



## JCAR BRIEFING MEMOS AT A GLANCE

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\*These documents were created by LARA’s Office of Policy and Legislative Affairs as a quick point of reference to the rules filed with the Joint Committee on Administrative Rules. For more information on the individual rule sets, please review the JCAR Reports or visit the Administrative Rulemaking System: <https://ars.apps.lara.state.mi.us/>.



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

# Memorandum

## VIA E-MAIL

**DATE:** Friday, May 10, 2024

**TO:** Senator Paul Wojno, Chairperson, JCAR  
Representative Jim Haadsma, Alternate Chairperson, JCAR  
Coffiann Hawthorne, Michigan House Democratic Policy Office  
Desmond Miller, Michigan Senate Democratic Policy Office  
Tim Reeves, Counsel, JCAR  
Rachel Hugart, Counsel, JCAR

**FROM:** Mack Jones, Department Specialist, Office of Policy and Legislative Affairs

**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2022-58 LR (Rehabilitation Code)

## Rules Primer

The rules are being revised to update the Rehabilitation Code by adopting the 2021 edition of the International Existing Building Code (IEBC). The 2021 IEBC addresses requirements for the existing building systems using prescriptive and performance related provisions. The rules are designed to provide consumers safety by allowing latitude for innovation and new technologies. Overall, this code is to protect life and property from the potential dangers associated with the installation and operation of existing building systems. The Rehabilitation Code currently adopts by reference the 2015 edition of the IEBC. The current rules are outdated and require a revision to reflect the latest in technology and materials.

## Summary of the Final Proposed Rule

The proposed rules will adopt by reference the 2021 edition of the IEBC, with amendments, deletions, and additions deemed necessary for use in Michigan. The Rehabilitation Code currently adopts by reference the 2015 edition of the IEBC, which is based on building principles used in building codes across the country. The Rehabilitation Code also includes rules that amend the IEBC to address building practices that are specific to Michigan and delete those requirements in the IEBC that do not pertain to Michigan because of the state's geographic and environmental features. The proposed rules will provide the latest standards to protect and promote the health, safety, and

welfare of Michigan’s residents by regulating the installation and inspection of building equipment and systems within the state.

**Stakeholder Engagement**

The Bureau of Construction Codes did the following to adequately allow for successful Stakeholder Engagement:

- The bureau allowed an estimated 30 days for the stakeholders to review the rules and send in rule proposal request forms regarding rule set 2022-58 LR.
- The bureau worked directly with the Board and Construction Code Commission Chairperson, receiving input on the drafting development of rule set 2022-58 LR.
- A public hearing was held in accordance with the Administrative Procedures Act, 1969 PA 306, where stakeholders had the opportunity to state on the record any comments regarding the proposed draft rule set.

**Public Engagement and Public Hearing/Comment/Information**

The public hearing was held on Thursday, April 4, 2024, at the Michigan Library & Historical Center, First Floor Forum, 702 W Kalamazoo St, Lansing, MI 48915.

Number of Attendees: One.

Spoken attendees: One.

The public comment period for this rule set began on Thursday, April 4, 2024, which was the day that the public hearing was held, and ended on April 4, 2024, at 5:00 p.m. Notice of the Public hearing was published in the *Michigan Register*, Issue #3-2024, on March 15, 2024, and in the following newspapers of general circulation: The Morning Sun, the Oakland Press, and the Mining Journal on March 20, 2024. The bureau received three written comments regarding rule set 2022-58 LR.

**Modifications Made Due to Public Comment**

The modifications that were made due to public comment are the following:

- The agency revised R 408.30561 Accessibility by adding section 306.7.1.

**Significant Issues Not Incorporated in the Final Proposed Rules**

There were no significant issues that were not incorporated in the final proposed rules.

**List of Public Commenters:**

1. Kerry Sutton, representing American Concrete Institute
2. Tracie Pack, representing self

3. Mark Stimac, representing Compliant by Design LLC
4. William A . representing Hordyk, Metro Building Inspectors Association of Grand Rapids, and self

cc/att: Marlon I. Brown, Director, LARA  
Courtney Pendleton, Chief Operating Officer, LARA  
Adam Sandoval, Chief Legal Officer and Deputy Director, LARA  
Andrew Brisbo, Director, Bureau of Construction Codes, LARA  
Elizabeth Arasim, Regulatory Affairs Officer, LARA



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Desmond Miller, Michigan Senate Democratic Policy Office  
Tim Reeves, Counsel, JCAR  
Rachel Hugart, Counsel, JCAR

**FROM:** Mack Jones, Department Specialist, Office of Policy and Legislative Affairs

**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2022-57 LR (Part 4 Building Code)

## Rules Primer

The rules are being revised to update the Building Code by adopting the 2021 edition of the International Building Code (IBC). The 2021 IBC addresses requirements for the building systems using prescriptive and performance related provisions. The rules are designed to provide consumers safety by allowing latitude for innovation and new technologies. Overall, this code protects life and property from the potential dangers associated with the installation and operation of building systems. The Building Code currently adopts by reference the 2015 edition of the IBC. The current rules are outdated and require revision to reflect the latest use of technology and materials.

## Summary of the Final Proposed Rule

The proposed rules will adopt by reference the 2021 edition of the IBC, with amendments, deletions, and additions deemed necessary for use in Michigan. The Building Code currently adopts by reference the 2015 edition of the IBC, which is based on building principles used in building codes across the country. The Building Code also includes rules that amend the IBC to address building practices specific to Michigan and delete those requirements in the IBC that do not pertain to Michigan because of the state's geographic and environmental features. The proposed rules will provide the latest standards to protect and promote the health, safety, and welfare of Michigan's residents

by regulating the installation and inspection of building equipment and systems within the state.

### **Stakeholder Engagement**

The Bureau of Construction Codes did the following to adequately allow for successful Stakeholder Engagement:

- The bureau allowed an estimated 30 days for the stakeholders to review the rules and send in rule proposal request forms regarding rule set 2022-57 LR.
- The bureau worked directly with the Board and Building Rules Chairperson, receiving input on drafting and developing the 2022-57 LR rule set.
- A public hearing was held in accordance with the Administrative Procedures Act, 1969 PA 306, where stakeholders had the opportunity to state on the record any comments regarding the proposed draft rule set.

### **Public Engagement and Public Hearing/Comment/Information**

The public hearing was held on Thursday, April 4, 2024, at the Michigan Library & Historical Center, First Floor Forum, 702 W Kalamazoo St, Lansing, MI 48915.

Number of Attendees:17

Spoken attendees: Eight

The public comment period for this rule set began on Thursday, April 4, 2024, which was the day that the public hearing was held, and ended on April 4, 2024, at 5:00 p.m. Notice of the Public hearing was published in the *Michigan Register*, Issue #3-2024, on March 15, 2024, and in the following newspapers of general circulation: The Morning Sun, the Oakland Press, and the Mining Journal on March 20, 2024. The bureau received 17 written comments regarding rule set 2022-57 LR.

### **Modifications Made Due to Public Comment**

The modifications that were made due to public comment are the following:

- The agency amended R 408.30401 Applicable code by adding sections 423.5, 423.5.1, and 423.5.2.

### **Significant Issues Not Incorporated in the Final Proposed Rules**

There were no significant issues that were not incorporated in the final proposed rules.

