



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

April 26, 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 #20-042-LR)  
Legislative Service Bureau (Secretary of State Filing #21-04-23)  
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 #2020-042-LR (Secretary of State Filing #21-04-23) on this date at 3:52 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Osteopathic Medicine – 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 /CK*

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 26, 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 #: 2020-42 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated August 27, 2020 for the Department of Licensing & Regulatory Affairs “**Osteopathic Medicine and Surgery – 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



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, 16215, 16287, 17531, 17533, and 17548 of the Public Health Code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16174, 333.16204, 333.16215, 333.16287, 333.17531, 333.17533, and 333.17548, 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 338.111, R 338.115, R 338.117, R 338.119, R 338.120, R 338.121, R 338.123, R 338.125, R 338.127, R 338.129, R 338.133, R 338.141, and R 338.143 of the Michigan Administrative Code are amended, R 338.114 is added, and R 338.113 and R 338.131 are rescinded.

Date: 4-19-2021

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 August 27, 2020, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Osteopathic Medicine and Surgery – General Rules**” by:

- ◆ Amending R 338.111, R 338.115, R 338.117, R 338.119, R 338.120, R 338.121, R 338.123, R 338.125, R 338.127, R 338.129, R 338.133, R 338.141, and R 338.143.
- ◆ Adding R 338.114.
- ◆ Rescinding R 338.113 and R 338.131.

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: October 28, 2020

Michigan Office of Administrative Hearings and Rules

By:

Katie Wienzewski,  
Attorney

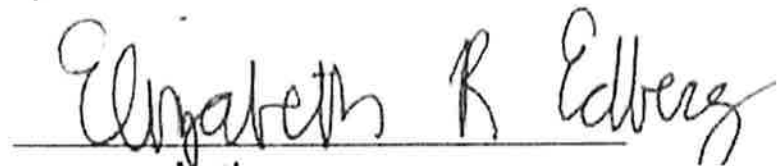
CERTIFICATE OF APPROVAL

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 August 27, 2020, amending R 338.111, R 338.115, R 338.117, R 338.119, R 338.120, R 338.121, R 338.123, R 338.125, R 338.127, R 338.129, R 338.133, R 338.141, and R 338.143, adding R 338.114, and rescinding R 338.113 and R 338.131 of the Department's rules entitled "Osteopathic Medicine and Surgery - General Rules." I approve the rules as to form, classification, and arrangement.

Dated: October 28, 2020

LEGISLATIVE SERVICE BUREAU

By



Elizabeth R. Edberg,  
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OSTEOPATHIC MEDICINE AND SURGERY - GENERAL RULES

Filed with the secretary of state on April 26, 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, 16215, 16287, 17531, 17533, and 17548 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16174, 333.16204, 333.16215, 333.16287, 333.17531, 333.17533, and 333.17548, 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 338.111, R 338.115, R 338.117, R 338.119, R 338.120, R 338.121, R 338.123, R 338.125, R 338.127, R 338.129, R 338.133, R 338.141, and R 338.143 of the Michigan Administrative Code are amended, R 338.114 is added, and R 338.113 and R 338.131 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.111 Definitions.

Rule 11. (1) As used in these rules:

(a) "Board" means the Michigan board of osteopathic medicine and surgery created under section 17521 of the code, MCL 333.17521.

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

(c) "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 338.113 Rescinded.

R 338.114 Telehealth.

Rule 14. (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 physician providing a telehealth service may prescribe a drug if the physician 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 physician 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 338.115 Code of ethics.

Rule 15. (1) The standards of the American Osteopathic Association, 142 E. Ontario St., Chicago, IL 60611-2864 set forth in the "Code of Ethics" dated July 24, 2016, are adopted by reference in these rules. The code of ethics may be obtained at no cost from the association's website at: <https://osteopathic.org/about/leadership/aoa-governance-documents/code-of-ethics/>.

(2) A licensee shall not violate the code of ethics.

(3) Copies of the adopted standards referenced in subrule (1) of this rule are available for inspection and distribution at a cost of 10 cents per page from the Board of Osteopathic Medicine and Surgery, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

#### R 338.117 Prescribing of drugs by physician's assistants; procedures and protocols.

Rule 17. (1) Under section 17548(3) and (4) of the code, MCL 333.17548, and under the terms of a practice agreement, a physician's assistant may prescribe a drug, including a controlled substance that is included in schedules 2 to 5 of part 72 of the code, MCL 333.7201 to 333.7231, subject to both of the following requirements:

(a) If a physician's assistant prescribes a drug, the physician's assistant's name must be used, recorded, or otherwise indicated in connection with that prescription.

