



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

March 23, 2023

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 #22-004-LR)
Legislative Service Bureau (Secretary of State Filing #23-03-21)
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 #2022-004-LR (Secretary of State Filing #23-03-21) on this date at 3:14 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Physician's Assistants - General Rules".

These rules become effective immediately after filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) 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

Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

ORLENE HAWKS
DIRECTOR

March 23, 2023

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 #: 2022-4 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated August 23, 2022 for the Department of Licensing & Regulatory Affairs “**Physician’s Assistants – 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 be "W. Sonneborn", written over a horizontal line.

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, 17060, and 17068 of the Public Health Code, 1978 PA 368, MCL 333.16145, 333.16148, 333.17060, and 333.17068, 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 338.6101, R 338.6103, R 338.6201, R 338.6301, R 338.6305, R 338.6308, and R 338.6311 of the Michigan Administrative Code are amended.

Date: 12/20/2022

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 August 23, 2022, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Physician’s Assistants—General Rules**” by:


- ◆ Amending R 338.6101, R 338.6103, R 338.6201, R 338.6301, R 338.6305, R 338.6308, and R 338.6311.

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: January 3, 2023

Michigan Office of Administrative Hearings and Rules

By: 
Ashlee N. Lynn,
Attorney

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 August 23, 2022, amending R 338.6101, R 338.6103, R 338.6201, R 338.6301, R 338.6305, R 338.6308, and R 338.6311 of the Department's rules entitled "Physician's Assistants – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: January 3, 2023

LEGISLATIVE SERVICE BUREAU

By 

Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PHYSICIAN'S ASSISTANTS – GENERAL RULES

Filed with the secretary of state on March 23, 2023

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) 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, 17060, and 17068 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.17060, and 333.17068, 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 338.6101, R 338.6103, R 338.6201, R 338.6301, R 338.6305, R 338.6308, and R 338.6311 of the Michigan Administrative Code are amended, as follows:

PART 1. GENERAL PROVISIONS

R 338.6101 Definitions.

Rule 101. (1) As used in these rules:

- (a) "Code" means public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
- (b) "Department" means the department of licensing and regulatory affairs.
- (c) "NCCPA" means the National Commission on Certification of Physician Assistants.
- (d) "PA Cert Exam" means the Physician Assistant Entry to Practice Certification Examination.
- (e) "PACCC" means the Physician Assistant Certification Council of Canada.
- (f) "PANACE" means the Physician Assistant National Certifying Examination.
- (g) "Task force" means the joint task force created under section 17025 of the code, MCL 333.17025.

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

R 338.6103 Training standards for identifying victims of human trafficking; requirements.

Rule 103. (1) Under section 17060 of the code, MCL 333.17060, an individual seeking licensure or that is licensed shall have completed 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 this state and the United States.
- (ii) Identifying victims of human trafficking in healthcare settings.
- (iii) Identifying the warning signs of human trafficking in healthcare settings for adults and minors.
- (iv) Identifying 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 approved for initial licensure, or by a college or university.
 - (iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subrule (1)(a) of this rule and is published in a peer-review journal, healthcare journal, or professional or scientific journal.
- (c) Acceptable modalities of training may include any of the following:
 - (i) Teleconference or webinar.
 - (ii) Online presentation.
 - (iii) Live presentation.
 - (iv) Printed or electronic media.
- (2) The department may select and audit an individual 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 the 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 the article, author, publication name of the peer-review journal, healthcare journal, or professional or scientific journal, and the 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 April 22, 2021.

PART 2. EDUCATION

R 338.6201 Educational program standards; adoption by reference.

Rule 201. (1) The standards for accrediting educational programs for physician's assistants approved by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) in the document entitled "Accreditation Standards for Physician Assistant Education, Fifth Edition," effective September 1, 2020, with clarifications as of March 2022, are adopted by reference. The standards are available at

no cost on the commission's website at <http://www.arc-pa.org>. Copies of the standards are also available for inspection and distribution at a cost of 10 cents per page from the Michigan Task Force on Physician's Assistants, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan 48909.

(2) Only educational programs for physician's assistants accredited by the ARC-PA are approved physician's assistant educational programs.

PART 3. LICENSURE

R 338.6301 Application for physician's assistant license; requirements.

Rule 301. An applicant for a physician's assistant license shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
- (b) Provide proof, as directed by the department, verifying completion of an accredited educational program for physician's assistants that satisfies the standards under R 338.6201(1).
- (c) Provide proof, as directed by the department, verifying a passing score on the PANCE conducted and scored by the NCCPA.

R 338.6305 Licensure by endorsement; requirements.

Rule 305. (1) An applicant for a physician's assistant license by endorsement shall satisfy the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

- (a) Provide the required fee and a completed application on a form provided by the department.
 - (b) Provide proof, as directed by the department, verifying a current and full physician's assistant license in another state or a province of Canada.
 - (c) If the applicant is licensed as a physician's assistant in a province of Canada, provide proof, as directed by the department, verifying that the applicant completed the educational requirements in Canada or the United States for licensure as a physician's assistant in Canada or in the United States.
 - (d) Provide proof, as directed by the department, verifying a passing score for a physician's assistant license in another state or in a province of Canada, on either of the following examinations:
 - (i) The PANCE conducted and scored by the NCCPA.
 - (ii) The PA Cert Exam conducted and scored by the PACCC.
- (2) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country shall disclose that fact on the application form. The applicant shall satisfy the requirements of section 16174(2) of the code, MCL 333.16174,

including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application. If licensure is granted and it is determined that sanctions have been imposed, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

R 338.6308 Relicensure; requirements.

Rule 308. (1) An applicant whose physician's assistant license has lapsed may be relicensed within 3 years after the expiration date of the license under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

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

(b) Establishes good moral character as that term is defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.

(2) An applicant whose physician's assistant license has lapsed may be relicensed more than 3 years after the expiration date of the license under section 16201(4) of the code, MCL 333.16201, if the applicant satisfies the requirements of the code and the rules promulgated under the code, as well as all the following requirements:

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

(b) Establishes good moral character as that term is defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.

(c) Provides fingerprints as required under section 16174(3) of the code, MCL 333.16174.

(d) Provides proof, as directed by the department, verifying either of the following:

(i) The applicant is currently licensed and in good standing as a physician's assistant in another state or a province of Canada.

(ii) A passing score on 1 of the following certifying or recertifying examinations during the 10-year period immediately preceding the date of the application for relicensure:

(A) The PANCE conducted and scored by the NCCPA.

(B) The Physician Assistant National Recertifying Examination (PANRE) conducted and scored by the NCCPA.

(C) The Physician Assistant National Certifying Examination – Longitudinal Assessment (PANRE-LA) conducted and scored by the NCCPA.

(D) The PA Cert Exam conducted and scored by the PACCC.

(3) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country shall disclose that fact on the application form. The applicant shall satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application. If licensure is granted and it is determined that sanctions have been imposed, the

disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

R 338.6311 License renewal; requirements.

Rule 311. An applicant for license renewal shall satisfy the requirements of the code and the rules promulgated under the code, as well as provide the required fee and a completed application on a form provided by the department.

FILED WITH SECRETARY OF STATE

ON 3/23/23 AT 3:14 P.M.