### **List of Public Commenters:**

1. Sandra Lupien, representing Mass Timber at Michigan State University
2. Janelle Rai, Mass Timber, representing self
3. Fabrice Smieliauskas, Mass Timber, representing self
4. Ryan Leestma, representing Leestma Management, LLC
5. Adam Smith representing SYNECDOCHE
6. Brian K Craig, representing Michigan Forest Biomaterials Institute
7. Todd Dailey, representing Dailey Engineering, Inc.
8. William Case, representing Sprinkler Professional
9. Bill Jacques, representing Absolute Fire Protection
10. Scott Walkowicz, representing Walkowicz Consulting Engineers
11. Philippe Ledent, representing Masonry Institute of Michigan
12. Kerry Sutton, representing American Concrete Institute
13. Rick Prince, representing Prince-Lund Engineering
14. Steve Banchemo, representing Northville Public Schools
15. Diane Hallinen, representing self
16. Gerry McClelland, representing AUCH Construction
17. William A. Hordyk, Metro Building Inspectors Association of Greater Grand Rapids, representing self
18. Tracie Pack, representing self
19. Jason Wadaga and Kevin N Koehler, representing the Construction Association of Michigan
20. Mark Stimac, representing Compliant by Design
21. Ron Ritchey, representing self
22. Tom Archie, representing the Office of Land Survey and Remonumentation

cc/att: Marlon I. Brown, Director, LARA  
 Courtney Pendleton, Chief Operating Officer, LARA  
 Adam Sandoval, Chief Legal Officer and Deputy Director, LARA  
 Andrew Brisbo, Director, Bureau of Construction Codes, LARA  
 Elizabeth Arasim, Regulatory Affairs Officer, LARA



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Desmond Miller, Michigan Senate Democratic Policy Office  
Tim Reeves, Counsel, JCAR  
Rachel Hugart, Counsel, JCAR

**FROM:** Mack Jones, Department Specialist, Office of Policy and Legislative Affairs

**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2023-037 LR (Audiology – General Rules)

## Rules Primer

The current rules address the following topics for audiologists in this state:

- Definitions.
- Training standards for identifying victims of human trafficking; requirements.
- Application for audiologist license; requirements.
- Licensure by endorsement; audiologist.
- Supervised clinical experience; limited license requirements.
- Clinical experience requirements.
- Foreign trained applicants; licensure requirements.
- Examination; adoption; passing scores.
- Educational standards; adoption by reference.
- Relicensure.
- License renewal; requirements; applicability.
- Acceptable continuing education; requirements; limitations.
- Continuing audiology education providers and programs; methods of approval.
- Telehealth.

## Summary of the Final Proposed Rule

The proposed rules will include clarification that graduates from educational programs that are substantially equivalent to accredited educational programs also satisfy the

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educational requirements for the limited license. In addition, the rules update the accreditation standards for audiology educational programs.

The proposed rule also clarifies that a licensee who completes implicit bias training under R 338.7004 may also use that training toward fulfillment of continuing education requirements and updates accreditation standards for audiology continuing education programs. Lastly, the rules clarify that a proposed continuing education provider must file the application and supporting documentation with the department for review not less than 120 days before the scheduled program date.

### **Stakeholder Engagement**

Development of the proposed rules occurred in consultation with members of the Board of Audiology via rules committee work groups, which included the opportunity for the public and associations to attend and supply input. The web address for the work group minutes is <https://www.michigan.gov/lara/bureau-list/bpl/health/hp-lic-health-prof/audiologist/board/audiology-rules-committee-work-group>.

### **Public Engagement and Public Hearing/Comment/Information**

The Department held a public hearing on May 10, 2024, at 9:00 a.m. No one spoke on the rules at the public hearing.

The public comment period ran from March 23, 2024, to May 10, 2024. No one sent in any written comments.

### **Modifications Made Due to Public Comment**

There were no changes made to the proposed rules based on comments received during the public comment period.

### **Significant Issues Not Incorporated in the Final Proposed Rules**

No commenters raised any issues during the public comment period.

cc/att: Marlon I. Brown, Director, LARA  
 Courtney Pendleton, Chief Operating Officer, LARA  
 Adam Sandoval, Chief Legal Officer and Deputy Director, LARA  
 Andrew Brisbo, Director, Bureau of Construction Codes, LARA  
 Elizabeth Arasim, Regulatory Affairs Officer, LARA



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Tim Reeves, Counsel, JCAR  
Rachel Hugart, Counsel, JCAR

**FROM:** Mack Jones, Department Specialist, Office of Policy and Legislative Affairs

**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2021-49 LR (Part 10a. Michigan Energy Code)

## Rules Primer

The Part 10a. Michigan Energy Code, which applies to buildings and structures, currently adopts the 2015 edition of the International Energy Conservation Code (IECC). The rules for commercial compliance are outdated and require revision to reflect the latest in accepted technology and materials to achieve efficient energy use.

## Summary of the Final Proposed Rule

The proposed rules incorporate by reference the 2021 edition of the IECC with Michigan amendments, deletions, and additions published by the International Code Council (ICC). The proposed rule set includes amendments, deletions, and additions deemed necessary for use in Michigan. The proposed rules provide the latest standards to protect the health of the state's residents and promote energy efficiency for the state's residents.

## Stakeholder Engagement

The bureau worked directly with the chair of the State Construction Code Commission. The bureau held an advisory meeting with stakeholders and the general public to help compile the regulatory impact statement, including determining the existence and extent of the impact of the proposed rules. This engagement was voluntary and not required by the Michigan Administrative Procedures Act. The advisory meeting allowed a back-and-

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forth conversation among bureau staff, stakeholders, and the public to discuss aspects of this Code.

### **Public Engagement and Public Hearing/Comment/Information**

\*Please be advised that on April 6, 2023, rule set 2021-49 LR (Part 10a. Michigan Energy Code) was withdrawn from the Joint Committee on Administrative Rules (JCAR) for the bureau to seek more guidance from stakeholders.

The public hearing was held on Thursday, February 22, 2024, at the Michigan Library & Historical Center, First Floor Forum, 702 W Kalamazoo St, Lansing, MI 48915.

Number of Attendees: Eight

Spoken attendees: Four.

The public comment period for this rule set began on Thursday, February 22, 2024, which was the day that public hearing was held, and ended on February 22, 2024, at 5:00 p.m. Notice of the public hearing was published in the *Michigan Register*, Issue #2-2024, on February 15, 2024, and in the following newspapers of general circulation: The Morning Sun and the Oakland Press on February 1, 2024, and the Mining Journal on January 31, 2024. The bureau received 17 written comments regarding rule set 2021-49 LR.

### **Modifications Made Due to Public Comment**

The modifications that were made due to public comment are the following:

- The agency made the following amendments to R408.31087 Applicable code.
  1. Removed “, and Appendix CC,” adding “and” before appendix CA.
  2. The following statement was added: “The provisions contained in Appendix CB are specifically adopted and authorized as mandatory requirements. The provisions contained in Appendix CC are specifically adopted and authorized as permissive guidelines and shall not be mandated by an enforcing agency.”.
  3. Removed “, Including appendix CB,”.

### **Significant Issues Not Incorporated in the Final Proposed Rules**

Electric vehicle readiness was an issue raised at the public hearing but not incorporated into the final proposed rules for 2021-49 LR.

