



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

December 22, 2020

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 #19-135-LR)
Legislative Service Bureau (Secretary of State Filing #20-12-11)
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 #2019-135-LR (Secretary of State Filing #20-12-11) on this date at 03:14 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Public Health Code- General Rules."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) 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

A handwritten signature in cursive script that reads "Melissa Malerman /CM".

Melissa Malerman, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the Director of the Department of Licensing and Regulatory Affairs by Sections 16145, 16194, 16201, and 16221(e)(iv)(B) of the Public Health Code, 1978 PA 368, MCL 333.16145, 333.16194, 333.16201, and 333.16221, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.

R 338.7001, R 338.7001a, and R 338.7002 of the Michigan Administrative Code are amended and R 338.7002a and R 338.7002b are added.

Date: 12/21/2020

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 April 28, 2020, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Public Health Code - General Rules**” by:

- ◆ Amending R 338.7001, R 338.7001a, and R 338.7002.
- ◆ Adding R 338.7002a and R 338.7002b.

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: July 6, 2020

Michigan Office of Administrative Hearings and Rules

By:

Katie Wienczewski,
Attorney



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Licensing and Regulatory Affairs dated April 28, 2020, amending R 338.7001, R 338.7001a, and R 338.7002 and adding R 338.7002a and R 338.7002b of the Department's rules entitled "Public Health Code – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: July 2, 2020

LEGISLATIVE SERVICE BUREAU

By

Elizabeth R. Edberg,
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF PROFESSIONAL LICENSING

PUBLIC HEALTH CODE—GENERAL RULES

Filed with the secretary of state on December 22, 2020

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16194, 16201, and 16221(e)(iv)(B) of the public health code, 1978 PA 368, MCL 333.16145, 333.16194, 333.16201, and 333.16221, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.7001, R 338.7001a, and R 338.7002 of the Michigan Administrative Code are amended and R 338.7002a and R 338.7002b are added, as follows:

R 338.7001 Definitions.

Rule 1. As used in these rules:

- (a) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
- (b) "Department" means the department of licensing and regulatory affairs.
- (c) "Issue date" means the date that the initial license was granted to the licensee by the department.
- (d) "Limitation" means that term as defined in section 16106(4) of the code, MCL 333.16106.
- (e) "Stark Law" means section 1877 of part e of title XVIII of the social security act, 42 USC 1395nn.

R 338.7001a Biennial license and registration renewal; expiration.

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

Acupuncture	10/1
Audiology	1/1
Chiropractic	12/1
Marriage and family therapy	2/1
Midwifery	Issue date
Nursing	Issue date
Nursing home administrators	11/1
Occupational therapy	6/1
Optometry	Issue date
Pharmacy	Issue date
Physical therapy	8/1
Physician's assistants	Issue date

Psychology	9/1
Respiratory care	1/1
Sanitarians	12/1
Speech-language pathology	10/1

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

R 338.7002 Triennial license or registration renewal; expiration.

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

Athletic trainer	10/1
Counseling	6/1
Dentistry	Issue date
Massage therapy	11/1
Medicine	Issue date
Osteopathic medicine and surgery	Issue date
Podiatric medicine and surgery	Issue date
Social work	5/1
Veterinary medicine	Issue date

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

R 338.7002a Quadrennial license renewal; expiration.

Rule 2a. (1) The following license expires quadrennially and must be renewed every 4 years on or before the date indicated:

Behavior Analysts	Issue date
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(2) A license having a limitation may be renewed for a term less than 4 years.

R 338.7002b Minimum English language standard.

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

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

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

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

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

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

(e) The applicant obtained a total score of not less than 6.5 on the International English Language Testing System (IELTS) Academic test.

(f) The applicant obtained a total score of not less than 55 on the Michigan English Test (MET) developed by Michigan Language Assessment.

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