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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING

- - -

PUBLIC HEARING
TUESDAY, MARCH 9, 2021
AT ABOUT 1:00 P.M.

- - -

HELD VIA ZOOM TELECONFERENCE
LANSING, MICHIGAN

- - -

RE: Public Health Code - General Rules
(MOAHR #2020-109 LR)

- - -

HEARING FACILITATOR:

DENA MARKS
Bureau of Professional Licensing
611 W. Ottawa Street
Lansing, Michigan 48909

ALSO PRESENT: Kerry Przybylo
Stephanie Wysack

- - -

REPORTED BY: Lori Anne Penn, CSR-1315

I N D E X

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Opening Statement - Dena Marks

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- - -

COMMENTS:

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Victoria Dinkin

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Mark McWilliams

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James Blundo

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Michelle Mertic

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Christine Farrell

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Rhonda Dailey

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Michael Joy

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Closing Statement - Dena Marks

17

1 Tuesday, March 9, 2021

2 At 1:00 p.m.

3 - - -

4 MS. MARKS: Good afternoon. My name is
5 Dena Marks, and I am an analyst for the Bureau of
6 Professional Licensing in the Department of Licensing and
7 Regulatory Affairs. I will be conducting the hearing
8 today.

9 This is a public hearing on the proposed
10 administrative rules entitled "Public Health Code -
11 General Rules". We are conducting the hearing as
12 required by the Administrative Procedures Act to allow
13 the public to comment on the proposed changes to this
14 rule set. As with all other public hearings on draft
15 rule sets, the only items discussed during this hearing
16 will be the proposed changes to the rule set. This
17 hearing will not be covering any questions or discussions
18 on any other issues.

19 We are calling this hearing to order at
20 1:00 p.m. on March 9, 2021, via Zoom to comply with
21 statutorily required measures designed to help prevent
22 the spread of Coronavirus 2019, known as COVID-19. The
23 notice of public hearing was published in three
24 newspapers of general circulation, the Grand Rapids
25 Press, the Flint Journal, and the Mining Journal on
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1 February 12, 2021, as well as the *Michigan Register*,
2 Issue No. 2-2021, published on February 15, 2021.

3 All comments should relate directly to
4 the proposed rules. If you have questions about the
5 rules, you may place your comments on the record and the
6 Department will review and can consider them. If you
7 have suggested changes to the proposed rules, please
8 indicate the specific reasons why the changes would be in
9 the public interest.

10 We will take comments in the following
11 manner.

- 12 • For those using the Video Conference Portion,
13 not calling in on a telephone, please use the
14 "Raise Your Hand" feature in Zoom. I will call
15 on individuals to speak and they will be unmuted
16 at that time.
- 17 • For participants that are available only by
18 telephone, we will ask if you wish to make a
19 comment after the video participants have
20 finished.
- 21 • If you have a comment but do not wish to speak,
22 please note the Department will also accept
23 written statements e-mailed or postmarked to
24 BPL-BoardSupport@Michigan.gov until 5:00 p.m.
25 today.

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1 If you have previously submitted comments
2 in writing to the Bureau, it is not necessary for you to
3 repeat your comments on the record today. Comments made
4 in writing will be reviewed and considered by the
5 Department in the same manner as comments made during
6 this public hearing.

7 Those making comments during this hearing
8 should clearly and slowly say and spell your name and
9 advise if you are speaking on behalf of an organization.
10 We will limit comments to three minutes per person.
11 Please remember that only one person should speak at a
12 time.

13 The Department staff from the Bureau of
14 Professional Licensing here today includes me, Kerry
15 Przybylo, and Stephanie Wysack.

16 Is there anyone who wishes to make
17 comment about the Public Health Code - General Rules at
18 this time?

19 MS. PRZYBYLO: Again, if you wish to --
20 this is Kerry Przybylo. If you wish to speak, please use
21 the "Raise Your Hand" feature in the reactions button at
22 the bottom of your screen.

23 I'm not seeing anybody raising their
24 hands, so we'll go to those that are on the telephone.
25 If you wish to speak and you are calling in on the
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1 telephone, please hit *6 to unmute yourself so that we
2 may hear your comment.

3 I see that a few of us -- a few attendees
4 just connected to audio. If you just connected to audio
5 and you wish to speak and make a comment about the rules,
6 please press *6 on your telephone to unmute yourself, if
7 you're calling in on your phone as well. If you're
8 calling in on -- if you're attending by video, please use
9 the reaction button at the bottom to "Raise Your Hand".

10 Okay. We have some comments. So
11 first -- oh, boy. Okay. The first person that I see
12 is -- they lowered their hands. Their hands were raised
13 but then they, then they lowered their hands.

14 MS. MARKS: It looks like maybe Victoria
15 has a comment.

16 VICTORIA DINKIN: Hi. I have a general
17 question. I apologize, I just --

18 MS. MARKS: I'm sorry, Victoria, could
19 you please state and spell your first and last name?

20 VICTORIA DINKIN: Sure. Victoria Dinkin,
21 D-i-n-k-i-n, Victoria is V-i-c-t-o-r-i-a.

22 MS. MARKS: Thank you. Go ahead with
23 your comments.

24 VICTORIA DINKIN: Okay. I just recently
25 learned about this in the past couple of days, so I'm

1 sorry, I apparently missed out on something. My
2 understanding is that this is for a hearing to consider
3 two changes; one is to change the date of license renewal
4 and one is to add another requirement for licensure or
5 renewal. My concern or question really deals with the
6 licensure date change. Is there consideration given
7 for -- in other words, right now in my profession we
8 renew towards the end of the year. If that is to be
9 changed, let's say my date of initial license application
10 and effectiveness was in July, is that going to become
11 effective as of this year or will it be effective next
12 year; is it going to be a prorated amount? And what was
13 the logic behind changing that date? I read what was
14 written here, but it still doesn't seem like that makes
15 an effective difference to me, so I was just concerned
16 about that. Thank you.