### **List of Public Commenters:**

1. Arn McIntyre, Performance Home Corporation
2. Carlee Knot, Michigan Environmental Council
3. Charlotte Jameson, Michigan Environmental Council
4. William Gallmeyer, Green Projects Group
5. Jose L. Reyna, GreenHome Institute

6. Nicholas Occhipinti, Michigan League of Conservation Voters
7. Jacob Serfling, Michigan Building Decarbonization Voters
8. Courtney Bourgojn, Evergreen Action
9. Charles Griffith, Climate and Energy Program Director, Ecology Center
10. Michael Klement, Architectural Resources, LLC
11. Dr. Denise Keele, Michigan Climate Action Network
12. Tim Minotas, Sierra Club Michigan Chapter
13. Missy Stults, PhD, Sustainability and Innovations Director, City of Ann Arbor
14. Ericka Lozano-Buhl, Founder & Principal Consultant, Mixto Communications
15. Derell Slaughter, Climate & Energy
16. Madeline Semanisin, Natural Resources Defense Council
17. Mike Berkowitz, Elevate
18. John Freeman, Great Lakes Renewable Energy Association
19. David Dye, DFD Architecture
20. Em Perry, Michigan United
21. John Beeson, Foresight Management
22. Issacc Elneccave, Phius
23. Charlie Pullum, Pullum Window Corporation
24. Eric Lacey, Responsible Energy Codes Alliance
25. Fabrice Smieliauskas, Representing Self
26. Grace Michienzi, Michigan Energy Innovation Business Council
27. Isabella Gross, Midwest Energy Efficiency Alliance
28. Paige Knutsen, Midwest Energy Efficiency Alliance
29. Jami Des Chenes, Michigan Chemistry Council
30. Sonya Pouncy, Representing Self
31. Jan Culbertson, Ann Arbor/Washtenaw 2030 District
32. Cheri Holman, Grand Rapids 2030 District
33. Connie Lillie, Detroit 2030 District
34. Tim Mrozowski, Architect Design Planning
35. Jeffrey S. Ferweda, AIA
36. Jane McCurry, Clean Fuels Michigan
37. Justin Koscher, Polyisocyanurate Insulation Manufacturers Association
38. Jeffrey Mang, Polyisocyanurate Insulation Manufacturers Association
39. Lauren Reeg, Rocky Mountain Institute
40. Nate Love, American Chemistry Council
41. Amy Schmidt, American Chemistry Council

cc/att: Marlon I. Brown, Director, LARA  
 Courtney Pendleton, Chief Operating Officer, LARA  
 Adam Sandoval, Chief Legal Officer and Deputy Director, LARA  
 Andrew Brisbo, Director, Bureau of Construction Codes, LARA  
 Elizabeth Arasim, Regulatory Affairs Officer, LARA



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Coffiann Hawthorne, Michigan House Democratic Policy Office  
Desmond Miller, Michigan Senate Democratic Policy Office  
Tim Reeves, Counsel, JCAR  
Rachel Hugart, Counsel, JCAR

**FROM:** Mack Jones, Department Specialist, Office of Policy and Legislative Affairs

**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2023-40 LR (Securities)

## Rules Primer

The ruleset allows certain individuals registered under the Michigan Uniform Securities Act (MUSA) to extend the validity of their qualification examinations up to five years by taking continuing education courses. Specifically, these individuals are agents of broker-dealers who affect securities transactions and investment adviser representatives employed by investment adviser firms (commonly referred to as "IARs"). Individuals would enroll in programs administered by the North American Securities Administrators Association (NASAA) and/or the Financial Industry Regulatory Authority (FINRA) and complete continuing education applicable to their registration categories.

States, including Michigan, require broker-dealer agents and IARs to take and pass qualification examinations to become registered. Currently, those examinations are valid while the individual is employed by a broker-dealer or investment adviser firm, as applicable to the registration type, and for two years after the person disassociates from the firm. If the person associates with a new firm before two years elapse, then the person is not required to re-take the relevant qualifications examination. After two years of not being associated with a firm, the individual would need to re-take the relevant examination or qualify for an examination waiver to become registered. The proposed rules will allow an individual to take continuing education courses to maintain the validity of their examination for up to five years if they choose to do so.

## Summary of the Final Proposed Rule

The final proposed rule does the following:

- Allow broker-dealer agents and IARs registered under MUSA to maintain the validity of the relevant qualification examinations for up to 5 years.
- Agents and IARs must sign up for the examination extension program and then complete and report relevant continuing education each year to maintain validity.

## Stakeholder Engagement

The proposed rules are based on the model rules developed by NASAA. NASAA is an association of state, provincial, and territorial securities regulators from the United States, Canada, Mexico, and Guam. Its mission is to represent and serve its member jurisdictions through education, cooperation, coordination, communication, subject matter expertise, and advocacy. NASAA advocates the passage of strong, sensible, and consistent state securities laws and regulations and encourages consistency across jurisdictions through the drafting of model rules and legislation.

## Public Engagement and Public Hearing/Comment/Information

The department held a public hearing for this rule set on April 25, 2024, at 11 AM. There were no attendees at this hearing. A public comment period was open until May 13, 2024, at 5 PM. No public comments were received during the period.

## Modifications Made Due to Public Comment

Because no public comments were received regarding this rule set during the public hearing and public comment period, no modifications were made.

## Significant Issues Not Incorporated in the Final Proposed Rules

During the entire rulemaking process, no significant issues were raised that were not incorporated into the final proposed rules.

cc/att: Marlon I. Brown, Director, LARA  
Courtney Pendleton, Chief Operating Officer, LARA  
Adam Sandoval, Chief Legal Officer and Deputy Director, LARA  
Linda Clegg, Director, Corporations, Securities, and Commercial Licensing Bureau, LARA  
Elizabeth Arasim, Regulatory Affairs Officer, LARA



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Desmond Miller, Michigan Senate Democratic Policy Office  
Tim Reeves, Counsel, JCAR  
Rachel Hugart, Counsel, JCAR

**FROM:** Mack Jones, Department Specialist, Office of Policy and Legislative Affairs

**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2023-049 LR (Professional Surveyors – General Rules)

## Rules Primer

The current rules address the following topics for professional surveyors in this state:

- Definitions.
- Educational requirements.
- Professional surveying experience; verification; educational credit for experience.
- Examination requirements.
- Professional surveyor seal.
- Relicensure.
- Solicitation of employment; restrictions; exception.
- Conflict of interest.
- Participation in project; responsibilities; survey identification.
- Continuing education; license renewal; requirements.
- Acceptable continuing education; limitations.

## Summary of the Final Proposed Rule

The proposed rules will:

- Include revisions to follow current drafting standards.

- Make the continuing education requirements for relicensure the same as the requirements for renewal to ensure licensees complete the same continuing education requirements under either set of circumstances.
- Remove R 339.17403(3) as it is redundant.

**Stakeholder Engagement**

Development of the proposed rules occurred in consultation with members of the Board of Professional Surveyors via rules committee work groups, which included the opportunity for the public and associations to attend and supply input. The web address for the work group minutes is <https://www.michigan.gov/lara/bureau-list/bpl/occ/prof/surveyors/board-and-rules/professional-surveyors-rules-committee-work-group>.

**Public Engagement and Public Hearing/Comment/Information**

The Department held a public hearing on June 4, 2024, at 9:00 a.m. No one spoke on the rules at the public hearing.

The public comment period ran from May 3, 2024, to June 4, 2024. No one sent in written comments.

**Modifications Made Due to Public Comment**

There were no changes made to the proposed rules based on comments received during the public comment period.

**Significant Issues Not Incorporated in the Final Proposed Rules**

No commenters raised any significant issues during the public comment period.

cc/att: Marlon I. Brown, Director, LARA  
 Courtney Pendleton, Chief Operating Officer, LARA  
 Adam Sandoval, Chief Legal Officer and Deputy Director, LARA  
 Amy Gumbrecht, Director, Bureau of Professional Licensing, LARA  
 Elizabeth Arasim, Regulatory Affairs Officer, LARA





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Tim Reeves, Counsel, JCAR  
Rachel Hugart, Counsel, JCAR

**FROM:** Mack Jones, Department Specialist, Office of Policy and Legislative Affairs

**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2023-047 LR (Architects – General Rules)

## Rules Primer

The current rules address the following topics for architects in this state:

- Definitions.
- Educational requirement; adoption by reference of educational standard.
- Experience requirement.
- Examination requirement.
- Relicensure requirements.
- Model rules of conduct; adoption by reference.
- Seal design, use, security, and validation.
- License renewal requirement; continuing education waiver.
- Acceptable continuing education.
- Health, safety and welfare subjects for continuing education.

