



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

June 1, 2021

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 #20-109-LR)
Legislative Service Bureau (Secretary of State Filing #21-06-01)
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 #2020-109-LR (Secretary of State Filing #21-06-01) on this date at 10:03 A.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" followed by the initials "MK".

Melissa Malerman, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

June 1, 2021

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2020-109 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated April 5, 2021 for the Department of Licensing & Regulatory Affairs “**Public Health Code - General Rules**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

Michigan Office of Administrative Hearings and Rules



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the Director of the Department of Licensing and Regulatory Affairs by Sections 16145, 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, R 338.7002 and R 338.7002b of the Michigan Administrative Code are amended and R 338.7004 is added.

Date: 5.26.21

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 5, 2021, 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:

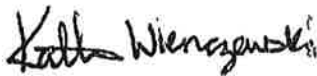
- ◆ Amending R 338.7001, R 338.7001a, R 338.7002, and R 338.7002b.
- ◆ Adding R 338.7004.

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: April 14, 2021

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 5, 2021, amending R 338.7001, R 338.7001a, R 338.7002 and R 338.7002b and adding R 338.7004 of the Department's rules entitled "Public Health Code – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: April 13, 2021

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 June 1, 2021

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, R 338.7002 and R 338.7002b of the Michigan Administrative Code are amended and R 338.7004 is 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) "Implicit bias" means an attitude or internalized stereotype that affects an individual's perception, action, or decision making in an unconscious manner and often contributes to unequal treatment of people based on race, ethnicity, nationality, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, or other characteristic.
- (d) "Issue date" means the date that the initial license was granted to the licensee by the department.
- (e) "Limitation" means that term as defined in section 16106(4) of the code, MCL 333.16106.
- (f) "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	Issue date
Audiology	Issue date
Chiropractic	Issue date
Dental Therapy	Issue date
Marriage and family therapy	Issue date
Midwifery	Issue date
Nursing	Issue date
Nursing home administrators	Issue date

April 5, 2021

Occupational therapy	6/1
Optometry	Issue date
Pharmacy	Issue date
Physical therapy	8/1
Physician's assistants	Issue date
Psychology	Issue date
Respiratory care	1/1
Sanitarians	Issue date
Speech-language pathology	Issue date

(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	Issue date
Counseling	6/1
Dentistry	Issue date
Dental Assistant	Issue date
Dental Hygienist	Issue date
Massage therapy	Issue date
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 338.7002b 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's credentials and English proficiency have been evaluated and determined to be equivalent to the credentials required in this state by a board-approved credentialing agency.
- (d) 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.
- (e) 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.

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

(g) The applicant obtained an overall score of not less than 55 on the 4-skill Michigan English Test (MET) developed by Michigan Language Assessment.

(h) The applicant obtained an overall score of not less than 300 on the Occupational English Test (OET).

(i) 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.

R 338.7004 Implicit bias training standards.

Rule 4. (1) Beginning 1 year after promulgation of this rule, an applicant for licensure or registration under article 15 of the code, MCL 333.16101 to 333.18838, except those seeking to be licensed under part 188 of the code, MCL 333.18801 to 333.18838, shall have completed a minimum of 2 hours of implicit bias training within the 5 years immediately preceding issuance of the license or registration.

(2) Beginning 1 year after promulgation of this rule and for every renewal cycle thereafter, in addition to completing any continuing education required for renewal, an applicant for license or registration renewal under article 15 of the code, MCL 333.16101 to 333.18838, except those licensed under part 188 of the code, MCL 333.18801 to 333.18838, shall have completed a minimum of 1 hour of implicit bias training for each year of the applicant's license or registration cycle.

(3) The implicit bias training must be related to reducing barriers and disparities in access to and delivery of health care services and meet all of the following requirements:

(a) Training content must include, but is not limited to, 1 or more of the following topics:

(i) Information on implicit bias, equitable access to health care, serving a diverse population, diversity and inclusion initiatives, and cultural sensitivity.

(ii) Strategies to remedy the negative impact of implicit bias by recognizing and understanding how it impacts perception, judgment, and actions that may result in inequitable decision making, failure to effectively communicate, and result in barriers and disparities in the access to and delivery of health care services.

(iii) The historical basis and present consequences of implicit biases based on an individual's characteristics.

(iv) Discussion of current research on implicit bias in the access to and delivery of health care services.

(b) Training must include strategies to reduce disparities in access to and delivery of health care services and the administration of pre- and post-test implicit bias assessments.

(c) Acceptable sponsors of this training include any of the following:

(i) Training offered by a nationally-recognized or state-recognized health-related organization.

(ii) Training offered by, or in conjunction with, a state or federal agency.

(iii) Training obtained in an educational program that has been approved by any board created under article 15 of the code, MCL 333.16101 to 333.18838, except under part 188 of the code, MCL 333.18801 to 333.18838, for initial licensure or registration or for the accumulation of continuing education credits.

(iv) Training offered by an accredited college or university.

(v) An organization specializing in diversity, equity, and inclusion issues.

(d) Acceptable modalities of training include any of the following:

- (i) A teleconference or webinar that permits live synchronous interaction.
- (ii) A live presentation.
- (iii) Interactive online instruction.

(4) Submission of an application for licensure, registration, or renewal constitutes an applicant's certificate of compliance with the requirements of this rule. A licensee or registrant shall retain documentation of meeting the requirements of this rule for a period of 6 years from the date of applying for licensure, registration, or renewal. The department may select and audit a sample of a licensees or registrants and request documentation of proof of compliance with this rule. If audited by the department, a licensee or registrant shall provide the proof of completion of training, including either of the following:

(a) A completion certificate issued by the training program that includes the date of the training, the program sponsor's name, the title of the program, and licensee's or registrant's name.

(b) A self-attestation by the licensee or registrant that includes the date of the training, the program sponsor's name, the title of the program, and licensee's or registrant's name.

FILED WITH SECRETARY OF STATE

ON 6/1/20 AT 10:03 AM.