



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

March 16, 2022

**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 #21-074-LR)  
Legislative Service Bureau (Secretary of State Filing #22-03-15)  
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 #2021-074-LR (Secretary of State Filing #22-03-15) on this date at 2:48 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Public Health Code – General Rules".

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) 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

Sue Sayer, Departmental Supervisor  
Office of the Great Seal

Enclosure



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS  
DIRECTOR

March 16, 2022

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 #: 2021-74 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated October 21, 2021 for the Department of Licensing & Regulatory Affairs “**Public Health Code – 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,

A handwritten signature in black ink, appearing to be "Orlene Hawks".

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, 16194, 16201, and 16221 of the Public Health Code, 1978 PA 368, MCL 333.16145, 333.16194, 333.16201, and 333.16221, 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 338.7001a, R 338.7002, R 338.7002b, R 338.7003, and R 338.7004 of the Michigan Administrative Code are amended.

Date: 3/8/2021

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

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

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 October 21, 2021, in which the Department of Licensing & Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “Public Health Code – General Rules” by:


- ◆ Amending R 338.7001a, R 338.7002, R 338.7002b, R 338.7003, and R 338.7004

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: December 15, 2021

Michigan Office of Administrative Hearings and Rules

By:   
Katie Wienczewski,  
Attorney



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 October 21, 2021, amending R 338.7001a, R 338.7002, R 338.7002b, R 338.7003, and R 338.7004 of the Department's rules entitled "Public Health Code – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: December 15, 2021

LEGISLATIVE SERVICE BUREAU

By \_\_\_\_\_

Rachel M. Hughart,  
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF PROFESSIONAL LICENSING

PUBLIC HEALTH CODE—GENERAL RULES

Filed with the secretary of state on March 16, 2022

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) 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, 16194, 16201, and 16221 of the public health code, 1978 PA 368, MCL 333.16145, 333.16194, 333.16201, and 333.16221, 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 338.7001a, R 338.7002, R 338.7002b, R 338.7003, and R 338.7004 of the Michigan Administrative Code are amended, as follows:

R 338.7001a Biennial license and registration renewal; expiration.

Rule 1a. (1) The following licenses and registrations expire biennially and must be renewed every 2 years on or before the date indicated:

Acupuncture	Issue date
Audiology	Issue date
Chiropractic	Issue date
Dental Therapy	Issue date
Marriage and family therapy	Issue date
Midwifery	Issue date
Nursing	Issue date
Nursing home administrators	Issue date
Occupational therapy	Issue date
Optometry	Issue date
Pharmacy	Issue date
Physical therapy	Issue date
Physician's assistants	Issue date
Psychology	Issue date
Respiratory care	Issue date
Sanitarians	Issue date
Speech-language pathology	Issue date

(2) A license or registration having a limitation may be renewed for a term less than 2 years.

R 338.7002 Triennial license or registration renewal; expiration.

Rule 2. (1) The following licenses and registrations expire triennially and must be renewed every 3 years on or before the date indicated:

Athletic trainer	Issue date
Counseling	Issue date
Dentistry	Issue date
Dental Assistant	Issue date
Dental Hygienist	Issue date
Massage therapy	Issue date
Medicine	Issue date
Osteopathic medicine and surgery	Issue date
Podiatric medicine and surgery	Issue date
Social work	Issue date
Veterinary medicine	Issue date

(2) A license or registration having a limitation may be renewed for a term less than 3 years.

R 338.7002b Minimum English language standard.

Rule 2b. (1) Pursuant to section 16174(1)(d) of the code, MCL 333.16174, an applicant seeking licensure or registration must demonstrate a working knowledge of the English language under the minimum standards established by the department.

(2) To demonstrate a working knowledge of the English language, the applicant must establish that he or she meets 1 of the following:

(a) The applicant's health professional educational program was taught in English.

(b) The applicant supplies transcripts establishing that he or she earned not less than 60 college level credits from an English-speaking undergraduate or graduate school.

(c) The applicant's credentials and English proficiency have been evaluated and determined to be equivalent to the credentials required in this state by a board-approved credentialing agency.

(d) The applicant obtained a passing score of 650 or higher on the Examination for the Certificate of Competency in English (ECCE) test developed by Michigan Language Assessment, as demonstrated by a certificate of competency or certificate of competency with honors.

(e) The applicant obtained a passing score of 650 or higher on the Examination for the Certificate of Proficiency in English (ECPE) test developed by Michigan Language Assessment, as demonstrated by a certificate of proficiency or certificate of proficiency with honors.

(f) The applicant obtained a total score of not less than 6.5 on the International English Language Testing System (IELTS) Academic test within 2 years of the date of application.