## Summary of the Final Proposed Rule

The proposed rules include revisions to follow current drafting standards and adopt the latest version of the model rules of conduct from the National Council of Architectural Registration Boards.

## **Stakeholder Engagement**

Development of the proposed rules occurred in consultation with members of the Board of Architects via rules committee work groups, which included the opportunity for the public and associations to attend and supply input. The web address for the work group minutes is <https://www.michigan.gov/lara/bureau-list/bpl/occ/prof/architects/boards-and-rules-committees/architects-rules-work-group>.

## **Public Engagement and Public Hearing/Comment/Information**

The Department held a public hearing on June 4, 2024, at 9:00 a.m. No one spoke on the rules at the public hearing.

The public comment period ran from May 3, 2024, to June 4, 2024. No one sent in any written comments.

## **Modifications Made Due to Public Comment**

There were no changes made to the proposed rules based on comments received during the public comment period.

## **Significant Issues Not Incorporated in the Final Proposed Rules**

No commenters raised any significant issues during the public comment period.

cc/att: Marlon I. Brown, Director, LARA  
Courtney Pendleton, Chief Operating Officer, LARA  
Adam Sandoval, Chief Legal Officer and Deputy Director, LARA  
Amy Gumbrecht, Director, Bureau of Professional Licensing, LARA  
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**FROM:** Mack Jones, Department Specialist, Office of Policy and Legislative Affairs

**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2023-32 LR (Real Estate Appraisers-General Rules)

## Rules Primer

The Real Estate Appraisers-General Rules provide for licensure as a real estate appraiser and specify the following:

- The educational and experience requirements for applicants applying for licensure as a real estate appraiser.
- The requirements for approval of an educational course and a continuing education course.
- The standards of conduct for real estate appraisers are consistent with the Appraisal Foundation's Uniform Standards of Professional Appraisal Practice (USPAP), authorized under the federal Financial Institutions Reform, Recovery, and Enforcement Act.

## Summary of the Final Proposed Rule

The proposed rules will do the following:

- Revise the rules' language to comply with current drafting standards.
- Add definitions for terms used in the rule set.

- Include new rules on the standard for performing an appraisal and the criteria to be used regarding education, examination, and experience for licensure as specified in the Occupational Code.
- Update information concerning the duties of an appraiser under the Appraisal Foundation's USPAP.
- Update requirements for accumulating experience for real estate appraisers and for the supervision of appraiser trainees.
- Revise the requirements for educational course approval, prelicensure education, and continuing education.
- Revise the rules on continuing education for license renewal, including specifying the following: activities that will count toward prelicensure education and continuing education; how continuing education courses should be conducted; the duties of a continuing education sponsor and instructor; and unacceptable continuing education courses and activities.
- Revise the current rule on allowed functions for a licensed real estate appraiser, certified residential real estate appraiser, and certified general real estate appraiser.

### **Stakeholder Engagement**

The rules workgroup of the Real Estate Appraiser Board met to review the rules on June 15, 2023, and September 26, 2023. Public notice of each meeting was posted. The meetings were held via Zoom. Members of the public attended the June 15, 2023, meeting. They offered comments, which the board members considered when drafting the proposed rules. No members of the public attended the September 26, 2023, meeting.

### **Public Engagement and Public Hearing/Comment/Information**

The open comment period for the proposed draft rules opened on April 30, 2024, and closed on June 4, 2024, at 5:00 p.m. Two written comments were received during the public comment period. Based on the written comments received, two changes were made to the proposed draft rules, as noted below.

The public hearing was held on June 4, 2024, at 9:00 a.m. No comments were received regarding this rule set during the public hearing.

### **Modifications Made Due to Public Comment**

In the written comments received, a commenter noted that it would be easier for a licensee to request authorization and comply with the requirements to supervise more than three trainees if the department provided a form. The department did not object, and the board agreed with the commenter. As a result, R 339.23203a(5)(a) was modified.

A commenter also stated that R 339.23309(5) requirements should include providing proof that an instructor has completed the most up-to-date Appraiser Qualification Board

instructor certification. The department did not object, and the board agreed with the commenter. As a result, R 339.23309(5) was modified.

### **Significant Issues Not Incorporated in the Final Proposed Rules**

No significant issues were brought up during the rulemaking process that were consistent with the Appraiser Qualification Board standards that were not included in the proposed draft rules.

#### **List of Public Commenters:**

- Martha O'Connor
- Beth L. Graham, Certified Residential Appraiser

cc/att: Marlon I. Brown, Director, LARA  
Courtney Pendleton, Chief Operating Officer, LARA  
Adam Sandoval, Chief Legal Officer and Deputy Director, LARA  
Amy Gumbrecht, Director, Bureau of Professional Licensing, LARA  
Bryan Modelski, Deputy Director, Bureau of Professional Licensing, LARA  
Elizabeth Arasim, Regulatory Affairs Officer, LARA



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

# Memorandum

## VIA E-MAIL

**DATE:** Monday, July 15, 2024

**TO:** Senator Paul Wojno, Chairperson, JCAR  
Representative Jim Haadsma, Alternate Chairperson, JCAR  
Coffiann Hawthorne, Michigan House Democratic Policy Office  
Desmond Miller, Michigan Senate Democratic Policy Office  
Tim Reeves, Counsel, JCAR  
Rachel Hugart, Counsel, JCAR

**FROM:** Mack Jones, Department Specialist, Office of Policy and Legislative Affairs

**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2022-67 LR (Nursing Home Administrators-General Rules)

## Rules Primer

The Nursing Home Administrators-General Rules specify the requirements for Nursing Home Administrator licensure, relicensure, renewal, and continuing education.

## Summary of the Final Proposed Rule

The proposed rules do accomplish the following:

- The rules are updated to the current drafting standards, which required some rules to be rescinded and renumbered for organization and clarity.
- The rule requiring the department to authorize an applicant to take the licensure examination was rescinded because that authorization is no longer required.
- The proposed rules clarify and amend educational requirements and organize them into one rule, including the required course of instruction.
- The proposed rules also clarify and reorganize the continuing education requirements and limitations by rescinding some rules and reorganizing all requirements and limitations into one rule.
- The proposed rules amend the rules on approved continuing education programs, and the rules on the board's approval of individual continuing educational programs were rescinded as they were no longer needed.

## **Stakeholder Engagement**

The Nursing Home Administrators Board's rules workgroup met to review the rules on February 17, 2023, June 9, 2023, August 11, 2023, and April 25, 2024. The meetings were held via Zoom. Members of the public attended the August 11, 2023, and April 25, 2024, meetings and offered comments, which the board members considered in drafting the proposed rules. No members of the public attended the meetings on February 17, 2023, or June 9, 2023.

## **Public Engagement and Public Hearing/Comment/Information**

The comment period for the proposed draft rules opened on March 7, 2024, and closed on April 9, 2024, at 5:00 p.m. Three written comments were received during the comment period. Based on the written comments received, two changes were made to the proposed draft rules, as noted below.

The public hearing was held on April 9, 2024, at 9:00 a.m. No comments were received regarding this rule set during the public hearing.

## **Modifications Made Due to Public Comment**

In the written comments received, Rich Farran, Health Care Association of Michigan, expressed support for the revised educational requirements in the proposed draft rules but noted that recent graduates and current students in programs that meet current requirements should be permitted to qualify for licensure. The board agreed with the commenter. As a result, R 339.14012(1) was modified.

