



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

February 16, 2024

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 #23-029-LR)
Legislative Service Bureau (Secretary of State Filing #24-02-03)
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 #2023-029-LR (Secretary of State Filing #24-02-03) on this date at 10:38 A.M. for the Department of Licensing and Regulatory Affairs entitled, "Genetic Counseling – 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
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

February 16, 2024

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 #: 2023-29 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated August 2, 2023 for the Department of Licensing and Regulatory Affairs “**Genetic Counseling - 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 "Marlon I. Brown".

Michigan Office of Administrative Hearings and Rules



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
ACTING DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the Director of the Department of Licensing and Regulatory Affairs by Sections 16145, 16148, 16174, 16201, 16204, 16287, 17091, 17092, and 17096 of the Public Health Code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16174, 333.16201, 333.16204, 333.16287, 333.17091, 333.17092, and 333.17096, 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 338.2455, R 338.2457, R 338.2461, R 338.2462, R 338.2463, R 338.2465, R 338.2471, R 338.2473, and R 338.2481 of the Michigan Administrative Code are amended.

Date: 10/17/2023

Adopted by:

Marlon I. Brown, DPA

Acting Director

Department of Licensing and Regulatory Affairs



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated August 2, 2023, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled "**Genetic Counseling – General Rules**" by:

- ◆ Amending R 338.2455, R 338.2457, R 338.2461, R 338.2462, R 338.2463, R 338.2465, R 338.2471, R 338.2473, and R 338.2481.

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 18, 2023

Michigan Office of Administrative Hearings and Rules

By: *Emily Leik*

Emily Leik,
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 August 2, 2023, amending R 338.2455, R 338.2457, R 338.2461, R 338.2462, R 338.2463, R 338.2465, R 338.2471, R 338.2473, and R 338.2481 of the Department's rules entitled "Genetic Counseling – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: October 18, 2023

LEGISLATIVE SERVICE BUREAU

By 

Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENETIC COUNSELING – GENERAL RULES

Filed with the secretary of state on February 16, 2024

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, 16174, 16201, 16204, 16287, 17091, 17092, and 17096 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16174, 333.16201, 333.16204, 333.16287, 333.17091, 333.17092, and 333.17096, 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 338.2455, R 338.2457, R 338.2461, R 338.2462, R 338.2463, R 338.2465, R 338.2471, R 338.2473, and R 338.2481 of the Michigan Administrative Code are amended, as follows:

PART 1. GENERAL PROVISIONS

R 338.2455 Telehealth.

Rule 155. (1) A licensee shall obtain consent for treatment before providing a telehealth service under section 16284 of the code, MCL 333.16284.

(2) A licensee shall maintain proof of consent for telehealth treatment in the patient's up-to-date medical record and satisfy section 16213 of the code, MCL 333.16213.

(3) A licensee providing a telehealth service may prescribe a drug if the licensee is a prescriber acting within the scope of the licensee's practice and in compliance with section 16285 of the code, MCL 333.16285, and if the licensee does both of the following:

(a) Refers the patient to a provider that is geographically accessible to the patient, if medically necessary.

(b) Makes the licensee available to provide follow-up care services to the patient, or to refer the patient to another provider, for follow-up care.

(4) A licensee providing any telehealth service shall do both of the following:

(a) Act within the scope of the licensee's practice.

(b) Exercise the same standard of care applicable to a traditional, in-person health care service.

August 2, 2023

R 338.2457 Training standards for identifying victims of human trafficking; requirements.

Rule 157. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure or who is licensed shall have completed training in identifying victims of human trafficking that satisfies all 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) Providing 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 under these rules 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-reviewed journal, health care journal, or professional or scientific journal.
 - (c) Acceptable modalities of training 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 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 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, health care 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 2025 renewal cycle and for initial licenses beginning April 15, 2026.

PART 2. LICENSURE

R 338.2461 Application for license; qualifications.

Rule 161. (1) An applicant for a genetic counselor license shall satisfy the requirements of the code and the rules promulgated under the code, as well as both of 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 current certification in good standing from the ABGC or the ABMGG.

(2) An applicant for a temporary-licensed genetic counselor 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 active candidate status from the ABGC or the ABMGG.

(c) Provide proof, as directed by the department, verifying that the applicant will be supervised by a qualified supervisor in this state.

R 338.2462 Application for license by endorsement; qualifications.

