



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

March 29, 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 #22-030-LR)  
Legislative Service Bureau (Secretary of State Filing #23-03-24)  
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 #2022-030-LR (Secretary of State Filing #23-03-24) on this date at 3:22 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Chiropractic – 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 29, 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 #: 2022-30 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated October 3, 2022 for the Department of Licensing & Regulatory Affairs “**Chiropractic – 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 "Suzanne Sonneborn".

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, 16401, 16412, 16423, and 16431 of the Public Health Code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16401, 333.16412, 333.16423, and 333.16431, 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 338.12021, R 338.12031, R 338.12032, R 338.12034, R 338.12035, R 338.12036, R 338.12037, R 338.12041, and R 338.12042 of the Michigan Administrative Code are amended.

Date: 1/17/2023

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 October 3, 2022, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Chiropractic—General Rules**” by:


- ◆ Amending R 338.12021, R 338.12031, R 338.12032, R 338.12034, R 338.12035, R 338.12036, R 338.12037, R 338.12041, and R 338.12042.

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: January 23, 2023

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 October 3, 2022, amending R 338.12021, R 338.12031, R 338.12032, R 338.12034, R 338.12035, R 338.12036, R 338.12037, R 338.12041, and R 338.12042 of the Department's rules entitled "Chiropractic – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: January 23, 2023

LEGISLATIVE SERVICE BUREAU



By \_\_\_\_\_

Rachel M. Hughart,  
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CHIROPRACTIC - GENERAL RULES

Filed with the secretary of state on March 29, 2023

These rules become effective 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, 16401, 16412, 16423, and 16431 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16401, 333.16412, 333.16423, and 333.16431, 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 338.12021, R 338.12031, R 338.12032, R 338.12034, R 338.12035, R 338.12036, R 338.12037, R 338.12041, and R 338.12042 of the Michigan Administrative Code are amended, as follows:

PART 2. EDUCATION

R 338.12021 Educational program standards; adoption by reference.

Rule 21. (1) The process and requirements for the CCE's accreditation of chiropractic educational programs as set forth in the publication titled "CCE Accreditation Standards: Principles, Processes & Requirements for Accreditation" July 2021, which are available from the council's website at <http://www.cce-usa.org> at no cost, are approved and adopted by reference. Copies are available for inspection and distribution at a cost of 10 cents per page from the Board of Chiropractic, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P. O. Box 30670, Lansing, Michigan 48909.

(2) Any chiropractic educational program accredited by the CCE is considered approved.

PART 3. LICENSURE

R 338.12031 Training standards for identifying victims of human trafficking; requirements.

Rule 31. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure or who is licensed shall complete training in identifying victims of human trafficking that satisfies the following standards:

(a) Training content must cover all the following:

- (i) Understanding the types and venues of human trafficking in the United States.
- (ii) Identifying victims of human trafficking in healthcare settings.
- (iii) Identifying the warning signs of human trafficking in healthcare 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 for initial licensure or registration, 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-reviewed journal, healthcare journal, or professional or scientific journal.

(c) Acceptable modalities of training may include any of the following:

(i) Teleconference or online seminar.

(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 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-reviewed journal, healthcare journal, or professional or scientific journal, and the 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 2016 renewal cycle and for initial licenses issued after March 17, 2021.

R 338.12032 Educational limited license; requirements.

Rule 32. An applicant for a nonrenewable educational limited license under section 16412 of the code, MCL 333.16412, shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

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

(b) Provide proof, as directed by the department, verifying the completion of 2 years of education in a college of arts and sciences.

(c) Provide proof, as directed by the department, verifying the completion of 1 of the following requirements:

(i) Two years of attendance in a program or institution of chiropractic that satisfies the educational requirements under R 338.12021.

(ii) Four semesters of attendance in a program or institution of chiropractic that satisfies the educational requirements under R 338.12021.

(iii) Six quarter terms of attendance in a program or institution of chiropractic that satisfies the educational requirements under R 338.12021.

(d) Provide proof, as directed by the department, verifying that a licensed chiropractor shall supervise the applicant.

#### R 338.12034 Licensure by examination; requirements.

Rule 34. An applicant for a chiropractic license by examination shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

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

(b) Provide proof, as directed by the department, verifying graduation from a program or institution of chiropractic that satisfies the educational requirements under R 338.12021.