Michelle Grachek and Randy Lindner, National Association of Long Term Administrator Boards (NAB), stated that acquiring and holding a health services executive designation granted by the NAB was equal to or greater than the educational and examination requirements in the draft rules, and it should be sufficient for initial licensure. The board agreed with the commenters. As a result, R 338.14017 was modified.

## **Significant Issues Not Incorporated in the Final Proposed Rules**

No significant issues were brought up during the rulemaking process that were not included in the proposed draft rules.

cc/att: Marlon I. Brown, Director, LARA  
 Courtney Pendleton, Chief Operating Officer, LARA  
 Adam Sandoval, Chief Legal Officer and Deputy Director, LARA  
 Amy Gumbrecht, Director, Bureau of Professional Licensing, LARA  
 Bryan Modelski, Deputy Director, Bureau of Professional Licensing, LARA  
 Elizabeth Arasim, Regulatory Affairs Officer, LARA



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

# Memorandum

## VIA E-MAIL

**DATE:** Thursday, October 10, 2024

**TO:** Senator Paul Wojno, Chairperson, JCAR  
Representative Jim Haadsma, Alternate Chairperson, JCAR  
Coffiann Hawthorne, Michigan House Democratic Policy Office  
Desmond Miller, Michigan Senate Democratic Policy Office  
Tim Reeves, Counsel, JCAR  
Rachel Hugart, Counsel, JCAR

**FROM:** Mack Jones, Department Specialist, Office of Policy and Legislative Affairs

**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2023-048 LR (Professional Engineers – General Rules)

## Rules Primer

The current rules address the following topics for professional engineers in Michigan:

- Definitions.
- Educational requirements.
- Professional engineering experience; credit for work experience; credit for educational experience.
- Relicensure requirements.
- Examination requirements.
- Professional conduct; requirements; restrictions.
- Professional engineer seal.
- Continuing education required for renewal; certification of compliance; document retention; continuing education waiver.
- Acceptable continuing education; limitations.

## Summary of the Final Proposed Rule

The proposed rules will accomplish all of the following:

- Align the continuing education requirements for relicensure with the continuing education requirements for license renewal.
- Include another pathway for fulfilling a part of the examination requirements via proof of more work experience.



- Include revisions to current drafting standards and edits for clarification and ease of reading.

### **Stakeholder Engagement**

Development of the proposed rules occurred in consultation with members of the Board of Professional Engineers via rules committee work groups, which included the opportunity for the public and associations to attend and supply input. The web address for the work group minutes is <https://www.michigan.gov/lara/bureau-list/bpl/occ/prof/engineers/boards-and-rules-committee/professional-engineers-rules-committee-work-group>.

### **Public Engagement and Public Hearing/Comment/Information**

The Department held a public hearing on August 8, 2024, at 9:00 a.m. No one spoke on the rules at the public hearing.

The public comment period ran from June 30, 2024, to August 8, 2024. The Department did not receive written comments for Rule Set 2023-048 LR.

### **Modifications Made Due to Public Comment**

No changes to the proposed rules were made since the Department did not receive written or verbal comments.

### **Significant Issues Not Incorporated in the Final Proposed Rules**

No issues were raised during the public comment period or stakeholder engagement.

cc/att: Marlon I. Brown, Director, LARA  
 Courtney Pendleton, Chief Operating Officer, LARA  
 Adam Sandoval, Chief Legal Officer and Deputy Director, LARA  
 Amy Gumbrecht, Director, Bureau of Professional Licensing, LARA  
 Elizabeth Arasim, Regulatory Affairs Officer, LARA



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DIRECTOR

# Memorandum

## VIA E-MAIL

**DATE:** Thursday, October 10, 2024

**TO:** Senator Paul Wojno, Chairperson, JCAR  
Representative Jim Haadsma, Alternate Chairperson, JCAR  
Coffiann Hawthorne, Michigan House Democratic Policy Office  
Desmond Miller, Michigan Senate Democratic Policy Office  
Tim Reeves, Counsel, JCAR  
Rachel Hugart, Counsel, JCAR

**FROM:** Mack Jones, Department Specialist, Office of Policy and Legislative Affairs

**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2023-73 LR Optometry—General Rules

## Rules Primer

The Optometry—General Rules specify the requirements for Optometry licensure, relicensure, renewal, and continuing education.

## Summary of the Final Proposed Rule

The proposed rules will do the following:

- Add new definitions, clarify several existing definitions, and remove definitions that are no longer needed.
- Amend and update the accreditation standards for approved educational programs and amend and update the examination requirements for licensure.
- Clarify the requirements for licensure by endorsement.
- Remove the requirement that an applicant for relicensure whose license has been lapsed for six years or more pass the Continued Professional Development in Optometry examination, as that examination is no longer available.
- Clarify how a licensee can satisfy the continuing education requirements for license renewal.

**Stakeholder Engagement**

The Optometry Board's rules work group met on March 1, 2024, to review the rules. The meeting was held via Zoom. No members of the public attended.

**Public Engagement and Public Hearing/Comment/Information**

The public comment period for this rule set opened on June 30, 2024, and ended at 5:00 p.m. on August 8, 2024. The public hearing was held on August 8, 2024, at 9:00 a.m.

The bureau received no comments by mail or email during the public comment period. No comments were made during the public hearing.

**Significant Issues Not Incorporated in the Final Proposed Rules**

No significant issues were raised during the rulemaking process that were not included in the proposed draft rules.

cc/att: Marlon I. Brown, Director, LARA  
Courtney Pendleton, Chief Operating Officer, LARA  
Adam Sandoval, Chief Legal Officer and Deputy Director, LARA  
Amy Gumbrecht, Director, Bureau of Professional Licensing, LARA  
Bryan Modelski, Deputy Director, Bureau of Professional Licensing, LARA  
Elizabeth Arasim, Regulatory Affairs Officer, LARA



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MARLON I. BROWN, DPA  
DIRECTOR

# Memorandum

## VIA E-MAIL

**DATE:** Thursday, October 10, 2024

**TO:** Senator Paul Wojno, Chairperson, JCAR  
Representative Jim Haadsma, Alternate Chairperson, JCAR  
Coffiann Hawthorne, Michigan House Democratic Policy Office  
Desmond Miller, Michigan Senate Democratic Policy Office  
Tim Reeves, Counsel, JCAR  
Rachel Hugart, Counsel, JCAR

**FROM:** Mack Jones, Department Specialist, Office of Policy and Legislative Affairs

**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2023-035 LR (Chiropractic – General Rules)

## Rules Primer

The current rules address the following topics for chiropractors in Michigan:

- Definitions.
- Educational program standards; adoption by reference.
- Training standards for identifying victims of human trafficking; requirements.
- Educational limited license; requirements.
- Examination; adoption and approval; passing score.
- Licensure by examination; requirements.
- Licensure by endorsement; requirements.
- Relicensure requirements.
- License renewal; continuing education.
- Acceptable continuing education.
- Approval of continuing education programs.
- Performance of invasive procedure; requirements.
- Tests; performance or ordering; requirements.
- Analytical instruments; criteria for approval.
- Adjustment apparatus; criteria for approval.

## Summary of the Final Proposed Rule

The proposed rules will do all the following:

- Include clarifying language and typographical revisions.

- Establish conditions related to consent, scope of practice, and standard of care for telehealth services.
- Remove the requirement that a licensee complete at least two hours of continuing education in performing and ordering tests.
- Clarify that a licensee who completes implicit bias training under R 338.7004 may also use that training to fulfill continuing education requirements.

