genetic counselor or temporary-licensed genetic counselor. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

R 338.2463 Relicensure.

Rule 163. (1) An applicant whose 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 all of the following requirements:

(a) Submits a completed application on a form provided by the department.

(b) Pays the required fee to the department.

(c) Provides proof of 1 of the following directly to the department, as applicable:

(i) If applying for relicensure as a genetic counselor, current certification in good standing with the ABGC or the ABMGG.



(ii) If applying for relicensure as a temporary-licensed genetic counselor, active candidate status with the ABGC or the ABMGG.

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

(e) If applying for relicensure as a temporary-licensed genetic counselor, provides proof acceptable to the department that he or she will be supervised by a qualified supervisor in this state.

(2) An applicant whose license has lapsed for 3 years or more preceding the date of application for relicensure may be relicensed under section 16201(4) of the code, MCL 333.16201(4), if the applicant satisfies all of the following requirements:

(a) Submits a completed application on a form provided by the department.

(b) Pays the required fee to the department.

(c) Provides proof of 1 of the following directly to the department, as applicable:

(i) If applying for relicensure as a genetic counselor, current certification in good standing with the ABGC or the ABMGG.

(ii) If applying for relicensure as a temporary-licensed genetic counselor, active candidate status with the ABGC or the ABMGG.

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

(e) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174.

(f) If applying for relicensure as a temporary-licensed genetic counselor, provides proof acceptable to the department that he or she will be supervised by a qualified supervisor in this state.

(3) An applicant shall have his or her license, certification, or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as a genetic counselor or temporary-licensed genetic counselor. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

#### R 338.2465 Application for renewal of license; qualifications.

Rule 165. (1) An applicant for renewal of a genetic counselor license shall satisfy all of the following requirements:

(a) Submit a completed application on a form provided by the department.

(b) Pay the required fee to the department.

(c) Provide proof directly to the department of current certification in good standing with the ABGC or the ABMGG.

(d) Satisfy the requirements under R 338.2471, as applicable.

(2) An applicant for renewal of a temporary-licensed genetic counselor license shall satisfy all of the following requirements:

(a) Submit a completed application on a form provided by the department.

(b) Pay the required fee to the department.

(c) Provide proof directly to the department of active candidate status with the ABGC or the ABMGG.

(d) Provide proof acceptable to the department that he or she will be supervised by a qualified supervisor in this state.

(3) An applicant shall have his or her license, certification, or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as a genetic counselor or temporary-licensed genetic counselor. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

(4) A temporary-licensed genetic counselor license may be renewed not more than 5 years.

### PART 3. CONTINUING EDUCATION

#### R 338.2471 License renewals.

Rule 171. (1) This part applies to an application for renewal of a genetic counselor license under R 338.2465 and sections 16201 and 17091 of the code, MCL 333.16201 and MCL 333.17091.

(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 75 contact hours of continuing education in activities approved by the board under R 338.2473 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 retain documentation of satisfying the requirements of this rule for 4 years from 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 submit documentation as specified in R 338.2473.

#### R 338.2473 Acceptable continuing education; requirements; limitations.

Rule 173. (1) The 75 contact hours of continuing education required under R 338.2471 must satisfy the following requirements, as applicable:

(a) Credit for a continuing education program or activity that is identical or substantially identical 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 contact hour of continuing education must be earned in the area of medical ethics.

