



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

February 22, 2022

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 #19-084-LR)
Legislative Service Bureau (Secretary of State Filing #22-02-07)
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 #2019-084-LR (Secretary of State Filing #22-02-07) on this date at 10:10 A.M. for the Department of Licensing and Regulatory Affairs entitled, "Chiropractic – 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 "Sue Sayer / CK".

Sue Sayer, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

February 22, 2022

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 #: 2019-84 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated June 8, 2021 for the Department of Licensing & Regulatory Affairs “**Chiropractic – 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,

A handwritten signature in black ink, appearing to read "Orlene Hawks".

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, 16148, 16401, 16412, 16423, and 16431 of the Public Health Code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16401, 333.16412, 333.16423, and 333.16431, 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 338.12001, R 338.12021, R 338.12031, R 338.12032, R 338.12033, R 338.12034, R 338.12035, R 338.12036, R 338.12037, R 338.12041, R 338.12042, R 338.12052, R 338.12053, and R 338.12054 of the Michigan Administrative Code are amended.

Date: 2/17/2022

Adopted by:

A handwritten signature in black ink, appearing to read "Orlene Hawks", written over a horizontal line.

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 June 8, 2021, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Chiropractic – General Rules**” by:


- ◆ Amending R 338.12001, R 338.12021, R 338.12031, R 338.12032, R 338.12033, R 338.12034, R 338.12035, R 338.12036, R 338.12037, R 338.12041, R 338.12042, R 338.12052, R 338.12053, and R 338.12054.

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: October 20, 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 June 8, 2021, amending R 338.12001, R 338.12021, R 338.12031, R 338.12032, R 338.12033, R 338.12034, R 338.12035, R 338.12036, R 338.12037, R 338.12041, R 338.12042, R 338.12052, R 338.12053, and R 338.12054 of the Department's rules entitled "Chiropractic – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: October 20, 2021

LEGISLATIVE SERVICE BUREAU

By

Elizabeth R. Edberg,
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CHIROPRACTIC - GENERAL RULES

Filed with the secretary of state on February 22, 2022

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, 16148, 16401, 16412, 16423, and 16431 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16401, 333.16412, 333.16423, and 333.16431, 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 338.12001, R 338.12021, R 338.12031, R 338.12032, R 338.12033, R 338.12034, R 338.12035, R 338.12036, R 338.12037, R 338.12041, R 338.12042, R 338.12052, R 338.12053, and R 338.12054 of the Michigan Administrative Code are amended as follows:

PART 1. GENERAL PROVISIONS

R 338.12001 Definitions.

Rule 1. (1) As used in these rules:

(a) "Adjustment apparatus" means a tool or device used to apply a mechanical force to correct or reduce subluxations, misalignments, and joint dysfunctions.

(b) "Analytical instruments" means instruments used in the detection and diagnosis of human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals to restore and maintain health.

(c) "Board" means the Michigan board of chiropractic created in section 16421 of the code, MCL 333.16421.

(d) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(e) "Department" means the department of licensing and regulatory affairs.

(f) "Nationally recognized standards" means that which is taught in a chiropractic educational program or postgraduate educational program accredited by the Council on Chiropractic Education (CCE).

(g) "Physical measures" means procedures or techniques used to correct or reduce subluxations, misalignments, and joint dysfunctions.

(h) "Rehabilitative exercise program" means the coordination of a patient's exercise program; the performance, ordering and use of tests; the performance of measurements; instruction and consultation; supervision of personnel; and the use of exercise and rehabilitative procedures, with or without assistive devices, for the purpose of correcting or preventing subluxations, misalignments, and joint dysfunctions.

(i) "Test" means a procedure that is ordered or performed for the purpose of detecting and diagnosing human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals to restore and maintain health.

(2) A term defined in the code has the same meaning when used in these rules.

PART 2. EDUCATION

R 338.12021 Educational program standards; adoption by reference.