### **Stakeholder Engagement**

The proposed rules were developed in consultation with members of the Board of Chiropractic via rules committee work groups, which included the opportunity for the public and associations to attend and supply input. The web address for the work group minutes is <https://www.michigan.gov/lara/bureau-list/bpl/health/hp-lic-health-prof/chiro/board/chiropractic-rules-committee-work-group>.

### **Public Engagement and Public Hearing/Comment/Information**

The Department held a public hearing on March 19, 2024, at 9:00 a.m. No one spoke on the rules at the public hearing.

The public comment period ran from February 27, 2024, to March 19, 2024. The Department received written comments from one individual for Rule Set 2023-035 LR.

### **Modifications Made Due to Public Comment**

The board increased the number of continuing education hours that an applicant for relicensure may complete via distance learning programs from 15 to 20, lowered the number of continuing education hours that an applicant for renewal must complete via live, in-person programs from 15 to 10, and continuing education approved or offered by Providers of Approved Continuing Education (PACE) of the Federation of Chiropractic Licensing Boards (FCLB) is continuing education that the board and the Department should approve under the rules based on public comment.

### **Significant Issues Not Incorporated in the Final Proposed Rules**

The board agreed to amend the rules based on the written comments received, so no significant issues were left out of the final proposed rules.

### **List of Public Commenters:**

- Martha O'Connor

cc/att: Marlon I. Brown, Director, LARA  
 Courtney Pendleton, Chief Operating Officer, LARA  
 Adam Sandoval, Chief Legal Officer and Deputy Director, LARA  
 Amy Gumbrecht, Director, Bureau of Professional Licensing, LARA  
 Elizabeth Arasim, Regulatory Affairs Officer, LARA



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LANSING

MARLON I. BROWN, DPA  
DIRECTOR

# Memorandum

## VIA E-MAIL

**DATE:** Thursday, October 10, 2024

**TO:** Senator Paul Wojno, Chairperson, JCAR  
Representative Jim Haadsma, Alternate Chairperson, JCAR  
Coffiann Hawthorne, Michigan House Democratic Policy Office  
Desmond Miller, Michigan Senate Democratic Policy Office  
Tim Reeves, Counsel, JCAR  
Rachel Hugart, Counsel, JCAR

**FROM:** Mack Jones, Department Specialist, Office of Policy and Legislative Affairs

**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2022-62 LR (Pharmacy – Program for Utilization of Unused Prescription Drugs)

## Rules Primer

The Pharmacy – Program for Utilization of Unused Prescription Drug rules aims to implement and regulate the voluntary drug donation program established by Section 17775 of the Public Health Code, MCL 333.17775. The rules address definitions, eligibility criteria, requirements for storage, inspection, labeling, and repackaging, recordkeeping, forms, the collection and disposal or destruction of ineligible drugs, and handling fees. The rules impact the manufacturers, medical institutions, pharmacies, and charitable clinics that choose to participate in the program and the individuals who receive donated medicine.

## Summary of the Final Proposed Rule

The proposed rules will do all the following:

- Update language to meet current drafting standards.
- Revise definitions.
- Permit a drug with non-room temperature storage requirements to be donated by a medical institution that has ensured the integrity of the drug by enclosing in the donation package a United States Pharmacopeia (USP)-recognized method by which the recipient pharmacy or charitable clinic may detect improper temperature variation.
- Permit a drug outside of a health professional's control to be accepted for donation, provided the drug's sanitation and security can be assured following inspection by a licensed pharmacist.

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- Permit repackaging of a donated drug or medical supply.
- Eliminate specific recordkeeping requirements.
- Require records of prescriptions dispensed under the program to be filed with the pharmacy's other prescription records.
- Permit the use of a duplicate electronic record dispensed under the program for use after two years.
- Update inspection requirements by removing the lot number requirement unless the donation is received from an outsourcing facility and requiring all donations to be inspected for signs of misbranding.
- Simplify form requirements and permit a substantially similar electronic or physical form.
- Require a pharmacy license number on the participation form.
- Eliminate the resident donation form.
- Modify the handling fee cap from 300% of the Medicaid standard pharmacy dispensing fee to the reasonable costs of participating in the program and require the participating pharmacy or charitable clinic to use reasonable efforts to ensure the handling fee does not exceed the total cost of obtaining the same drug outside the program.
- Provide for payment of the handling fee by a party other than the eligible participant.

### **Stakeholder Engagement**

The proposed rules were developed in consultation with members of the Board of Pharmacy via rules committee work groups, which included the opportunity for the public and associations to attend and supply input. The web address for the work group minutes is <https://www.michigan.gov/lara/bureau-list/bpl/health/hp-lic-health-prof/pharmacy/board/pharmacy-rules-committee-work-group>.

### **Public Engagement and Public Hearing/Comment/Information**

The Department held a public hearing in Lansing, Michigan, on May 20, 2024. No one spoke on the rules at either hearing.

The public comment period ran from April 27, 2024, to May 20, 2024. Five individuals submitted written comments.

### **Modifications Made Due to Public Comment**

The following modifications were made to the proposed rules based on public comments:

- Unused drugs that have been outside of the control of a licensed health professional may be donated if sanitation and security can be assured following inspection by a licensed pharmacist.
- The drug manufacturer must be listed on the label of repackaged medicine.
- The expiration date for repackaged medicine was changed from one year after repackaging to six months if repackaged into a vial and 60 days if repackaged

into a blister pack or customized patient medication package that is prepared by a pharmacist for a specific patient and contains two or more prescribed solid dosage forms.

- Prescription records for drugs dispensed under the program shall be filed with the pharmacy's other prescription records.
- The donation form requirements include collecting the license number for the medical institution or manufacturer only if applicable.
- The donation form requirements include a statement that the unused medication is eligible for donation as defined by the rules.
- Nothing shall prevent a participating pharmacy or charitable clinic from accepting coverage of any applicable fees from another party when eligible participants cannot cover the cost of the handling fee.

**Significant Issues Not Incorporated in the Final Proposed Rules**

The following concepts were suggested and discussed but were not included in this rule set because they were contrary to the statute:

- Expanding the ability to donate unused prescription drugs beyond manufacturers and medical institutions.
- Eliminating the requirement that pharmacies and charitable clinics participating in the program accept ineligible medication for destruction and disposal.

**Written and Public Hearing Commenters:**

- Rose Baran, Pharm. D., self
- Jordan Marchetti, Pharm. D., President - TDS, Inc.
- Martha O'Connor, self
- Kelsey Ostergren, Michigan Health & Hospital Association
- Eliza Sternlicht, MediCircle

cc/att: Marlon I. Brown, Director, LARA  
 Courtney Pendleton, Chief Operating Officer, LARA  
 Adam Sandoval, Chief Legal Officer and Deputy Director, LARA  
 Amy Gumbrecht, Director, Bureau of Professional Licensing, LARA  
 Elizabeth Arasim, Regulatory Affairs Officer, LARA





GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

# Memorandum

## VIA E-MAIL

**DATE:** Thursday, October 10, 2024

**TO:** Senator Paul Wojno, Chairperson, JCAR  
Representative Jim Haadsma, Alternate Chairperson, JCAR  
Coffiann Hawthorne, Michigan House Democratic Policy Office  
Desmond Miller, Michigan Senate Democratic Policy Office  
Tim Reeves, Counsel, JCAR  
Rachel Hugart, Counsel, JCAR

**FROM:** Mack Jones, Department Specialist, Office of Policy and Legislative Affairs

**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2023-17LR (Mortuary Science)

## Rules Primer

This rule set implements new continuing education requirements for mortuary science licensees due to a 2020 law (2020 PA 265), which mandated the department to do so. The rules also clarify and update the requirements for a resident trainee to complete, ensuring that the requirements accurately reflect the skills necessary to become a competent mortuary science licensee. The rules update language regarding standards of care for dead human bodies and the facility standards of licensed funeral establishments. The changes in these rules are intended to better protect the public, ensure that decedents are treated with dignity and respect, and bring Michigan's rules and standards for mortuary science more into line with similar states.