(b) If a physician's assistant prescribes a drug that is included in schedules 2 to 5, the physician's assistant's DEA registration number must be used, recorded, or otherwise indicated in connection with that prescription.

(2) Under section 17548(3) and (5) of the code, MCL 333.17548, and under the terms of a practice agreement, a physician's assistant may order, receive, and dispense complimentary starter dose drugs, including controlled substances that are included in schedules 2 to 5 of part 72 of the code, MCL 333.7201 to MCL 333.7231, subject to both of the following requirements:

(a) If a physician's assistant orders, receives, or dispenses a complimentary starter dose drug, the physician's assistant's name must be used, recorded, or otherwise indicated in connection with that order, receipt, or dispensing.

(b) If a physician's assistant orders, receives, or dispenses a complimentary starter dose drug that is included in schedules 2 to 5, the physician's assistant's DEA registration number must be used, recorded, or otherwise indicated in connection with that order, receipt, or dispensing.

R 338.119 Delegation of prescribing controlled substances to an advanced practice registered nurse; limitation.

Rule 19. (1) A physician may delegate the prescription of controlled substances listed in schedules 2 to 5 of part 72 of the code, MCL 333.7201 to MCL 333.7231, to a registered nurse who holds specialty certification under section 17210 of the code, MCL 333.17210, with the exception of a nurse anesthetist, if the delegating physician establishes a written authorization that contains all of the following information:

- (a) The name, license number, and signature of the delegating physician.
  - (b) The name, license number, and signature of the nurse practitioner, nurse midwife, or clinical nurse specialist.
  - (c) The limitations or exceptions to the delegation.
  - (d) The effective date of the delegation.
- (2) The delegating physician shall review and update a written authorization on an annual basis from the original date or the date of amendment, if amended. The delegating physician shall note the review date on the written authorization.
- (3) The delegating physician shall maintain a written authorization at the delegating physician's primary place of practice.
- (4) The delegating physician shall provide a copy of the signed, written authorization to the nurse practitioner, nurse midwife, or clinical nurse specialist.
- (5) The delegating physician shall ensure that an amendment to the written authorization is in compliance with subrules (1), (2), (3), and (4) of this rule.
- (6) A delegating physician may authorize a nurse practitioner, a nurse midwife, or a clinical nurse specialist to issue a multiple prescriptions allowing the patient to receive a total of up to a 90-day supply of a schedule 2 controlled substance.
- (7) A delegating physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.

R 338.120 Training standards for identifying victims of human trafficking; requirements.

Rule 20. (1) Under section 16148 of the code, MCL 333.16148, a licensed physician or licensure applicant shall complete training in identifying victims of human trafficking that satisfies 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) Using 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 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 renewals beginning with the 2017 renewal cycle and for initial licensure beginning December 20, 2021.

## PART 2. LICENSES

R 338.121 Accreditation standards for approval of osteopathic medical schools, postgraduate training programs, and institutions; adoption by reference.

Rule 21. (1) The board approves and adopts by reference the standards for accrediting osteopathic medical schools developed and adopted by the American Osteopathic Association Commission on Osteopathic College Accreditation, 142 E. Ontario St., Chicago, Illinois 60611-2864, as set forth in the publication entitled "Accreditation of Colleges of Osteopathic Medicine: COM Accreditation Standards and Procedures" effective August 29, 2016, which is available at no cost on the association's website at: [www.osteopathic.org](http://www.osteopathic.org). The board considers any osteopathic school of medicine accredited by the Commission on Osteopathic College Accreditation approved by the board.

(2) The board approves and adopts by reference the standards of the American Osteopathic Association Council on Postdoctoral Training, 142 E. Ontario St., Chicago,

Illinois 60611-2864, as set forth in the publication entitled “The Basic Documents for Postdoctoral Training,” effective March 1, 2018, which is available at no cost on the association’s website at: [www.osteopathic.org](http://www.osteopathic.org). The board considers any osteopathic postgraduate training program accredited by the American Osteopathic Association Council on Postdoctoral Training approved by the board.