Rule 162. (1) An applicant for a genetic counselor 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 genetic counselor license in another state or in a province of Canada.

(c) Provide proof, as directed by the department, verifying current certification in good standing from the ABGC or the ABMGG.

(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 when applying. 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 338.2463 Application for relicensure; qualifications.

Rule 163. (1) An applicant 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) Provides proof, as directed by the department, verifying 1 of the following, as applicable:

(i) If applying for relicensure as a genetic counselor, current certification in good standing from the ABGC or the ABMGG.

(ii) If applying for relicensure as a temporary-licensed genetic counselor, active candidate status from the ABGC or the ABMGG.

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

(d) If applying for relicensure as a temporary-licensed genetic counselor, provides proof, as directed by the department, verifying that the applicant will be supervised by a qualified supervisor in this state.

(2) An applicant 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) Provides proof, as directed by the department, verifying 1 of the following, as applicable:

(i) If applying for relicensure as a genetic counselor, current certification in good standing from the ABGC or the ABMGG.

(ii) If applying for relicensure as a temporary-licensed genetic counselor, active candidate status from the ABGC or the ABMGG.

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

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

(e) If applying for relicensure as a temporary-licensed genetic counselor, provides proof, as directed by the department, verifying that the applicant will be supervised by a qualified supervisor in this state.

(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 when applying. 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 338.2465 Application for renewal of license; qualifications.

Rule 165. (1) An applicant for renewal of a genetic counselor 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 current certification in good standing from the ABGC or the ABMGG.

(c) Satisfy the requirements under R 338.2471, as applicable.

(2) An applicant for renewal of a temporary-licensed genetic counselor 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 active candidate status from the ABGC or the ABMGG.

(c) Provide proof, as directed by the department, verifying that the licensee will be supervised by a qualified supervisor in this state.

(3) A temporary-licensed genetic counselor license may be renewed 4 times.

PART 3. CONTINUING EDUCATION

R 338.2471 License renewals.

Rule 171. (1) This part applies to an application for renewal of a genetic counselor license under R 338.2465 and sections 16201 and 17091 of the code, MCL 333.16201 and 333.17091.

(2) An applicant for license renewal who has been licensed in the 3-year period immediately preceding the application for renewal shall accumulate a minimum of 75 contact hours of continuing education in activities approved under R 338.2473 during the 3 years immediately preceding the application for renewal.

(3) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The licensee shall retain documentation of satisfying the requirements of this rule for 4 years after 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.

(4) The department may select and audit a sample of licensees who have renewed their license and request proof of compliance with subrule (2) of this rule. If audited, a licensee shall provide documentation as specified in R 338.2473.

(5) An applicant shall submit a request for a waiver of continuing education requirements to the department for the board's consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license.

R 338.2473 Acceptable continuing education; requirements; limitations.

Rule 173. (1) The 75 contact hours of continuing education required under R 338.2471 must satisfy the following requirements, as applicable:

(a) Credit for a continuing education program or activity that is identical or substantially equivalent to a program or activity for which the licensee has already earned credit during the renewal period cannot be granted.

(b) A minimum of 1 contact hour of continuing education must be earned in medical ethics.

(c) A minimum of 1 contact hour of continuing education must be earned in pain and symptom management under section 16204 of the code, MCL 333.16204. Continuing education contact hours in pain and symptom management may include, but are not limited to, any of the following areas:

- (i) Public health burden of pain.
- (ii) Ethics and health policy related to pain.
- (iii) Michigan pain and controlled substance laws.
- (iv) Pain definitions.
- (v) Basic sciences related to pain including pharmacology.
- (vi) Clinical sciences related to pain.
- (vii) Specific pain conditions.
- (viii) Clinical physician communication related to pain.
- (ix) Management of pain, including evaluation and treatment and non-pharmacological and pharmacological management.
- (x) Ensuring quality pain care.
- (xi) Michigan programs and resources relevant to pain.

(d) Completion of implicit bias training under R 338.7004 during the 3 years immediately preceding the application for renewal may be used toward satisfaction of the requirements of R 338.2471(2) and this subrule.