(c) A minimum of 1 contact hour of continuing education must be earned in the area of pain and symptom management under section 16204 of the code, MCL 333.16204. Continuing education contact 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.
  - (xi) Michigan programs and resources relevant to pain.
- (2) The board considers any of the following activities as acceptable continuing education:

	Activity and Proof of Completion	Number of Continuing Education Contact Hours Granted/Permitted for the Activity
(a)	<p>Attendance at or participation in a continuing education program or activity related to the practice of genetic counseling that includes, but is not limited to, live in-person programs, interactive or monitored teleconference, audio-conference, or web-based programs, online programs, and journal articles with a self-study component or other self-study programs approved or offered by any of the following organizations:</p> <ul style="list-style-type: none"> <li>• Accreditation Council for Continuing Medical Education.</li> <li>• American College of Medical Genetics and Genomics.</li> <li>• American College of Obstetricians and Gynecologists.</li> <li>• American Medical Association.</li> <li>• American Nurses Credentialing Center's Commission on Accreditation.</li> <li>• American Osteopathic Association.</li> <li>• American Society for Reproductive Medicine.</li> <li>• Michigan Association of Genetic Counselors.</li> <li>• Michigan Osteopathic Association.</li> <li>• Michigan State Medical Society.</li> <li>• National Society of Genetic Counselors.</li> <li>• Society for Maternal Fetal Medicine.</li> </ul> <p>If audited, the licensee shall submit a copy of the letter or certificate of completion showing the licensee's name, number of continuing education</p>	<p>The number of continuing education contact hours credit for a specific program or activity is the number of contact hours approved by the sponsor or the approving organization for the specific program.</p> <p>A minimum of 45 hours of continuing education must be earned in this activity in each renewal period.</p> <p>A maximum of 75 contact hours of continuing education credit may be earned for this activity in each renewal period.</p>

	contact hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or the activity completed.	
(b)	<p>Serving as a clinical supervisor for a student at a site used by an ACGC accredited program.</p> <p>To receive credit, the clinical supervision must not be the licensee's primary employment function.</p> <p>If audited, the licensee shall submit the student's initials, training program, dates supervision began and ended, and number of supervision hours provided per week.</p>	<p>Five contact hours of continuing education credit is granted for a minimum of 25 hours of direct clinical supervision.</p> <p>A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.</p>
(c)	<p>Publication of an article or chapter in a peer-reviewed journal or book related to practice-based competency.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author.</p>	<p>Ten contact hours of continuing education credit is granted for serving as the first, second, or senior author.</p> <p>Five contact hours of continuing education credit is granted for serving as any other author that is not first, second, or senior author.</p> <p>A maximum of 10 contact hours of continuing education credit may be earned per article or chapter.</p> <p>A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.</p>
(d)	<p>Service in a leadership position role as a board member, chair, or leader of a genetics-related organization.</p> <p>If audited, the licensee shall submit the organization name, contact information, dates of service, dated</p>	<p>Five contact hours of continuing education credit is granted for 25 hours of service for each organization.</p>

	agenda, and meeting minutes documenting at least 25 hours of service.	A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.
(e)	<p>Serving as an instructor for a graduate-level course in an area related to genetics competency.</p> <p>To receive credit, the instructorship must not be the licensee's primary employment function.</p> <p>If audited, the licensee shall provide document titles, course description, faculty list of each course, dates of all courses, scheduled instructional hours, and a letter from the program director verifying the licensee's role.</p>	<p>Five contact hours of continuing education credit is granted for a minimum of 5 hours of teaching.</p> <p>A maximum of 10 contact hours of continuing education credit may be earned for each course.</p> <p>A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.</p>
(f)	<p>Serving as a peer reviewer of a manuscript by invitation for a scientific journal.</p> <p>If audited, a licensee shall submit copies of documentation inviting the licensee to complete the review and thanking them for completing the review.</p>	<p>Two contact hours of continuing education credit is granted for each manuscript reviewed.</p> <p>A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.</p>

#### PART 4. STANDARDS OF PRACTICE

R 338.2481 Certification; active candidate status; requirement.

Rule 171. (1) A genetic counselor licensee shall maintain certification with the ABGC or the ABMGG.

(2) A temporary-licensed genetic counselor license automatically expires upon issuance of a genetic counselor license or upon loss of active candidate status with the ABGC or the ABMGG.

FILED WITH SECRETARY OF STATE

ON 4/15/21 AT 1:12 P.M.