

Michigan Office of Administrative Hearings and Rules
MOAHR-Rules@michigan.gov

**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Licensing and Regulatory Affairs

Division/Bureau/Office:

Bureau of Professional Licensing

Name of person completing this form:

Weston MacIntosh

Phone number of person completing this form:

517-241-9269

E-mail of person completing this form:

MacIntoshW1@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Elizabeth Arasim

2. Rule Set Information

MOAHR assigned rule set number:

2023-35 LR

Title of proposed rule set:

Chiropractic – General Rules

3. Purpose for the proposed rules and background:

The Chiropractic – General Rules pertain to definitions, accreditation standards, training, educational limited licenses, examination, licensure, relicensure, renewal, continuing education, and standards of practice for chiropractors.

Amendment of the rules will take place to supply clarity on definitions, telehealth, accreditation standards, training, educational limited licenses, examination, licensure, relicensure, renewal, continuing education, and standards of practice for chiropractors.

4. Summary of proposed rules:

The proposed rules include clarifying language and typographical revisions, supplying conditions related to consent, scope of practice, and standard of care for telehealth services, removal of the requirement that a licensee must complete not less than two hours of continuing education in performing and ordering tests, and clarification that a licensee who completes implicit bias training under R 338.7004 may also use that training toward fulfillment of continuing education requirements.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

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The Flint Journal, February 27, 2024.
The Grand Rapids Press, February 27, 2024.
The Mining Journal, February 29, 2024.

6. Date of publication of rules and notice of public hearing in Michigan Register:

3/15/2024

7. Date, time, and location of public hearing:

3/19/2024 09:00 AM at UL-5 , 611 W. Ottawa Street, Lansing, Michigan

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1462>

9. List of the name and title of agency representative(s) who attended the public hearing:

Weston MacIntosh, Departmental Specialist, Bureau of Professional Licensing.
Dena Marks, Departmental Specialist, Bureau of Professional Licensing.

10. Persons submitting comments of support:

None.

11. Persons submitting comments of opposition:

Martha O'Connor.

12. Persons submitting other comments:

None.

13. Identify any changes made to the proposed rules based on comments received during the public comment period:

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	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for Rule Change and Description of Change(s) Made	Rule number & citation changed

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1	Martha O'Connor		<p>Under R 338.12036(1)(c)(ii), it says “Not more than 15 continuing education hours in distance learning programs.” This limitation on the use of distance learning programs for satisfying continuing education requirements is overly burdensome and unnecessary for relicensure applicants, requiring the expenditure of extra money, time, and travel, and is unlike the continuing education requirements for most other professions. The Department should strike this requirement and remove it from the rules. The removal of this requirement would accordingly move the content of R 338.12036(1)(c)(i), with proper editing, to R 338.12036(1)(c).</p>	<p>While the board did not agree with the complete elimination of the requirement, the board was agreeable to increasing the number of continuing education hours that an applicant for relicensure may complete via distance learning programs from 15 to 20.</p>	R 338.12036 (1)(c)(ii)
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2	Martha O'Connor		<p>Under R 338.12036(2)(d)(i)(C), it says “Not more than 15 continuing education hours in distance learning programs.” This limitation on the use of distance learning programs for satisfying continuing education requirements is overly burdensome and unnecessary for relicensure applicants, requiring the expenditure of extra money, time, and travel, and is unlike the continuing education requirements for most other professions. The Department should strike this requirement and remove it from the rules.</p>	<p>While the board did not agree with the complete elimination of the requirement, the board was agreeable to increasing the number of continuing education hours that an applicant for relicensure may complete via distance learning programs from 15 to 20.</p>	R 338.12036 (2)(d)(i)(C)

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3	Martha O'Connor		Under R 338.12041(1)(b), it says "Not less than 15 hours of continuing education must be completed by attending a live, in-person program." This live, in-person requirement for satisfying continuing education requirements is overly burdensome and unnecessary for license renewals, requiring the expenditure of extra money, time, and travel, and is unlike the continuing education requirements for most other professions. The Department should strike this requirement and remove it from the rules.	While the board did not agree with the complete elimination of the requirement, the board was agreeable to lowering the number of continuing education hours that an applicant for renewal must complete via live, in-person programs from 15 to 10.	R 338.12041 (1)(b)
4	Martha O'Connor		Under R 338.12041(2)(a), it says, "Attendance at or participation in a continuing education program or activity related to the practice of chiropractic, or	The board agreed that continuing education approved or offered by Providers of Approved Continuing Education (PACE) of the Federation of Chiropractic	R 338.12041 (2)(a)

			<p>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:”. This provision places the MAC at an unfair, competitive advantage over other providers of continuing education both inside and outside this state and is overly burdensome to licensees, especially licensees found</p>	<p>Licensing Boards (FCLB) is continuing education that the board and the department should approve under the rules.</p>	
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outside this state. Approximately 75% of states throughout the country currently recognize Providers of Approved Continuing Education (PACE) of the Federation of Chiropractic Licensing Boards (FCLB) as ensuring quality chiropractic continuing education programs. For this reason, PACE should be included under R 338.12041(2)(a), and the Department should revise the provision to say the following:
“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

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			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) or Providers of Approved Continuing Education (PACE) according to the following:"		
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14.Date report completed:

9/18/2024