Rule 21. (1) The standards of the CCE, as specified in the publication entitled, "CCE Accreditation Standards: Principles, Processes & Requirements for Accreditation" January 2018, are adopted by reference. The standards are available from The Council on Chiropractic Education, 8049 N. 85th Way, Scottsdale, Arizona 85258-4321, or at the council's website at <http://www.cce-usa.org> at no cost. Copies of the standards are available for inspection and distribution at a cost of 10 cents per page from the Board of Chiropractic, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P. O. Box 30670, Lansing, Michigan 48909.

(2) Any chiropractic educational program accredited by the CCE is considered approved.

PART 3. LICENSURE

R 338.12031 Training standards for identifying victims of human trafficking; requirements.

Rule 31. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure or registration or who is licensed or registered shall complete training in identifying victims of human trafficking that satisfies the following standards:

(a) Training content must cover all the following:

(i) Understanding the types and venues of human trafficking in the United States.

(ii) Identifying victims of human trafficking in health care settings.

(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.

(iv) Resources for reporting the suspected victims of human trafficking.

(b) Acceptable providers or methods of 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 for initial licensure or registration, or by a college or university.
 - (iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
- (c) Acceptable modalities of training may include any of the following:
- (i) Teleconference or online seminar.
 - (ii) Online presentation.
 - (iii) Live presentation.
 - (iv) Printed or electronic media.
- (2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
- (a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
 - (b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
 - (i) For training completed under subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
 - (ii) For training completed under subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
- (3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2016 renewal cycle and for initial licenses issued after March 17, 2021.

R 338.12032 Educational limited license; requirements.

Rule 32. An applicant for a nonrenewable educational limited license under section 16412 of the code, MCL 333.16412, shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code and the administrative rules promulgated under the code, an applicant shall satisfy all the following requirements:

- (a) Submit proof that the applicant has successfully completed 2 years of education in a college of arts and sciences and have official transcripts provided to the department from the educational institution.
- (b) Submit proof that the applicant has successfully completed at least 1 of the following requirements:
 - (i) Two years of attendance in a program or institution of chiropractic that satisfies the educational standards in R 338.12021 and has official transcripts provided to the department from the educational institution.
 - (ii) Four semesters of attendance in a program or institution of chiropractic that satisfies the educational standards in R 338.12021 and has official transcripts provided to the department from the educational institution.

(iii) Six quarter terms of attendance in a program or institution of chiropractic that satisfies the educational standards in R 338.12021 and has official transcripts provided to the department from the educational institution.

(c) Submit proof that the applicant will be supervised by a licensed chiropractor on a form provided by the department.

R 338.12033 Examination; adoption and approval; passing score.

Rule 33. The national board examination in chiropractic conducted and scored by the National Board of Chiropractic Examiners (NBCE) is approved and adopted. The passing score recommended by the NBCE for the national board examination parts I, II, III, and IV is approved and adopted.

R 338.12034 Licensure by examination; requirements.

Rule 34. An applicant for a chiropractic license by examination shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code and the administrative rules promulgated under the code, an applicant shall satisfy both of the following requirements:

(a) Have graduated from a program or institution of chiropractic that satisfies the educational standards in R 338.12021 and have final and official transcripts provided to the department from the educational institution.

(b) Have passed parts I, II, III, and IV of the national board examination conducted and scored by the NBCE, under R 338.12033. The applicant shall ensure that the NBCE issues proof of official passing scores directly to the department.

R 338.12035 Licensure by endorsement; requirements.

Rule 35. (1) An applicant for a chiropractic license by endorsement shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code and the administrative rules promulgated under the code, an applicant shall satisfy either of the following requirements:

(a) Have been licensed in another state of the United States for 5 years or more immediately preceding the date of application.

(b) Have been licensed in another state of the United States for less than 5 years immediately preceding the date of filing an application and have passed parts I, II, III, and IV of the national board examination that is conducted and scored by the NBCE, under R 338.12033. The applicant shall have the NBCE issue proof of official passing scores directly to the department.

(2) An applicant shall have his or her license verified by the licensing agency of any state of the United States in which the applicant holds or has ever held a license to practice chiropractic. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

R 338.12036 Relicensure requirements.