(c) Provide proof, as directed by the department, verifying passing scores on parts I, II, III, and IV of the national board examination conducted and scored by the NBCE, under R 338.12033.

#### R 338.12035 Licensure by endorsement; requirements.

Rule 35. (1) An applicant for a chiropractic license by endorsement shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

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

(b) Provide proof, as directed by the department, verifying a current and full chiropractic license in another state or in a province of Canada.

(c) If the applicant is licensed as a chiropractor in a province of Canada, provide proof, as directed by the department, verifying that the applicant completed the educational requirements in Canada or in the United States for licensure as a chiropractor in Canada or the United States.

(d) Provide proof, as directed by the department, verifying passing scores on either of the following examinations for a chiropractic license in another state or in a province of Canada to obtain licensure as a chiropractor in another state or in a province of Canada:

(i) Parts I, II, III, and IV of the national board examination conducted and scored by the NBCE, under R 338.12033.

(ii) Component A – Chiropractic Knowledge, Component B – Clinical Decision Making, and Component C – Clinical Skills Demonstration of the Canadian Chiropractic Examining Board's (CCEB) examinations.



(2) An applicant that provides proof, as directed by the department, verifying a current and full chiropractic license in good standing in another state or in a province of Canada for not less than the last 5 years before the date of filing the application for a chiropractic license by endorsement is presumed to satisfy the requirements of subrule (1)(c) and (d) of this rule.

(3) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country shall disclose that fact on the application form. The applicant shall 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. If licensure is granted and it is determined that sanctions have been imposed, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

#### R 338.12036 Relicensure requirements.

Rule 36. (1) An applicant whose chiropractic license has lapsed may be relicensed within 3 years after the expiration date of the license under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

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

(b) Establishes good moral character as defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.

(c) Provides proof, as directed by the department, verifying the completion of, in the 3-year period immediately preceding the application for relicensure, 45 hours of continuing education in programs approved under R 338.12041, that include both the following requirements:

(i) The required continuing education hours listed in R 338.12041(1)(d) to (h).

(ii) Not more than 15 continuing education hours in distance learning programs.

(2) An applicant whose chiropractic license has lapsed may be relicensed more than 3 years after the expiration date of the license under section 16201(4) of the code, MCL 333.16201, if the applicant satisfies the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

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

(b) Establishes good moral character as defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.

(c) Provides fingerprints as required under section 16174(3) of the code, MCL 333.16174.

(d) Provides proof, as directed by the department, verifying either of the following:

(i) The completion of, in the 3-year period immediately preceding the application for relicensure, 45 hours of continuing education in programs approved under R 338.12041 that include all the following requirements:

(A) Twenty-four live and in-person continuing education hours on chiropractic adjusting techniques.

(B) The required continuing education hours listed in R 338.12041(1)(d) to (h).

(C) Not more than 15 continuing education hours in distance learning programs.

(ii) The applicant holds or has held a valid and unrestricted license in another state or a province of Canada in the 3-year period immediately preceding the application for relicensure.

(3) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country shall disclose that fact on the application form. The applicant shall 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. If licensure is granted and it is determined that sanctions have been imposed, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

R 338.12037 License renewal; continuing education.

Rule 37. (1) An applicant for renewal shall satisfy the requirements of the code and the rules promulgated under the code.

(2) An applicant for renewal shall complete 30 hours of continuing education in the 2-year period immediately preceding the renewal application that satisfy R 338.12041.

(3) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The licensee shall keep documentation of satisfying the requirements of this rule for 4 years after 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 shall receive a request for a waiver of continuing education requirements for the board's consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license.

#### PART 4. CONTINUING EDUCATION

R 338.12041 Acceptable continuing education.

Rule 41. (1) The 30 hours of continuing education required under R 338.12037 must satisfy all the following requirements:

(a) No more than 12 credit hours of continuing education may be earned during one 24-hour period.

(b) Not less than 15 hours of continuing education must be completed by attending a live, in-person program.

(c) Credit for a continuing education program or activity that is identical to or substantially identical to a program or activity for which the licensee has already earned credit during the license cycle must not be granted.

