



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

September 3, 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 #20-059-LR)
Legislative Service Bureau (Secretary of State Filing #20-09-03)
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 #2019-059-LR (Secretary of State Filing #20-09-03) on this date at 01:42 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Substance Use Disorders Service Program".

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 Section 6234 of the Public Health Code, 1978 PA 368, MCL 333.6234, and Executive Reorganization Order Nos. 1991-3, 1994-1, 1996-1, 1996-2, 1997-4, 2009-1, and 2011-4, MCL 333.26321, 333.26322, 330.3101, 445.2001, 333.26324, 333.26327, and 445.2030.

R 325.1301 of the Michigan Administrative Code is amended.

Date: _____

9-2-20

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 RULE

I certify that I have examined the attached administrative rule, dated August 13, 2020, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Substance Use Disorders Service Program**” by:

- ◆ Amending R 325.1301.

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

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

Dated: August 25, 2020

Michigan Office of Administrative Hearings and Rules

By:

Katie Wienczewski,
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 13, 2020, amending R 325.1301 of the Department's rules entitled "Substance Use Disorders Service Program." I approve the rules as to form, classification, and arrangement.

Pursuant to section 44(1) of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.244(1), these rules are being processed without a public hearing.

Dated: August 24, 2020

LEGISLATIVE SERVICE BUREAU

By



Elizabeth R. Edberg,
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF COMMUNITY AND HEALTH SYSTEMS

SUBSTANCE USE DISORDERS SERVICE PROGRAM

Filed with the secretary of state on September 3, 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 section 6234 of the public health code, 1978 PA 368, MCL 333.6234, and Executive Reorganization Order Nos. 1991-3, 1994-1, 1996-1, 1996-2, 1997-4, 2009-1, and 2011-4, MCL 333.26321, 333.26322, 330.3101, 445.2001, 333.26324, 333.26327, and 445.2030)

R 325.1301 of the Michigan Administrative Code is amended, as follows:

PART 1. DEFINITIONS

R 325.1301 Definitions.

Rule 1301. (1) As used in these rules:

- (a) "Admission" means the point at which an individual is formally accepted into a substance use disorder services program and services are initiated.
- (b) "Aftercare" means the process of providing recommendations to a recipient for continued support after discharge from the program.
- (c) "Article 6" means article 6 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.
- (d) "Article 15" means article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.
- (e) "Certified counselor" means an individual engaged in counseling of recipients in a substance use disorder services program who is certified as an alcohol and drug counselor by an organization approved and recognized by the department.
- (f) "Community change, alternatives, information, and training" or "CAIT" means prevention services offered by a substance use disorder services program.
- (g) "Complaint investigation" means a visit or an inspection of a licensee based upon a complaint with an allegation of noncompliance with or violation of the public health code, mental health code, or these rules.
- (h) "Department" means the department of licensing and regulatory affairs.
- (i) "Discharge" means the point at which the recipient's active involvement with a substance use disorder services program is terminated and the program has provided the necessary aftercare recommendations.
- (j) "Follow-up" means activities designed for a screening, assessment, referral, and follow up program to determine the present status of persons previously discharged by the program.
- (k) "Full-time" means employment of not less than 35 hours per week.
- (l) "Individual" means that term as defined in section 1105(1) of the public health

August 13, 2020

code, MCL 333.1105(1).

(m) "Inpatient" means a full range of substance use disorder rehabilitation and treatment services that are provided to recipients admitted to a hospital and under medical direction.

(n) "License" means a license issued by the department under article 6 of the public health code to establish, conduct, or maintain a substance use disorder services program. This term does not apply to a program located in a correctional institution, a veteran's facility operated by the state or federal government, or a facility owned and operated by this state.

(o) "Licensed counselor" means an individual engaged in counseling of recipients in a substance use disorder services program who is licensed under part 181 of the public health code, MCL 333.18101 to 333.18117, and is providing services in compliance with the scope of his or her license.