Rule 36. (1) An applicant for relicensure whose license has been lapsed for less than 3 years preceding the date of application may be relicensed under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies all the following requirements:

(a) Establishes that he or she is of good moral character.

(b) Submits the required fee and a completed application on a form provided by the department.

(c) Submits proof to the department of the completion of, in the 3-year period immediately preceding the application for relicensure, 45 hours of continuing education in programs approved under R 338.12041 that include all the following requirements:

(i) The required continuing education hours listed in R 338.12041(1)(d) to (h).

(ii) Not more than 15 continuing education hours in distance learning programs.

(d) An applicant shall have his or her license verified by the licensing agency of any state of the United States in which the applicant holds or has ever held a license to practice chiropractic. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(2) An applicant for relicensure whose license has been lapsed for 3 years or more may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant satisfies all the following requirements:

(a) Establishes that he or she is of good moral character.

(b) Submit fingerprints as set forth in section 16174(3) of the code, MCL 333.16174.

(c) Submits the required fee and a completed application on a form provided by the department.

(d) Provides either of the following:

(i) Submits proof to the department of the completion of, in the 3-year period immediately preceding the application for relicensure, 45 hours of continuing education in programs approved under R 338.12041 that include all the following requirements:

(A) Twenty-four live and in-person continuing education hours on chiropractic adjusting techniques.

(B) The required continuing education hours listed in R 338.12041(1)(d) to (h).

(C) Not more than 15 continuing education hours in distance learning programs.

(ii) Documentation to the department that the applicant holds or has held a valid and unrestricted license in another state within 3 years immediately preceding the application for relicensure.

(e) An applicant shall have his or her license verified by the licensing agency of any state of the United States in which the applicant holds or has ever held a license to practice chiropractic. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

R 338.12037 License renewal; continuing education.

Rule 37. (1) An applicant for license renewal shall complete 30 hours of continuing education in the 2-year period immediately preceding the application that satisfy R 338.12041.

(2) This rule does not apply to a licensee who has obtained his or her initial chiropractic license within the 2-year period immediately preceding the expiration date of the initial license.

(3) Submission of an application for renewal constitutes the applicant's certification of compliance with this rule. The licensee shall retain documentation of satisfying this rule for a period of 4 years from the date of applying for license renewal. Failure to satisfy this rule is a violation of section 16221(h) of the code, MCL 333.16221.

PART 4. CONTINUING EDUCATION

R 338.12041 Acceptable continuing education.

Rule 41. (1) The 30 hours of continuing education required under R 338.12037 must satisfy all the following requirements:

(a) No more than 12 credit hours of continuing education may be earned during 1 24-hour period.

(b) At least 15 hours of continuing education must be completed by attending a live, in-person program.

(c) Credit for a continuing education program or activity that is identical to or substantially identical to a program or activity for which the licensee has already earned credit during the license cycle shall not be granted.

(d) Under section 16431(2) of the code, MCL 333.16431, at least 1 hour of continuing education must be in pain and symptom management. Continuing education in pain and symptom management includes, but is not limited to, courses in any of the following:

(i) Chiropractic manipulative treatment.

(ii) Manual therapies.

(iii) Therapeutic exercises for pain management.

(iv) Behavior management.

(v) Psychology of pain.

(vi) Pharmacology.

(vii) Behavior modification.

(viii) Stress management.

(ix) Clinical applications.

(x) Drug interventions as they related to the practice of chiropractic.

(e) At least 1 hour of continuing education must be in sexual boundaries.

(f) At least 1 hour of continuing education must be in ethics.

(g) At least 2 hours of continuing education must be in physical measures and must be completed by attending a live, in-person program.

(h) At least 2 hours of continuing education must be in performing and ordering tests and must be completed by attending a live, in-person program.

(2) In addition to those programs approved under R 338.12042, the following are considered acceptable continuing education:

(a) 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

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:

(i) If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, the sponsor's name or the name of the organization that approved the program or other activity, and the date on which the program or activity was completed.

(ii) The number of continuing education hours for a specific program or activity is the number of hours approved by the approving organization for the specific program or activity.

(iii) A maximum of 30 hours of continuing education may be earned for this category in each renewal period.