(d) Under section 16431(2) of the code, MCL 333.16431, at least 1 hour of continuing education must be in pain and symptom management. Continuing education in pain and symptom management includes, but is not limited to, courses in any of the following:

- (i) Chiropractic manipulative treatment.
- (ii) Manual therapies.
- (iii) Therapeutic exercises for pain management.
- (iv) Behavior management.
- (v) Psychology of pain.
- (vi) Pharmacology.
- (vii) Behavior modification.
- (viii) Stress management.
- (ix) Clinical applications.
- (x) Drug interventions as they related to the practice of chiropractic.
- (e) At least 1 hour of continuing education must be in sexual boundaries.
- (f) At least 1 hour of continuing education must be in ethics.
- (g) Not less than 2 hours of continuing education must be in physical measures.
- (h) Not less than 2 hours of continuing education must be in performing and ordering tests.

(2) In addition to those programs approved under R 338.12042, the following are considered acceptable continuing education:

(a) Attendance at or participation in a continuing education program or activity related to the practice of chiropractic, or any non-clinical subject relevant to the practice of chiropractic education, administration, management, or science, which includes, but is not limited to, live in-person programs, interactive or monitored teleconferences, audio-conferences, web-based programs, online programs, and review of journal articles or other self-study programs approved or offered by the Michigan Association of Chiropractors (MAC) according to the following:

(i) If audited, the licensee shall provide a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, the provider's name or the name of the organization that approved the program or other activity, and the date the program or activity was completed.

(ii) The number of continuing education hours for a specific program or activity is the number of hours approved by the approving organization for the specific program or activity.

(iii) A maximum of 30 hours of continuing education may be earned for this category in each renewal period.

(b) Successful completion of a course or courses related to the practice of chiropractic, offered by a chiropractic school approved under R 338.12021, according to the following:

(i) If audited, the licensee shall provide a copy of a letter or certificate of completion showing the licensee's name, the number of continuing education hours earned, the school's name, and the date the course or courses was completed.

(ii) The number of continuing education hours for a specific course or courses is the number of hours approved by the school for the specific course or courses.

(iii) A maximum of 30 hours of continuing education may be earned for courses completed in this category in each renewal period.

(c) Initial presentation by the licensee of a continuing education program related to the practice of chiropractic to a state, regional, national, or international organization. To receive credit, the presentation must not be a part of the licensee's regular job description and must be approved or offered for continuing education credit by the American

Chiropractic Association (ACA), the International Chiropractors Association (ICA), or an approved program under this rule or R 338.12042. Continuing education under this subdivision is subject to the following:

- (i) If audited, the licensee shall provide a copy of the presentation notice, advertisement, or letter from the approved program under this rule or R 338.12042, showing the date of the presentation and the licensee's name listed as a presenter.
  - (ii) Two hours of continuing education credit are granted for each 50 to 60 minutes of presentation. No other credit is granted for preparation of a presentation.
  - (iii) A maximum of 10 hours of continuing education may be earned in this category in each renewal period.
- (3) Continuing education programs approved before the effective date of this amended rule are considered approved.

R 338.12042 Approval of continuing education programs.

Rule 42. (1) A continuing education program provider that is not pre-approved under R 338.12041(2) shall petition the board for approval of a continuing education program.

(2) The continuing education program provider shall complete an application provided by the department, file the application and supporting documentation with the department for review not less than 120 days before the program date, and satisfy the requirements of subrule (3) of this rule.

(3) The application and supporting documentation must include all the following information:

- (a) A description of the sponsoring organization.
- (b) Name, title, and address of the program director.
- (c) An outline of the course.
- (d) A resumé for all speakers or presenters, or both.
- (e) A description of the delivery method.
- (f) The dates and location or locations that the course will be delivered.
- (g) A description of how attendance is monitored, sample documents, and identification of the individual monitoring attendance.
- (h) A sample certificate or other document that will be issued after completion and a description of how the participant will be notified.
- (i) If appropriate, a request for recognition in a specific topic area required by R 338.12041(1)(d) to (h).

(4) Continuing education programs approved before the effective date of this amended rule are considered approved.

FILED WITH SECRETARY OF STATE

ON 3/29/23 AT 3:22PM