(g) The applicant obtained an overall score of not less than 55 on the 4-skill Michigan English Test (MET) developed by Michigan Language Assessment.

(h) The applicant obtained an overall score of not less than 300 on the Occupational English Test (OET).

(i) The applicant obtained a total score of not less than 80 on the Test of English as a Foreign Language Internet-Based Test (TOEFL-IBT) administered by the Educational Testing Service within 2 years of the date of application.

R 338.7003 "Stark Law" revision; adoption by reference.

Rule 3. (1) Under section 16221(e)(iv)(B) of the code, MCL 333.16221, the department has taken notice that the Stark Law, 42 USC 1395nn, was revised effective February 9, 2018. The department also takes notice that the regulations promulgated under the Stark Law, 42 CFR 411.350 to 411.389, were revised effective January 19, 2021, and January 1, 2022. The department finds that the revisions to both the Stark Law, 42 USC 1395nn, and regulations under the Stark Law, 42 CFR 411.350 to 411.389, pertain to referrals by physicians for designated health services and continues to protect the public from inappropriate referrals by physicians. Therefore, the department adopts by reference the Stark Law, 42 USC 1395nn, as revised February 9, 2018, and regulations promulgated under the Stark Law, 42 CFR 411.350 to 411.389, as revised January 19, 2021, and January 1, 2022.

(2) All federal regulations noted in subrule (1) of this rule are available at no cost at SUBPART - Financial Relationships Between Physicians and Entities Furnishing Designated Health Services (govregs.com). These regulations also are available for inspection and distribution at a cost of 10 cents per page from the Bureau of Professional Licensing, Michigan Department Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

R 338.7004 Implicit bias training standards.

Rule 4. (1) Beginning June 1, 2022, an applicant for licensure or registration under article 15 of the code, MCL 333.16101 to 333.18838, except those seeking to be licensed under part 188 of the code, MCL 333.18801 to 333.18838, shall have completed a minimum of 2 hours of implicit bias training within the 5 years immediately preceding issuance of the license or registration.

(2) Beginning June 1, 2022, and for every renewal cycle thereafter, in addition to completing any continuing education required for renewal, reregistration, or relicensure, an applicant for license or registration renewal, reregistration, or relicensure under article 15 of the code, MCL 333.16101 to 333.18838, except those licensed under part 188 of the code, MCL 333.18801 to 333.18838, shall have completed a minimum of 1 hour of implicit bias training for each year of the applicant's license or registration cycle.

(3) The implicit bias training must be related to reducing barriers and disparities in access to and delivery of health care services and meet all of the following requirements:

(a) Training content must include, but is not limited to, 1 or more of the following topics:

(i) Information on implicit bias, equitable access to health care, serving a diverse population, diversity and inclusion initiatives, and cultural sensitivity.

(ii) Strategies to remedy the negative impact of implicit bias by recognizing and understanding how it impacts perception, judgment, and actions that may result in inequitable decision making, failure to effectively communicate, and result in barriers and disparities in the access to and delivery of health care services.

(iii) The historical basis and present consequences of implicit biases based on an individual's characteristics.

(iv) Discussion of current research on implicit bias in the access to and delivery of health care services.



(b) Training must include strategies to reduce disparities in access to and delivery of health care services and the administration of pre- and post-test implicit bias assessments.

(c) Acceptable sponsors of this 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 any board created under article 15 of the code, MCL 333.16101 to 333.18838, except under part 188 of the code, MCL 333.18801 to 333.18838, for initial licensure or registration or for the accumulation of continuing education credits.

(iv) Training offered by an accredited college or university.

(v) An organization specializing in diversity, equity, and inclusion issues.

(d) Acceptable modalities of training include any of the following:

(i) A teleconference or webinar that permits live synchronous interaction.

(ii) A live presentation.

(iii) Interactive online instruction.

(4) Submission of an application for licensure, registration, or renewal constitutes an applicant's certificate of compliance with the requirements of this rule. A licensee or registrant shall retain documentation of meeting the requirements of this rule for a period of 6 years from the date of applying for licensure, registration, or renewal. The department may select and audit a sample of a licensees or registrants and request documentation of proof of compliance with this rule. If audited by the department, a licensee or registrant shall provide the proof of completion of training, including either of the following:

(a) A completion certificate issued by the training program that includes the date of the training, the program sponsor's name, the title of the program, and licensee's or registrant's name.

(b) A self-attestation by the licensee or registrant that includes the date of the training, the program sponsor's name, the title of the program, and licensee's or registrant's name.

FILED WITH SECRETARY OF STATE

ON 3/16/22 AT 2:48 PM.