(p) "Licensed master's social worker" or "LMSW" means an individual engaged in counseling of recipients in a substance use disorder services program who is licensed under part 185 of the public health code, MCL 333.18501 to 333.18518, and is providing services in compliance with the scope of his or her license.

(q) "Licensed psychologist" means an individual engaged in the practice of psychology of recipients in a substance use disorder services program who is licensed under part 182 of the public health code, MCL 333.18201 to 333.18237, and is providing services in compliance with the scope of his or her license.

(r) "Licensee" means a person, as defined by section 1106(4), MCL 333.1106, who holds the license issued under article 6 of the public health code to operate a substance use disorder services program. Unless otherwise specified in these rules, a licensee does not include a person individually licensed under article 15 of the public health code, to provide psychological, medical, or social services through the individual's license and whose recipients are limited to those of the individual licensed professional maintaining and operating the office.

(s) "Licensure survey" means a non-complaint related visit or inspection to an applicant or licensee to evaluate compliance with the public health code, mental health code, or these rules.

(t) "Medical director" means an individual licensed to engage in the practice of medicine or the practice of osteopathic medicine and surgery under part 170 or part 175 of the public health code, MCL 333.17001 to 333.17097 and 333.17501 to 333.17556.

(u) "Medication assisted treatment" or "MAT" means the use of FDA approved drugs methadone, buprenorphine, or naltrexone in combination with counseling and behavioral therapy to provide treatment of substance use disorders.

(v) "Mental health code" means the mental health code, 1974 PA 258, MCL 330.1100 to 330.2106.

(w) "Nurse" means a licensed practical nurse, registered professional nurse, or advanced practice registered nurse licensed under part 172 of the public health code, MCL 333.17201 to 333.17242.

(x) "Outpatient" means scheduled, periodic care, including diagnosis and therapy, in a nonresidential setting.

(y) "Person" means that term as defined in section 1106(4) of the public health code, MCL 333.1106.

(z) "Pharmacist" means an individual licensed to engage in the practice of

pharmacy under article 15 of the public health code.

(aa) "Physician" means an individual licensed to engage in the practice of medicine or the practice of osteopathic medicine and surgery under article 15 of the public health code.

(bb) "Physician's assistant" means an individual who is licensed to practice as a physician's assistant under part 170 of the public health code, MCL 333.17001 to 333.17097.

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

(dd) "Recipient" means an individual who receives services from a licensed substance use disorder services program in this state.

(ee) "Regional entity" means a coordinating agency designated by the state of Michigan to coordinate substance use disorder services in a specified region.

(ff) "Residential" means a temporary or permanent live-in residential setting that provides continuous treatment and rehabilitation services. This term does not include recovery, transitional, or sober housing that provides only a residential setting without offering treatment and rehabilitation services but may offer prevention services.

(gg) "Residential detoxification" means a residential, medically acute or subacute, systematic reduction of the amount of a drug in the body, or the elimination of a drug from the body concomitant.

(hh) "Residential detoxification treatment positions" or "RDT positions" mean the number of recipients that can receive services at a residential detoxification program at the same time.

(ii) "Screening and assessment, referral, follow-up" or "SARF" means the assessment of recipients through interviews, psychological tests, and other diagnostic or assessment tools, to diagnose substance use disorders and provide appropriate referrals for treatment and rehabilitative services, as necessary.

(jj) "Staff" means an individual who is not a recipient and who works, with or without remuneration, for a licensed substance use disorder services program.

(kk) "Substance use disorder services program" or "program" means a public or private person or entity offering or purporting to offer specific substance use disorder prevention, treatment, and rehabilitation services.

(ll) "Substance" means an agent or a chemical that upon entering a human body alters the body's physical or psychological status, or both. This includes alcohol and other drugs.

(mm) "Supervision" means that term as defined in section 16109(2) of the code, MCL 333.16109.

(nn) "United States Food & Drug Administration" or "FDA" means the federal agency of the United States Department of Health and Human Services.

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

FILED WITH SECRETARY OF STATE

ON 9/3/20 AT 1:42 P.M.