## Summary of the Final Proposed Rule

The final proposed rule accomplishes all of the following:

- Describes how a licensee may comply with the statutorily mandated continuing education licensing requirements.
  - Define "course," continuing education, "provider," and other related terms.
  - Lay out how continuing education credit hours may be obtained.
- Clarify graduation requirements from a mortuary science program and educational program accreditation standards.
- Set parameters for the limits of a resident trainee license.
- Clarify how a dead human body is permitted to be cared for, transported, and stored, including requirements for creating case reports for dead human bodies in the care of a licensee.

- Clarify the facility requirements for preparation rooms.
- Reinforce the responsibility of a mortuary science licensee to oversee the final disposition of a dead human body.
- Implement record retention requirements for necessary paperwork and documents, such as proof of completion of continuing education and case reports.
- Clarify the department's ability to audit continuing education for licensees and approved providers.
- Clarify the responsibility to obtain identification of a dead human body before final disposition.
- Clarify license posting requirements in a licensed funeral establishment.

### **Stakeholder Engagement**

The rule set was drafted alongside an advisory rules subcommittee of the professional Board of Examiners in Mortuary Science members. Before the public hearing on July 18, 2024, the department studied other states' and organizations continuing education requirements and crafted requirements that would work best for Michigan's regulatory scheme. In addition, the department consulted with the rules subcommittee to update the outdated rules regarding resident trainees and minimum experience, standards of care, and facility standards.

Along each step in the rulemaking process, the rules subcommittee was consulted on matters of their subject matter expertise. Furthermore, the entire Board, including members representing the public, had opportunities on numerous occasions to hear updates about the progress of the rules and to review preliminary drafts of the rules at public Board meetings, whose agendas and minutes may be found at <https://www.michigan.gov/lara/bureau-list/cscl/licensing/prof/mortuary/info/mortuary-science-board-meeting-agendas-and-minutes>.

### **Public Engagement and Public Hearing/Comment/Information**

A public hearing for this rule set was held on July 18, 2024, at 10:00 AM, at the CSCL office at 2407 N Grand River Ave, Lansing, MI 48906. Twenty-five people were in attendance, including members of the Board and department. Ten attendees spoke at the hearing.

The public comment period began on June 4, 2024, when the Notice of Public Hearing was published by MOAHR, and ended on July 26, 2024, at 5 PM. Twenty-one written comments were received within that time.

### **Modifications Made Due to Public Comment**

After reviewing and considering all public comments made on the rule set, both orally and in writing, the department made the following changes:

- Updates to definitions to avoid unintended misinterpretations.
- Clarification of language regarding resident trainees.
- Removal of the rule concerning "arrangement centers" and unlicensed activity.
- Clarification of the rule concerning identification before final disposition.

- Clarification of language regarding eligible continuing education course topics.
- Added language to clarify requirements for handling the deceased.
- Added language requiring rigid containers to resist leakage or spillage for transportation.
- Added language for a record retention requirement for the statement of funeral goods and services selected.

**Significant Issues Not Incorporated in the Final Proposed Rules**

The following concepts were suggested and discussed, but concerns about overstepping statutory authority and meeting the Fall 2025 implementation deadline for continuing education led to them being tabled for future projects:

- Refrigeration requirements for dead human bodies—Commenters repeatedly mentioned this, and the department favors it. However, legislation regarding this requirement is pending, and it was not included in this ruleset.
- Amending the total number of required embalmings that must be performed to obtain initial licensure to capture the reality of a growing cremation rate as a form of final disposition, and therefore, fewer opportunities for prospective licensees to perform embalmings under supervision.

**Written and Public Hearing Commenters:**

- |                     |                      |                    |
|---------------------|----------------------|--------------------|
| 1. Arthur McNabb    | 12. Melissa H.       | 22. Rodney         |
| 2. Tate Goodwin     | 13. Morgan Minger-   | Wakeman            |
| 3. Spencer A.       | Szyniszewski         | 23. Kyle Schweiker |
| Skorupski           | 14. Shane Wright     | 24. Scott Hurrell  |
| 4. Benjamin Joffe   | 15. Daniel Jansen    | 25. Greg McClary   |
| 5. Mark Bucchi, Esq | 16. Alan Jowett      | 26. Craig Harms    |
| 6. Paul Buchanan    | 17. Jennifer Simsack | 27. Sean Allen     |
| 7. Timothy Gagern   | 18. Thomas           | 28. Peggy Wesley-  |
| 8. Nicole Crist     | Macksoud             | Fitzthum           |
| 9. Matthew Varga    | 19. Jared Rozycki    | 29. Mark Sayles    |
| 10. Scott Shepard   | 20. Steve McCowen    |                    |
| 11. Sally A. Bazan  | 21. Lee Karelse      |                    |

cc/att: Marlon I. Brown, Director, LARA  
 Courtney Pendleton, Chief Operating Officer, LARA  
 Adam Sandoval, Chief Legal Officer and Deputy Director, LARA  
 Linda Clegg, Director, Corporations, Securities, and Commercial Licensing Bureau, LARA  
 Elizabeth Arasim, Regulatory Affairs Officer, LARA



GRETCHEN WHITMER  
GOVERNOR

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LANSING

MARLON I. BROWN, DPA  
DIRECTOR

# Memorandum

## VIA E-MAIL

**DATE:** Thursday, October 10, 2024

**TO:** Senator Paul Wojno, Chairperson, JCAR  
Representative Jim Haadsma, Alternate Chairperson, JCAR  
Coffiann Hawthorne, Michigan House Democratic Policy Office  
Desmond Miller, Michigan Senate Democratic Policy Office  
Tim Reeves, Counsel, JCAR  
Rachel Hugart, Counsel, JCAR

**FROM:** Mack Jones, Department Specialist, Office of Policy and Legislative Affairs

**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2024-7 LR (Uniform System of Accounts for Major and Nonmajor Electric Utilities)

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## Rules Primer

The Federal Energy Regulatory Commission (FERC) has established regulatory accounting and financial reporting requirements for regulated entities in the electric industry. These requirements are codified at 18 CFR part 101 and are known as the Uniform System of Accounts (USofA). On October 5, 2023, FERC issued a final rule amending the USofA to, among other things, add functional detail concerning the accounting treatment of certain renewable and storage technologies and create new accounts for renewable energy credits. The final rule goes into effect on January 1, 2025. See, 88 Federal Register 192, pp. 69294 – 69388.

The Michigan Public Service Commission (MPSC or Commission) regulates electric utilities and has promulgated rules that adopt by reference the federal USofA. See Mich Admin Code, R 460.9001 *et seq.* The proposed ruleset amends state regulations to update the adoption by reference to include FERC's final rule. Thus, the ruleset will align MPSC's current rules with the updated federal USofA to, among other things, provide for the accounting of certain renewable and storage energy technologies.

## Summary of the Final Proposed Rule

The proposed rules change the following:

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- The Commission updated the adoption by reference to the federal USofA for major and nonmajor electric utilities, namely 18 CFR part 101 and 88 Federal Register 192, pages 69294 to 69388 (October 5, 2023). Mich Admin Code, R 460.9002(1).
- The Commission updated the adoption by reference to the federal USofA for rural utilities service electric borrowers, namely 7 CFR 1767, as amended through January 1, 2024. Mich Admin Code, R 460.9003(1).