(3) The board approves and adopts by reference the standards of the American Osteopathic Association Council on Osteopathic Postdoctoral Training Institutions, 142 E. Ontario St., Chicago, Illinois 60611-2864, as set forth in the publication entitled “OPTI Accreditation Handbook,” effective March 2014, which is available at no cost on the association’s website at: [www.osteopathic.org](http://www.osteopathic.org). The board considers any osteopathic institution accredited by the American Osteopathic Association Council on Osteopathic Postdoctoral Training Institutions as approved by the board.

(4) The board approves and adopts by reference the standards for the approval of a postgraduate training program developed and adopted by the Accreditation Council for Graduate Medical Education, 401 N. Michigan Avenue, Suite 2000, Chicago, Illinois 60611, effective July 1, 2016, and available at no cost on the council’s website at: [www.acgme.org](http://www.acgme.org). The board considers any medical postgraduate training program accredited on or after July 1, 2015 by the Accreditation Council for Graduate Medical Education approved by the board.

(5) Copies of the standards and criteria adopted by reference in this rule are available for inspection and distribution at a cost of 10 cents per page from the Board of Osteopathic Medicine and Surgery, Bureau of Professional Licensing, Licensing and Regulatory Affairs, 611 W. Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.

#### R 338.123 Licensure by examination.

Rule 23. An applicant for licensure by examination, in addition to satisfying the requirements of the code, shall satisfy all of the following requirements:

- (a) Submit the required fee and a completed application on a form provided by the department.
- (b) Possess a degree from a school of osteopathic medicine that satisfies the standards set forth in R 338.121(1).
- (c) Have passed all parts of the Comprehensive Osteopathic Medical Licensing Examination (COMLEX) adopted under R 338.129.
- (d) Have completed a minimum of 1 year of postgraduate clinical training in a program that satisfies either of the following requirements:
  - (i) A postgraduate training program that satisfies the requirements of R 338.121(2) at a training institution that satisfies the requirements of R 338.121(3).
  - (ii) A postgraduate training program approved by the board in R 338.121(4).
- (e) Submit a certificate of completion of the postgraduate training required under subdivision (d) of this rule to the department no more than 15 days before the scheduled date of completion.

#### R 338.125 Licensure by endorsement.

Rule 25. (1) An applicant for an osteopathic medicine and surgery license by endorsement shall submit the required fee and a completed application on a form provided by the department.

(2) An applicant shall satisfy 1 of the following requirements:

(a) Has first been licensed in good standing in another state and actively engaged in the practice of osteopathic medicine and surgery for at least 5 years before the date of filing the application.

(b) Has first been licensed in good standing in another state and actively engaged in the practice of osteopathic medicine and surgery less than 5 years before the date of filing the application and satisfies both of the following requirements:

(i) Passed all parts of the Comprehensive Osteopathic Medical Licensing Examination (COMLEX) adopted under R 338.129.

(ii) Completed a minimum of 1 year of postgraduate clinical training in a program that satisfies either of the following requirements:

(A) A postgraduate training program that satisfies the requirements of R 338.121(2) at a training institution that satisfies the requirements of R 338.121(3).

(B) A postgraduate training program approved by the board in R 338.121(4).

(3) An applicant's license must be verified by the licensing agency of any state of the United States in which the applicant holds a current license or has ever held a license as an osteopathic physician. Verification includes, but is not limited to, showing proof that the applicant's license is in good standing and, if applicable, any disciplinary action taken or pending against the applicant.

R 338.127 Educational limited license.

Rule 27. (1) An individual not eligible for a Michigan osteopathic medicine and surgery license shall obtain an educational limited license before engaging in postgraduate training.

(2) An applicant for an educational limited license, in addition to satisfying the requirements of the code, shall satisfy all of the following requirements:

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

(b) Have documentation provided directly to the department from an osteopathic medical school that satisfies the requirements of R 338.121(1) verifying that the applicant has graduated or is expected to graduate within 3 months of the date of the application.

(c) Have documentation provided directly to the department verifying that the applicant has been accepted into a postgraduate training program that satisfies the requirements of R 338.121(2) or (4).

(3) Under section 17512(2) of the code, MCL 333.17512(2), an educational limited license may be renewed not more than 5 years.

R 338.129 Examination; adoption; passing scores; limitation on attempts; time limitations.

Rule 29. (1) The board adopts the Comprehensive Osteopathic Medical Licensing Examination (COMLEX) developed and administered by the National Board of Osteopathic Medical Examiners (NBOME).

(2) The passing score for each part of the COMLEX accepted for licensure is the passing score established by the NBOME.

(3) An applicant cannot make more than 6 attempts to pass any part of the COMLEX.

