



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

Memorandum

VIA E-MAIL

DATE: January 22, 2021

TO: Representative Luke Meerman, Chairperson, JCAR
Senator Jon Bumstead, Alternate Chairperson, JCAR
Evan Keimach, Senate Majority Policy Office
Jimmy Biehl, House Republican Policy Office
Tim Reeves, Counsel, JCAR
Elizabeth Edberg, Counsel, JCAR

FROM: Marlon I. Brown, Director of Policy and Legislative Affairs *MB*

SUBJECT: Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2020-042 LR Osteopathic Medicine and Surgery – General Rules

Rules Primer

The Osteopathic Medicine and Surgery – General Rules pertain to definitions, prescribing of drugs by physician’s assistants, delegation of prescribing controlled substances to advanced practice registered nurses, training in identifying human trafficking, medical education accreditation standards, licensure, licensure by endorsement, educational limited licenses, examination, relicensure, license renewal, and continuing education.

Summary of the Final Proposed Rule

The proposed rules are intended to accomplish the following:

- Provide an explanation of specific terms used throughout the rule set and clarify definitions and the meaning of terms used in the rule set.
- Describe the requirements for telehealth services and outline conditions related to patient consent, prescribing drugs, referrals, and follow-up care.
- Describe the requirements for following an adopted code of ethics and adopt the current standards.

- Describe the requirements for prescribing of drugs by physician's assistants and outline conditions that include use of the physician's assistant's name and DEA number in connection with controlled substances.
- Describe the requirements for delegation of controlled substances prescribing to an advanced practice registered nurse and allow patients to receive a total of up to a 90-day supply of a schedule 2 controlled substance.
- Describe the requirements for training on identifying victims of human trafficking and add a date of promulgation.
- Identify the standards for accreditation of osteopathic medical schools and postgraduate training programs and update accreditation standards.
- Describe the requirements for licensure and incorporate grammatical changes as well as clarification for submission of the postgraduate certificate of completion.
- Describe the requirements for licensure by endorsement and add a good standing prerequisite, as well as a 1-year postgraduate clinical training requirement for applicants with less than 5 years of active practice.
- Describe the requirements for an educational limited license.
- Clarify the required examination number of attempts allowed and the period for completion.
- Describe the requirements for relicensure and add criteria related to good moral character and fingerprinting as conditions for relicensure, as well as other relevant criteria.
- Describe the requirements for renewal of a license.
- Describe the requirements for continuing education and incorporate required continuing education on controlled substances prescribing, as well as specialty board activities as additional avenues for earning continuing education.

Stakeholder Engagement

Development of the proposed rules occurred in consultation with members of the Board of Osteopathic Medicine and Surgery via a rules committee work group, which allowed the opportunity for members of the public to attend. The web address for the work group minutes is https://www.michigan.gov/lara/0,4601,7-154-89334_72600_72603_27529_27547---,00.html.

Public Engagement and Public Hearing/Comment/Information

The public comment period for this rule set began on September 6, 2020 and ended on September 21, 2020, at 5:00 p.m. The notice of public comment period, in addition to being posted in various newspapers as required, was posted on the LARA website, and distributed via email listserv to all interested parties. The public hearing was held at 1:00 p.m. on September 21, 2020, and occurred virtually via Zoom, as permitted under Executive Order 2020-154. The Bureau did not receive any comments by mail or email during the public comment period. There were no comments made during the public hearing.

January 22, 2021

Modifications Made Due to Public Comment

There were no changes made to the proposed rules based on comments received during the public comment period.

Significant Issues Not Incorporated in the Final Proposed Rules

No commenters raised any issues during the public comment period.

cc/att: Orlene Hawks, Director, LARA
Kim Gaedeke, Chief Deputy Director, LARA
Adam Sandoval, Deputy Director, LARA
Courtney Pendleton, Deputy Director, LARA
Debra Gagliardi, BPL Bureau Director, LARA
Elizabeth Arasim, Regulatory Affairs Officer, LARA