(b) Successful completion of a course or courses related to the practice of chiropractic which are offered by a chiropractic school approved under R 338.12021, according to the following:

(i) If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, the school's name, and the date on which the course or courses was completed.

(ii) The number of continuing education hours for a specific course or courses is the number of hours approved by the school for the specific course or courses.

(iii) A maximum of 30 hours of continuing education may be earned for courses completed in this category in each renewal period.

(c) Initial presentation of a continuing education program related to the practice of chiropractic to a state, regional, national, or international organization. To receive credit, the presentation must not be a part of the licensee's regular job description and must be approved or offered for continuing education credit by the American Chiropractic Association (ACA), the International Chiropractors Association (ICA), or an approved program under this rule or R 338.12042. Continuing education under this subdivision is subject to the following:

(i) If audited, the licensee shall submit a copy of the presentation notice or advertisement showing the date of the presentation and the licensee's name listed as a presenter.

(ii) Two hours of continuing education credit are granted for each 50 to 60 minutes of presentation. No other credit is granted for preparation of a presentation.

(iii) A maximum of 10 hours of continuing education may be earned in this category in each renewal period.

(3) This rule takes effect beginning with the first renewal cycle after January 7, 2019. Continuing education programs approved before the effective date of this amended rule are considered approved.

R 338.12042 Approval of continuing education programs.

Rule 42. (1) An organization may petition the board for approval of a continuing education program.

(2) The petition shall be filed at least 60 days before the commencement of the program.

(3) The petition shall include all of the following information:

- (a) A description of the sponsoring organization.
- (b) Name, title, and address of the program director.
- (c) An outline of the course.
- (d) A resumé for all speakers or presenters, or both.
- (e) A description of the delivery method.
- (f) The dates and location or locations that the course will be delivered.
- (g) A description of how attendance will be monitored, sample documents, and identification of the person monitoring attendance.
- (h) A sample certificate or other document that will be issued upon completion and a description of how the participant will be notified.
- (i) If appropriate, a request for recognition in a specific topic area required by R 338.12041(1)(d) to (h).

PART 5. STANDARDS OF PRACTICE

R 338.12052 Tests; performance or ordering; requirements.

Rule 52. Under section 16423 of the code, MCL 333.16423, the performance, ordering, or use of tests must satisfy all the following requirements:

- (a) The performance and ordering of tests must be for the practice of chiropractic as defined in section 16401(1)(e) of the code, MCL 333.16401.
- (b) The performance, ordering, or use of tests must be for the purpose of detecting and diagnosing human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals to restore and maintain health. The performance and ordering of tests may be included as, but not limited to, a part of a rehabilitative exercise program.
- (c) The performance and ordering of tests must be substantially equivalent to nationally recognized standards.

R 338.12053 Analytical instruments; criteria for approval.

Rule 53. Under section 16423 of the code, MCL 333.16423, analytical instruments must satisfy all the following requirements:

- (a) The instruments must be used for the practice of chiropractic as defined in section 16401(1)(e) of the code, MCL 333.16401.
- (b) The instruments must be used for the purpose of detecting and diagnosing human conditions and disorders of the human musculoskeletal and nervous systems as they relate to subluxations, misalignments, and joint dysfunctions, or to assist the chiropractor in offering advice to seek treatment from other health professionals to restore and maintain health. The use of the instrument may be included as, but not limited to, a part of a rehabilitative exercise program.

(c) The use of the instrument must be substantially equivalent to nationally recognized standards.

R 338.12054 Adjustment apparatus; criteria for approval.

Rule 54. Under section 16423 of the code, MCL 333.16423, an adjustment apparatus must satisfy all the following requirements:

(a) The apparatus must be used for the practice of chiropractic as defined in section 16401(1)(e) of the code, MCL 333.16401.

(b) The apparatus must be used for the purpose of correcting or reducing subluxations, misalignments, and joint dysfunctions. The use of the apparatus may be included as, but is not limited to, a part of a rehabilitative exercise program.

(c) The use of the apparatus must be substantially equivalent to nationally recognized standards.