(4) An applicant shall successfully pass all parts of the COMLEX within 7 years from the date that he or she first passed any part of the COMLEX. An applicant may request consideration of a variance of the 7-year requirement by providing, at a minimum, proof of both of the following requirements to the board:

(a) That the applicant has already passed all parts of the COMLEX, but that the time taken to pass all parts is more than 7 years.

(b) That the applicant has completed 1 of the following activities:

(i) Graduation from an accredited graduate degree program in addition to osteopathic medical school.

(ii) Completion of a residency or fellowship program with demonstrated consistent participation in the program.

R 338.131 Rescinded.

R 338.133 Relicensure.

Rule 33. (1) An applicant whose Michigan osteopathic medicine and surgery 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 the required fee and a completed application on a form provided by the department.

(b) Submits proof to the department of completing not less than 150 hours of continuing education that satisfies the requirements of R 338.141 during the 3 years immediately preceding the date of the application for relicensure.

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

(d) An applicant who holds or has ever held a license to practice osteopathic medicine and surgery shall establish all of the following requirements:

(i) Disciplinary proceedings are not pending against the applicant.

(ii) If sanctions have been imposed against the applicant, the sanctions are not in force at the time of application.

(iii) A previously held license was not surrendered or allowed to lapse to avoid discipline.

(2) An applicant whose Michigan osteopathic medicine and surgery license has been lapsed for 3 years but less than 5 years may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3), and satisfies the requirements of subrule (1) of this rule and 1 of the following requirements:

(a) Presents proof to the department that he or she is actively licensed and is in good standing as an osteopathic physician in another state.

(b) Completes 1 of the following during the 3 years immediately preceding the date of the application for relicensure:

(i) Takes and passes the Comprehensive Osteopathic Medical Variable-Purpose Examination (COMVEX) offered by the NBOME. The passing score is the passing score established by the NBOME.

(ii) Successfully completes a postgraduate training program that satisfies the requirements of R 338.121(2) or (4).

(iii) Successfully completes a physician re-entry program accredited by the Coalition for Physician Enhancement (CPE).

(iv) Successfully completes a physician re-entry program affiliated with an osteopathic medical school that satisfies the requirements of R 338.121(1).

(3) An applicant whose Michigan osteopathic medicine and surgery license has been lapsed for 5 years or more may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174, and satisfies the requirements of subrule (1) of this rule and 1 of the following requirements:

(a) Presents proof to the department that he or she is actively licensed and is in good standing as an osteopathic physician in another state.

(b) Completes both of the following during the 3 years immediately preceding the date of the application for relicensure:

(i) Takes and passes the COMVEX offered by the NBOME. The passing score is the passing score established by the NBOME.

(ii) Successfully completes 1 of the following training options:

(A) A postgraduate training program that satisfies the requirements of R 338.121(2) or (4).

(B) A physician re-entry program that is accredited by the CPE.

(C) A physician re-entry program affiliated with an osteopathic medical school that satisfies the requirements of R 338.121(1).

(4) If required to complete the requirements of subrules (2)(b) or (3)(b) of this rule, the applicant may obtain an educational limited license for the sole purpose of completing that training.

(5) An applicant with an educational limited license may be relicensed under section 16201(3) or (4) of the code, MCL 333.16201, if he or she complies with subrule (1) of this rule and R 338.127.

(6) An applicant must have his or her license verified by the licensing agency of any state of the United States in which the applicant holds or has ever held a license to practice osteopathic medicine. Verification must include information that the license is in good standing and, if applicable, the record of any disciplinary action taken or pending against the applicant.

### PART 3. CONTINUING EDUCATION

R 338.141 License renewals.

Rule 41. (1) This part applies to an application for renewal of an osteopathic medicine and surgery license under section 17533 of the code, MCL 333.17533, and an osteopathic medicine and surgery special volunteer license under section 16184 of the code, MCL 333.16184.

(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 150 hours of continuing education in activities approved by the board under R 338.143 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 must submit documentation as specified in R 338.143.

R 338.143 Acceptable continuing education; requirements; and limitations.

Rule 43. (1) The 150 hours of continuing education required under R 338.141 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 hour of continuing education must be earned in the area of medical ethics.

(c) For license renewals filed December 20, 2017, or later, a minimum of 3 hours of continuing education must be earned in the area of pain and symptom management under section 17533(2) of the code, MCL 333.17533. At least 1 of the 3 hours must include controlled substances prescribing. Continuing education 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 and controlled substances prescribing.