### **Stakeholder Engagement**

Amendments to the federal USofA were initiated through a petition from the regulated community seeking confirmation for proper booking costs for wind and solar generating equipment. See, 88 Fed Reg 69295. In the ensuing proceeding, some commenters argued that the petition proposed recording inappropriate costs. *Id.*, at 69296. As a result of this dispute, FERC created new accounts for wind, solar, and other non-hydro renewables. *Id.* FERC published the final rule on October 5, 2023.

In response to the published final rule, the Commission initiated the instant changes to the rules. No comments were received from interested persons concerning the proposed rule changes.

### **Public Engagement and Public Hearing/Comment/Information**

The Commission conducted a public hearing in the Lake Michigan Hearing Room at the Commission offices at 7109 W. Saginaw Highway, Lansing, Michigan on September 3, 2024. No attendees opted to speak or offer comment on the ruleset at the public hearing.

The Commission opened a public comment period for written comments beginning July 23, 2024, and ending September 18, 2024. No written comments were received during the public comment period.

### **Modifications Made Due to Public Comment**

No modifications were made to the proposed rules as no public comments were received.

### **Significant Issues Not Incorporated in the Final Proposed Rules**

There were no significant issues that were not incorporated into the final proposed rules. The only issue present in the proposed rules are updates of the adoption by reference to the federal USofA.

cc/att: Marlon I. Brown, Director, LARA  
 Courtney Pendleton, Chief Operating Officer, LARA  
 Adam Sandoval, Chief Legal Officer and Deputy Director, LARA  
 Dan Scripps, Chair, Michigan Public Service Commission, LARA  
 Elizabeth Arasim, Regulatory Affairs Officer, LARA



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

# Memorandum

## VIA E-MAIL

**DATE:** Thursday, October 10, 2024

**TO:** Senator Paul Wojno, Chairperson, JCAR  
Representative Jim Haadsma, Alternate Chairperson, JCAR  
Coffiann Hawthorne, Michigan House Democratic Policy Office  
Desmond Miller, Michigan Senate Democratic Policy Office  
Tim Reeves, Counsel, JCAR  
Rachel Hugart, Counsel, JCAR

**FROM:** Mack Jones, Department Specialist, Office of Policy and Legislative Affairs

**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2023-036 LR (Osteopathic Medicine and Surgery – General Rules)

## Rules Primer

The current rules for osteopathic medicine and surgery doctors include definitions, telehealth practices, a code of ethics, and protocols for prescribing drugs by physician assistants and delegation to advanced practice registered nurses. They also establish training standards for identifying human trafficking victims, set accreditation standards for osteopathic medical schools and postgraduate programs, and outline licensure processes through examination and endorsement. Additional provisions cover educational limited licenses, examination standards including passing scores and attempt limitations, and requirements for relicensure, license renewals, and acceptable continuing education.

## Summary of the Final Proposed Rule

The proposed rules will include all of the following:

- Revisions to follow current drafting standards.
- Removal of the prohibition on delegation of a drug or device individually, in combination, or in succession, for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.
- Updates to accreditation standards.

- Edits to decrease the number of allowed attempts to pass any level of the COMLEX-USA from six to four attempts.
- Remove the requirement that an applicant shall successfully pass all steps of the COMLEX-USA within seven years after the date the applicant first passed a step of the COMLEX-USA.
- Clarification of the period in which a licensee must request a waiver for continuing education.
- Clarification that a licensee who completes implicit bias training under R 338.7004 may also use that training to fulfill continuing education requirements.
- Clarification of allowance of non-Accreditation Council for Continuing Medical Education (ACCME) accredited providers engaging in joint providership with ACCME accredited providers to qualify as acceptable continuing education providers.

### **Stakeholder Engagement**

Development of the proposed rules occurred in consultation with members of the Board of Osteopathic Medicine and Surgery via rules committee work groups, which included the opportunity for the public and associations to attend and supply input. The web address for the work group minutes is <https://www.michigan.gov/lara/bureau-list/bpl/health/hp-lic-health-prof/osteo/board/osteopathic-medicine-rules-committee-work-group>.

### **Public Engagement and Public Hearing/Comment/Information**

The Department held a public hearing on June 4, 2024, at 9:00 a.m. One person spoke on the rules at the public hearing.

The public comment period ran from May 3, 2024, to June 4, 2024—one person sent in written comments.

### **Modifications Made Due to Public Comment**

No changes to the proposed rules were made based on comments received during the public comment period.

### **Significant Issues Not Incorporated in the Final Proposed Rules**

No commenters raised any significant issues during the public comment period.

cc/att: Marlon I. Brown, Director, LARA  
 Courtney Pendleton, Chief Operating Officer, LARA  
 Adam Sandoval, Chief Legal Officer and Deputy Director, LARA  
 Amy Gumbrecht, Director, Bureau of Professional Licensing, LARA  
 Elizabeth Arasim, Regulatory Affairs Officer, LARA



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# Memorandum

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**TO:** Senator Paul Wojno, Chairperson, JCAR  
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Desmond Miller, Michigan Senate Democratic Policy Office  
Tim Reeves, Counsel, JCAR  
Rachel Hugart, Counsel, JCAR

**FROM:** Mack Jones, Department Specialist, Office of Policy and Legislative Affairs

**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2023-052 LR (Psychology – General Rules)

## Rules Primer

The current rules address the following topics for psychologists in Michigan:

- Definitions.
- Training standards for identifying victims of human trafficking.
- Telehealth standards.
- Accreditation standards & adoption by reference.
- Psychologist application for licensure requirements.
- Psychologist examination standards and eligibility.
- Foreign graduate of non-accredited postsecondary institution psychologist examination requirements, licensure, and limited licensure.
- Licensure by endorsement.
- Application requirements for educational limited license, including postdoctoral experience requirements, supervision, and examination requirements.
- Psychologist relicensure requirements.
- Application and supervision requirements for a temporary limited license for post-master's degree experience.
- Reporting of supervision requirements.
- Relicensure of limited licensed psychologist requirements.
- Psychologist license renewal requirements.
- Continuing education requirements and limitations.
- Standards for approval of continuing education providers.



## Summary of the Final Proposed Rule

The proposed rules will do all the following:

- Include revisions to follow current drafting standards and edits, adding clarification for easier reading.
- Update the latest educational standards.
- Clarify the length of time an individual may hold the educational limited license.
- Clarify the requirements for requesting approval of a post-degree practicum and a practicum supervisor's credentials.
- Remove the exception to completion of continuing education in the first license cycle.
- Clarify that a licensee who completes implicit bias training under R 338.7004 may also use that training to fulfill continuing education requirements.
- Update ways to obtain continuing education credit.

## Stakeholder Engagement

Development of the proposed rules occurred in consultation with members of the Board of Psychology via rules committee work groups, which included the opportunity for the public and associations to attend and supply input. The web address for the work group minutes is <https://www.michigan.gov/lara/bureau-list/bpl/health/hp-lic-health-prof/psychology/board/psychology-rules-committee-work-group>.

## Public Engagement and Public Hearing/Comment/Information

The Department held a public hearing on July 8, 2024, at 9:00 a.m. No one spoke on the rules at the public hearing.

The public comment period ran from May 23, 2024, to July 8, 2024. The Department received two written comments for Rule Set 2023-052 LR.

## Modifications Made Due to Public Comment

No changes to the proposed rules were made based on comments received during the public comment period.

## Significant Issues Not Incorporated in the Final Proposed Rules

No commenters raised any significant issues during the public comment period.

cc/att: Marlon I. Brown, Director, LARA  
 Courtney Pendleton, Chief Operating Officer, LARA  
 Adam Sandoval, Chief Legal Officer and Deputy Director, LARA  
 Amy Gumbrecht, Director, Bureau of Professional Licensing, LARA  
 Elizabeth Arasim, Regulatory Affairs Officer, LARA