Michigan Office of Administrative Hearings and Rules

Administrative Rules Division (ARD)

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REQUEST FOR RULEMAKING (RFR)

1. Department:
Licensing and Regulatory Affairs

2. Bureau:
Bureau of Professional Licensing

3. Promulgation type:
Full Process

4. Title of proposed rule set:
Pharmacy - Pharmacist Continuing Education

5. Rule numbers or rule set range of numbers:
R 338.3041 to R 338.3045

6. Estimated time frame:
12 months

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The purpose of the Pharmacy – Pharmacist Continuing Education rules is to regulate the license renewal process and continuing education requirements for pharmacists. The proposed rules will clarify the continuing education requirements, including the requirement for 1 hour of continuing education in pharmacy ethics and jurisprudence.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

MCL 333.16145 authorizes a Board to promulgate rules necessary or appropriate to fulfill its function. MCL 333.16148 authorizes the Department in consultation with the Board to establish standards for the education and training of individuals to be licensed. MCL 333.16204 requires the Board, by rule, to require an applicant for renewal to complete an appropriate number of hours of course in pain and symptom management. MCL 333.16205 authorizes the Board to promulgate rules to establish a system of assessing the continued competence of licenses as a condition of license renewal. MCL 333.17731 authorizes the Department in consultation with the Board, by rule, to require a licensee seeking renewal of a pharmacist's license to provide evidence that he or she attended continuing education courses or programs approved by the Board totaling not less than 30 hours or completed a proficiency examination.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 333.16145, MCL 333.16148, MCL 333.16184, MCL 333.16201, MCL 333.16204, MCL 333.16205, MCL 333.17731, MCL 333.17767, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

Yes, the Department in consultation with the Board is required to promulgate rules as follows: to include training standards for identifying victims of human trafficking, pursuant to MCL 333.16148; to complete continuing education hours in pain and symptom management for an applicant for licensure renewal, if continuing education is a condition for renewal, pursuant to MCL 333.16204; and to require a licensee seeking renewal of a pharmacist's license to provide evidence that he or she attended continuing education courses or programs approved by the Board totaling not less than 30 hours or completed a proficiency examination, pursuant to MCL 333.17731.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

Each state establishes its own requirements with respect to continuing education for pharmacists. There is no federal rule or standard set by a national or state agency that the proposed rules are in conflict with or duplicate.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

The subject matter of these rules is not contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

None of the proposed rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

The Department works with various associations, educational institutions, pharmacies, and lobbyists in preparing the proposed rules.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The rules were last amended on December 22, 2020. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

Yes