(xi) Michigan programs and resources relevant to pain.

(d) A minimum of 60 continuing education credits must be obtained through category 1 programs listed in subrule (2) of this rule.

(2) The board considers any of the following activities as acceptable category 1 continuing education:

	Activity and Proof of Completion	Number of continuing education hours granted/permitted for the activity
(a)	<p>Attendance at or participating in a continuing education program or activity related to the practice of osteopathic medicine, which includes, but is not limited to, live, in-person programs; and journal articles with a self-study component, interactive or monitored teleconference; audio conference, web-based programs; or online programs approved or offered by any of the following organizations:</p> <ul style="list-style-type: none"> <li>• American Osteopathic Association.</li> <li>• Michigan Osteopathic Association.</li> </ul> <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program or activity was completed.</p>	<p>The number of continuing education hours for a specific program or activity is the number of hours assigned by the sponsoring organization for the specific program or activity. A minimum of 40 hours of continuing education must be earned in this activity. A maximum of 150 hours of continuing education may be earned for this activity in each renewal period.</p>
(b)	<p>Attendance at or participating in a continuing education program or activity related to the practice of osteopathic medicine which includes, but is not limited to, live, in-person programs; and journal articles with a self-study component, interactive or monitored teleconference; audio conference; web-based programs; or online programs approved or offered by any of the following organizations:</p> <ul style="list-style-type: none"> <li>• American Medical Association.</li> <li>• Accreditation Council for Continuing Medical Education.</li> <li>• Michigan State Medical Society.</li> </ul>	<p>The number of continuing education hours for a specific program or activity is the number of hours assigned by the sponsoring organization for the specific program or activity. A maximum of 110 hours of continuing education may be earned for this activity in a renewal period.</p>

	<p>If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program or activity was completed.</p>	
(c)	<p>Taking and passing a specialty board certification or recertification examination for a specialty board recognized by the American Osteopathic Association, the American Board of Medical Specialties, or the American Board of Physician Specialties.</p> <p>If audited, the licensee shall provide proof from the specialty board of the successful passing of the examination.</p>	<p>A specialty board certification or recertification examination successfully passed during the renewal period is granted 50 hours of continuing education credit. A maximum of 50 hours of continuing education credit may be earned for this activity in each renewal period.</p>
(d)	<p>Successfully completing an activity that is required for maintenance of a specialty certification for a specialty board recognized by the American Osteopathic Association, the American Board of Medical Specialties, or the American Board of Physician Specialties that does not satisfy the requirements of subdivision (a) or (c) of this subrule.</p> <p>If audited, the licensee shall provide proof from the specialty board that the activity was required for maintenance of certification, that the activity was successfully completed, and the date of completion.</p>	<p>One hour of continuing education is granted for every 60 minutes spent on the activity. A maximum of 30 hours may be earned for this activity in each renewal period.</p>
(e)	<p>Serving as a teacher, lecturer, preceptor, or moderator-participant in a medical education or training program that satisfies the standards adopted by the board in R 338.121.</p> <p>If audited, the licensee shall submit a letter from the program director</p>	<p>Two hours of continuing education are granted for each scheduled lecture or clinical consultation. Additional credit for preparation of the lecture cannot be granted. A maximum of 90 hours of continuing education may be earned for this activity in each renewal period.</p>



	verifying the licensee's role, length of lecture or lectures, and the date on which the lecture or lectures were held.	
(f)	<p>Conducting a formal inspection of an osteopathic medical education or training program that satisfies the standards adopted by the board in R 338.121 or conducting clinical examinations of osteopathic specialty boards recognized by the American Osteopathic Association.</p> <p>If audited, the licensee shall submit documentation from the accrediting organization verifying the licensee's role and participation in the inspection.</p>	Five hours of continuing education are granted per an inspection. A maximum of 90 hours of continuing education may be earned in this activity in each renewal period.
(g)	<p>Participating in any of the following committees:</p> <ul style="list-style-type: none"> <li>• A peer review committee dealing with quality patient care as it relates to the practice of osteopathic medicine and surgery.</li> <li>• A committee dealing with utilization review as it relates to the practice of osteopathic medicine.</li> <li>• A health care organization committee with patient care issues related to the practice of osteopathic medicine.</li> <li>• A national or state committee, board, council, or association related to the practice of osteopathic medicine.</li> </ul> <p>A committee, board, council, or association is considered acceptable by the board if it enhances the participant's knowledge and understanding of the practice of osteopathic medicine. If audited, the licensee shall submit a letter from an organization official verifying the licensee's participation in at least 50% of the regularly scheduled meetings.</p>	Fifteen hours per each committee per year are granted. A maximum of 90 hours of continuing education credit shall may be earned for this activity in each renewal period.

