



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

March 22, 2023

**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 #21-096-LR)  
Legislative Service Bureau (Secretary of State Filing #23-03-14)  
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 #2021-096-LR (Secretary of State Filing #23-03-14) on this date at 4:11 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Respiratory Care – 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



Lashana Threlkeld, Departmental Supervisor  
Office of the Great Seal

Enclosure



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

ORLENE HAWKS  
DIRECTOR

March 22, 2023

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 #: 2021-96 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated June 3, 2022 for the Department of Licensing & Regulatory Affairs “**Respiratory Care – 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, 16201, 16287, and 18709 of the Public Health Code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16174, 333.16201, 333.16287, and 333.18709, 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 338.2201, R 338.2201a, R 338.2202a, R 338.2205, and R 338.2206 of the Michigan Administrative Code are amended, R 338.2205a is added, and R 338.2207 is rescinded.

Date: 8/30/2022

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

A handwritten signature in black 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 June 3, 2022, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Respiratory Care—General Rules**” by:


- ◆ Adding R 338.2205a.
- ◆ Amending R 338.2201, R 338.2201a, R 338.2202a, R 338.2205, and R 338.2206.
- ◆ Rescinding R 338.2207.

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: September 6, 2022

Michigan Office of Administrative Hearings and Rules


By:   
Ashlee N. Lynn,  
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 June 3, 2022, amending R 338.2201, R 338.2201a, R 338.2202a, R 338.2205, and R 338.2206, rescinding R 338.2207, and adding R 338.2205a of the Department's rules entitled "Respiratory Care – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: September 6, 2022

LEGISLATIVE SERVICE BUREAU

By   
Rachel M. Hughart,  
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

RESPIRATORY CARE - GENERAL RULES

Filed with the secretary of state on March 22, 2023

These rules take effect immediately after 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, 16148, 16174, 16201, 16287, and 18709 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16174, 333.16201, 333.16287, and 333.18709, 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 338.2201, R 338.2201a, R 338.2202a, R 338.2205, and R 338.2206 of the Michigan Administrative Code are amended, R 338.2205a is added, and R 338.2207 is rescinded, as follows:

R 338.2201 Definitions.

Rule 2201. (1) As used in these rules:

- (a) "Board" means the board of respiratory care
  - (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) Terms defined in the code have the same meanings when used in these rules.

R 338.2201a Training standards for identifying victims of human trafficking; requirements.

Rule 2201a. (1) Under section 16148 of the code, MCL 333.16148, an individual licensed or seeking licensure shall have completed training in identifying victims of human trafficking that meets the following standards:

- (a) Training content must cover all of the following:
  - (i) Understanding the types and venues of human trafficking in this state or 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) Identifying 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 department in consultation with 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 meets the requirements of subdivision (1)(a) of this subrule and is published in a peer-reviewed journal, health care journal, or professional or scientific journal.

(c) Acceptable modalities of training includes 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 an individual and request documentation of proof of completion of training. If audited by the department, the 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 the individual. The certification statement must include the individual's name and either of the following:

(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of the article, author, publication name of the peer-reviewed journal, health care journal, or professional or scientific journal, and the date, volume, and issue of publication, as applicable.

R 338.2202a. Applicant trained outside the United States or Canada; education evaluated.

Rule 2202a. Under section 16174(1)(c) of the code, MCL 333.16174, an applicant who was trained outside the United States or Canada shall have his or her education evaluated by an organization accredited by the National Association of Credential Evaluation Services (NACES) to determine if the applicant satisfies the requirements of R 338.2202.

R 338.2205 Licensure by endorsement; respiratory therapist.

Rule 2205. (1) An applicant for a respiratory therapist license by endorsement who has been licensed or registered in another state or licensed in a province of Canada for 5 years or more, in addition to meeting the requirements of the code and the rules promulgated under the code, shall comply with all of the following:

(a) Submit a completed application on a form provided by the department, with the requisite fee.

(b) Hold an active license or registration in good standing from another state or license in good standing from a province of Canada immediately preceding the date of filing an application for licensure by endorsement.

(c) Be of good moral character.

