STATE OF MICHIGAN
GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

Memorandum

VIA E-MAIL

DATE: October 23, 2020

TO: Senator Peter Lucido, Chairperson, JCAR
Representative Matt Maddock, Alternate Chairperson, JCAR
Evan Keimach, Senate Majority Policy Office
Jimmy Biehl, House Republican Policy Office
Tim Reeves, Counsel, JCAR
Elizabeth Edberg, Counsel, JCAR

FROM: Marlon I. Brown, Director of Policy and Legislative Affairs MB

SUBJECT: Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2020-036 LR Medicine – General Rules

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Rules Primer

This rule set pertains to definitions, prescribing of drugs by physician's assistants, delegation of prescribing controlled substances to advanced practice registered nurses, training in identifying human trafficking, medical education accreditation standards, continuing education requirements, licensure types, and standards for initial licensure, relicensure, and license renewal.

Summary of the Final Proposed Rule

The proposed rules are intended to address the following items:

- Provide an explanation of specific terms used throughout the rule set and clarifies definitions and the meaning of terms used in the rules.
- Describe the requirements for telehealth services and supplies conditions related to patient consent, prescribing drugs, referrals, and follow-up care.
- Describe the requirements for prescribing of drugs by physician's assistants and supplies conditions that include use of the physician's assistant's name and DEA number in connection with controlled substances.

- Describe the requirements for delegation of controlled substances prescribing to an advanced practice registered nurse and allows patients to receive a total of up to a 90-day supply of a schedule 2 controlled substance.
- Describe the requirements for training on identifying victims of human trafficking and inserts a date of promulgation.
- Identify the standards for accreditation of medical schools and postgraduate training programs and updates accreditation standards.
- Describe the requirements for licensure for United States and Canada graduates and includes grammatical changes as well as clarification for submission of the postgraduate certificate of completion.
- Describe the requirements for licensure of foreign graduates and clarifies the need for proof of passing all parts of the USMLE, as well as conditions for submission of the postgraduate certificate of completion.
- Describe the requirements for licensure by endorsement and adds a good standing prerequisite, as well as a 2-year postgraduate clinical training requirement for applicants with less than 10 years of active practice.
- Describe the requirements for an educational limited license and clarifies that foreign applicants must pass parts 1 and 2 of the USMLE.
- Describe the required examination number of attempts allowed and the period for completion and imposes a 3-attempt limitation and 7-year period for passing the entire examination, as well as criteria for consideration by the board of a variance from the 7-year period limitation.
- Describe the requirements for a clinical academic license and includes the prerequisite of proof of appointment, as well as either verification of pending medical school graduation or ECFMG certification, with evidence of proper medical school education and proof of passage of parts 1 and 2 of the USMLE.
- Describe the requirements for relicensure and adds criteria related to good moral character and fingerprinting as conditions for relicensure, as well as other relevant criteria, depending on the circumstances of the applicant.
- Describe the requirements for renewal of a license and includes grammatical changes.
- Describe the requirements for continuing education and includes required continuing education on controlled substances prescribing, as well as specialty board activities as added avenues for earning continuing education.

Stakeholder Engagement

Development of the proposed rules occurred in consultation with members of the Board of Medicine via a rules committee work group, which included representatives of the Michigan State Medical Society. The web address for the work group minutes is https://www.michigan.gov/lara/0,4601,7-154-89334_72600_72603_27529_27541---,00.html.

Public Engagement and Public Hearing/Comment/Information

The public comment period for this rule set began on September 6, 2020 and ended on September 21, 2020, at 5:00 p.m. The notice of public comment period, in addition to being posted in various newspapers as required, was posted on the LARA website, and distributed via email listserv to all interested parties. The public hearing was held at 1:00 p.m. on September 21, 2020, and occurred virtually via Zoom, as permitted under Executive Order 2020-154. The Bureau did not receive any comments by mail or email during the public comment period. There were no comments made during the public hearing.

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.

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