(h)	<p>Providing individual supervision for a disciplinary limited osteopathic physician.</p> <p>If audited, the licensee shall submit an affidavit from the disciplinary limited osteopathic physician who received the supervision. The affidavit shall attest to the licensee's role as supervisor and the number of hours spent providing supervision to the disciplinary limited osteopathic physician.</p>	<p>One hour of continuing education is granted for each 60 minutes spent consulting or reviewing the disciplined licensee's work. A maximum of 50 hours of continuing education may be earned for this activity per renewal period.</p>
(i)	<p>Participating in a postgraduate training program that satisfies the requirements of R 338.121(2) or (4). To receive credit the licensee must be enrolled in the program a minimum of 5 months per year.</p> <p>If audited, the licensee shall submit a letter from the program director verifying the dates that the licensee was enrolled in the program.</p>	<p>Fifty continuing education credits per year are granted. A maximum of 150 credits per renewal period may be earned for this activity in each renewal period.</p>
(j)	<p>Publication of a scientific article relating to the practice of osteopathic medicine in a peer-reviewed journal or periodical.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter and documentation</p>	<p>Ten hours of continuing education are granted for serving as the primary author. Five hours of continuing education are granted for serving as a secondary author. Under subrule (1)(a) of this rule, credit for an article is granted only once per renewal period. A maximum of 90 hours of continuing education may be earned for this activity in a renewal period.</p>
(k)	<p>Initial publication of a chapter or a portion of a chapter related to the practice of osteopathic medicine in either of the following textbooks:</p> <ul style="list-style-type: none"> <li>• A professional health care textbook.</li> <li>• A peer-reviewed text book.</li> </ul> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>Ten hours of continuing education are granted for serving as the primary author. Five hours of continuing education are granted for serving as a secondary author. A maximum of 90 hours may be earned for this activity in each renewal period. Under subrule (1)(a) of this rule, credit for publication is granted once per renewal period.</p>

(l)	<p>Until December 20, 2019, attendance at or participation in a continuing education activity that had been approved by the board before the effective date of this rule but does not satisfy the requirements of subdivision (a) or (b) of this subrule.</p> <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 hours earned, sponsor name, and the date on which the program was held or the activity completed.</p>	<p>The number of continuing education hours for a specific program or activity is the number of hours previously approved by the board. A maximum of 90 hours of continuing education may be earned for this activity.</p>
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(3) The board considers any of the following activities as acceptable category 2 continuing education:

	Activity and Proof of Completion	Number of continuing education hours granted/permitted for the activity
(a)	<p>Independently reading a peer-reviewed journal that does not satisfy the requirement of subrule (2)(a) of this rule. The reading must have been completed before the effective date of this rule.</p> <p>If audited, the licensee shall submit a signed document, listing the journals read, including title, publisher, volume number, article read, and the authors.</p>	<p>Three hours of continuing education are granted for each journal article read. A maximum of 90 hours of continuing education credit may be earned for this activity in each renewal period. Under subrule (1)(a) of this rule, credit for the same article appearing in different journals is granted once per renewal period.</p>
(b)	<p>Initial presentation of a scientific exhibit, poster, or paper to a professional osteopathic medicine organization.</p> <p>If audited, the licensee shall submit a copy of the document presented with proof of the presentation or a letter from the program sponsor verifying the date of presentation.</p>	<p>Ten hours of continuing education are granted for each presentation. No additional credit is granted for preparation of the presentation. A maximum of 90 hours may be earned in this activity in each renewal period. Under subrule (1)(a) of this rule, credit for a presentation is granted once per renewal period.</p>
(c)	<p>Completing a multimedia self-assessment that does not satisfy the requirements of subrule (2)(a) of this rule before December 20, 2016. The self-assessment must improve the licensee's knowledge and</p>	<p>The number of continuing education hours is the number of hours approved by the self-assessment sponsor. A maximum of 90 hours of continuing education may be earned for this activity.</p>

	<p>understanding of the practice of osteopathic medicine.</p> <p>If audited, the licensee shall submit a certificate of self-assessment provided by the program sponsor.</p>	
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FILED WITH SECRETARY OF STATE

ON 4/26/21 AT 3:52 P.M.