(2) In addition to complying with the requirements of subrule (1) of this rule, if the applicant has been licensed or registered in another state or licensed in a province of

Canada for less than 5 years immediately preceding the date of the application, he or she shall comply with both of the following:

(a) Submit educational information that satisfies the requirements of R 338.2202.

(b) Submit NBRC examination and certification information that satisfies the requirements of R 338.2202.

(3) An applicant for licensure by endorsement shall comply with both of the following:

(a) Disclose each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country on the application form.

(b) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.

#### R 338.2205a Relicensure.

Rule 2205a. (1) An applicant for relicensure whose license has lapsed, under section 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements as noted by (√):

(a) For an applicant who has let his or her license lapse and who does not hold a current and valid respiratory care license, registration, or certification in another state of the United States or province of Canada, the applicant must do all of the following:	Lapsed 3 Years or less	Lapsed more than 3 Years
(i) Submit a completed application on a form provided by the department, with the requisite fee.	√	√
(ii) Establish that the applicant is of good moral character.		√
(iii) Submit fingerprints as set forth in section 16174(3) of the code, MCL 333.16174.		√
(iv) Provide to the department documentation that the applicant passed the NBRC examination required under R 338.2202 within the 2 years immediately preceding relicensure.		√
(v) An applicant for relicensure shall comply with both of the following: (A) Disclose each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country on the application form. (B) Satisfy the requirements of section	√	√



16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.		
(b) For an applicant who has let his or her license lapse and holds a current and valid respiratory care license, registration, or certificate within another state of the United States or province of Canada the applicant must do all of the following:		
(i) Submit a completed application on a form provided by the department, with the requisite fee.	√	√
(ii) Establish that the applicant is of good moral character.		√
(iii) Submit fingerprints as set forth in section 16174(3) of the code, MCL 333.16174.		√
(iv) An applicant for relicensure shall comply with both of the following: (A) Disclose each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country on the application form. (B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.	√	√

(2) If relicensure is granted and it is determined that a sanction has been imposed by another state, the United States military, the federal government, or another country, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

R 338.2206 Accreditation standards; adoption by reference.

Rule 2206. (1) The following standards for accrediting respiratory therapist educational programs from the Commission on Accreditation for Respiratory Care (CoARC) are approved and adopted by reference:

- (a) "Accreditation Policies and Procedures Manual," effective March 13, 2021.
- (b) "Accreditation Standards for Entry into Respiratory Care Professional Practice," effective July 1, 2020, clarifications March 13, 2021.
- (c) "Accreditation Standards for Degree Advancement Programs in Respiratory Care," effective January 1, 2018, clarifications December 12, 2020.

(2) Copies of the CoARC's accreditation standards may be obtained at cost from CoARC, 264 Precision Blvd., Telford, Tennessee 37690, or at no cost from the CoARC website, [www.coarc.com](http://www.coarc.com). Copies may be obtained at a cost of 10 cents per page from the Michigan Board of Respiratory Care, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(3) Any respiratory therapist educational program that is accredited by the CoARC is a respiratory therapist educational program approved by the department in consultation with the board.

(4) The procedures for recognizing accrediting organizations of the Council of Higher Education Accreditation (CHEA), approved September 24, 2018, and the procedures for recognizing accrediting agencies of the United States Department of Education, revised July 1, 2020, as contained in 34 CFR part 602, are approved and adopted by reference. The CHEA recognition standards may be obtained from CHEA, One Dupont Circle NW, Suite 510, Washington, DC 20036-1110, or from the council's website at [www.chea.org](http://www.chea.org) at no cost. The federal recognition criteria may be obtained at no cost from the United States Department of Education's website at: [CFR-2020-title34-vol3.pdf \(govinfo.gov\)](https://www.govinfo.gov/urn:govinfo:0:1:01001:01001:01001.pdf). Copies of the standards recognizing accrediting agencies used by CHEA and the Department of Education are available for inspection and distribution at a cost of 10 cents per page from the Board of Respiratory Care, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

R 338.2207 Rescinded.

FILED WITH SECRETARY OF STATE

ON 3/22/2023 AT 4:11 PM