

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF PROFESSIONAL LICENSING

PUBLIC HEALTH CODE—GENERAL RULES

Filed with the secretary of state on March 23, 2023

These rules take effect 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, 16194, 16201, and 16221 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 338.7002, and R 338.7004 of the Michigan Administrative Code are amended, as follows:

R 338.7001 Definitions.

Rule 1. (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) "Stark Law" means section 1877 of part E of title XVIII of the social security act, 42 USC 1395nn.

(2) Terms defined in the code have the same meanings when used in these rules.

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         | Issue date |
| Dentistry          | Issue date |
| Dental Assistant   | Issue date |
| Dental Hygienist   | Issue date |
| Genetic Counseling | Issue date |

|                                  |            |
|----------------------------------|------------|
| Massage therapy                  | Issue date |
| Medicine                         | Issue date |
| Osteopathic medicine and surgery | Issue date |
| Podiatric medicine and surgery   | Issue date |
| Social work                      | Issue date |
| Veterinary medicine              | Issue date |

(2) A license or registration having a limitation may be renewed for a term less than 3 years.

#### R 338.7004 Implicit bias training standards.

Rule 4. (1) Beginning June 1, 2022, an individual applying 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 June 1, 2022, and for every renewal cycle thereafter, an individual applying for license or registration renewal, reregistration, or relicensure 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. If otherwise permitted by the code and rules, this training may be used to satisfy other training or continuing education requirements.

(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) Training offered by 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 allows live synchronous interaction that provides for the opportunity for participants to interact with the instructor and other participants.
  - (ii) A live presentation that provides for the opportunity for participants to interact with the instructor and other participants.
  - (iii) An asynchronous teleconference or webinar.
- (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 after 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.