(2) The following activities are acceptable continuing education:

	Activity and Proof of Completion	Number of Continuing Education Contact Hours Granted/Allowed for the Activity
(a)	<p>Attendance at or participation in a continuing education program or activity related to the practice of genetic counseling that includes, but is not limited to, live in-person programs, interactive or monitored teleconference, audio-conference, or web-based programs, online programs, and journal articles with a self-study component or other self-study programs approved or offered by any of the following organizations:</p> <ul style="list-style-type: none"> - Accreditation Council for Continuing Medical Education (ACCME) including non-ACCME accredited providers engaging in joint providership with ACCME accredited providers. - American College of Medical Genetics and Genomics. - American College of Obstetricians and Gynecologists. - American Medical Association. - American Nurses Credentialing Center's Commission on Accreditation. - American Osteopathic Association. - American Society for Reproductive Medicine. 	<p>The number of continuing education contact hours credit for a specific program or activity is the number of contact hours approved by the sponsor or the approving organization for the specific program.</p> <p>A minimum of 45 hours of continuing education credit must be earned in this activity in each renewal period.</p> <p>A maximum of 75 contact hours of continuing education credit may be earned for this activity in each renewal period.</p>

	<ul style="list-style-type: none"> - Michigan Association of Genetic Counselors. - Michigan Osteopathic Association. - Michigan State Medical Society. - National Society of Genetic Counselors. - Society for Maternal Fetal Medicine. <p>If audited, the licensee shall provide a copy of the letter or certificate of completion showing the licensee's name, number of continuing education contact hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or the activity completed.</p>	
(b)	<p>Serving as a clinical supervisor for a student at a site used by an Accreditation Council for Genetic Counseling (ACGC) accredited program.</p> <p>To receive credit, the clinical supervision must not be the licensee's primary employment function.</p> <p>If audited, the licensee shall provide the student's initials, training program, dates supervision began and ended, and number of supervision hours provided per week.</p>	<p>Five contact hours of continuing education credit is granted for a minimum of 25 hours of direct clinical supervision.</p> <p>A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.</p>
(c)	<p>Publication of an article or chapter in a peer-reviewed journal or book related to practice-based competency.</p> <p>If audited, the licensee shall provide a copy of the publication that identifies the licensee as the author.</p>	<p>Ten contact hours of continuing education credit is granted for serving as the first, second, or senior author.</p> <p>Five contact hours of continuing education credit is granted for serving as any other author who is not first, second, or senior author.</p> <p>A maximum of 10 contact hours of continuing education credit may be earned per article or chapter.</p> <p>A maximum of 30 contact hours of continuing</p>

		education credit may be earned for this activity in each renewal period.
(d)	<p>Service in a leadership position role as a board member, chair, or leader of a genetics-related organization.</p> <p>If audited, the licensee shall provide the organization name, contact information, dates of service, dated agenda, and meeting minutes documenting not less than 25 hours of service.</p>	<p>Five contact hours of continuing education credit is granted for 25 hours of service for each organization.</p> <p>A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.</p>
(e)	<p>Serving as an instructor for a graduate-level course in an area related to genetics competency.</p> <p>To receive credit, the instructorship must not be the licensee's primary employment function.</p> <p>If audited, the licensee shall provide document titles, course description, faculty list of each course, dates of all courses, scheduled instructional hours, and a letter from the program director verifying the licensee's role.</p>	<p>Five contact hours of continuing education credit is granted for a minimum of 5 hours of teaching.</p> <p>A maximum of 10 contact hours of continuing education credit may be earned for each course.</p> <p>A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.</p>
(f)	<p>Serving as a peer-reviewer of a manuscript by invitation for a scientific journal.</p> <p>If audited, a licensee shall provide copies of documentation inviting the licensee to complete the review and thanking them for completing the review.</p>	<p>Two contact hours of continuing education credit is granted for each manuscript reviewed.</p> <p>A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.</p>

PART 4. STANDARDS OF PRACTICE

R 338.2481 Certification; active candidate status; requirement.

Rule 171. (1) A genetic counselor licensee shall maintain certification with the ABGC or the ABMGG.

(2) A temporary-licensed genetic counselor shall report to the department a change in qualified supervisor not later than 30 days after the change occurs.

(3) A temporary-licensed genetic counselor license automatically expires on issuance of a genetic counselor license or on loss of active candidate status with the ABGC or the ABMGG. A temporary-licensed genetic counselor shall report to the department a change in active candidate status not later than 30 days after the change occurs.

FILED WITH SECRETARY OF STATE

ON 2/16/24 AT 10:38 A.M.