17 MS. PRZYBYLO: All right. Is there
18 anybody else who wishes to make a comment about the
19 rules? Please "Raise Your Hand" with the reaction
20 button, or to unmute yourself, please hit *6.

21 Looks like Mark McWilliams has a comment.
22 Go ahead, Mark. You need to unmute yourself first,
23 please.

24 MARK McWILLIAMS: Sure. Is that better?

25 MS. PRZYBYLO: Much better.

1 MARK McWILLIAMS: Great. Thank you. My
2 name is Mark McWilliams, M-a-r-k M-c-W-i-l-l-i-a-m-s. I
3 represent Disability Rights Michigan. We are the
4 federally-mandated protection and advocacy agency
5 advocating for people with disabilities, and as part of
6 that work also find ourselves involved in issues
7 involving racial equity.

8 Disability Rights Michigan is part of
9 a -- part of a collaborative of organizations working
10 with people with disabilities that has looked at
11 cultural, developing cultural and linguistic competency,
12 and for that reason, we support the rule on requiring
13 implicit bias training for healthcare providers, we
14 believe that that's a serious problem and in all aspects
15 of the professional practice, not just in healthcare, but
16 believe that the requirements are really important to
17 improve services to black, indigenous, and people of
18 color.

19 We have three suggestions which we will
20 submit in writing to improve the rule. One is -- relates
21 to the record and making sure that the community is
22 consulted, including the people who are most affected by
23 the rule, that the training requirement actually would be
24 increased in terms of the number of hours, and that there
25 be explicit reference to addressing racism and ethnicity

1 issues in the training standards themselves. Thank you.

2 MS. MARKS: I'm not seeing anyone else;
3 are you, Kerry?

4 MS. PRZYBYLO: No.

5 MS. MARKS: If there are no other persons
6 who wish to speak at this time, we'll take a ten-minute
7 recess to see if others join us that would like to make
8 comments. Thank you.

9 (At 1:10 p.m., there was a brief recess.)

10 (Brief discussion held off the record.)

11 THE REPORTER: Are we back on the record?

12 MS. PRZYBYLO: Yes. Hold on just one
13 second. Lori, yes, we are going to go back on the record
14 because there is a comment, but we're waiting for
15 Mr. Blundo to unmute himself before he can speak.

16 JAMES BLUNDO: I have done that. I
17 apologize, for some reason my computer won't let me raise
18 my hand.

19 MS. MARKS: No problem. So we're going
20 to go back on the record to take additional comments at
21 this time.

22 Mr. Blundo, go ahead with your name and
23 spelling, please.

24 JAMES BLUNDO: My name is James Blundo,
25 J-a-m-e-s B-l-u-n-d-o. I'm the Executive Director of the
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1 Michigan Mental Health Counselors Association, and I'm
2 going to read you a letter we are sending to you.

3 On behalf of the Michigan Mental Health
4 Counselors Association --

5 THE REPORTER: I'm sorry, sir. Please,
6 if you're going to read, you will have to slow down.

7 MS. PRZYBYLO: Yes.

8 JAMES BLUNDO: Oh, I'm so sorry.

9 MS. PRZYBYLO: We're taking this -- a
10 court reporter is transcribing this, so you --

11 (Multiple speakers.)

12 JAMES BLUNDO: Oh, I'm sorry. I gotcha.

13 MS. PRZYBYLO: -- so please slow down,
14 please. Thank you.

15 JAMES BLUNDO: I should know that by now.
16 I'm sorry.

17 On behalf of the Michigan Mental Health
18 Counselors Association, I would like to thank you for the
19 opportunity to provide comment on the proposed implicit
20 bias training Public Health Code - General Rule Set
21 2020-109 LR.

22 MMHCA, as we are referred, M-M-H-C-A,
23 applauds the Department of Licensing and Regulatory
24 Affairs for the outstanding stakeholders engagement
25 process, including the implementation, curriculum, and
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1 partnership used to develop the recommendations for the
2 rules and ensure the intent and impact of Governor
3 Whitmer's implicit bias training executive order is
4 ultimately realized. We do, however, recommend, once the
5 rules are finalized, that the Department compile and
6 maintain the list of eligible training programs Michigan
7 licensed healthcare professionals may choose from to meet
8 the State's implicit bias training requirements.

9 Thank you again for this opportunity to
10 provide comment and for all the Department's efforts
11 throughout this inclusive and collaborative rules
12 process. Please allow this letter to serve as MMHCA's
13 formal communication of our full support for the draft
14 implicit bias training Public Health Code - General Rule
15 Set.

16 Sincerely, James Blundo.

17 I hope I said that slow enough. I'm
18 sorry.

19 THE REPORTER: Yes. Thank you.

20 JAMES BLUNDO: Are we set? Thank you.

21 MS. MARKS: I see Michelle Mertic also
22 has her hand raised. Michelle.

23 MICHELLE MERTIC: (Inaudible).

24 THE REPORTER: I'm sorry, you're going to
25 have to speak louder or into your microphone, please.

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1 MICHELLE MERTIC: Can you hear me now?

2 THE REPORTER: It's not great, but go
3 ahead.

4 MICHELLE MERTIC: Okay. You know what,
5 I'll log out and come back in in a different way and
6 you'll be able to hear me better.

7 MS. PRZYBYLO: Okay. Again, anybody else
8 who wishes to make a comment, please "Raise Your Hand"
9 using your reactions button at the bottom of the screen,
10 or if you are phoning in, please hit *6 to unmute
11 yourself.

12 (Brief pause.)

13 MS. MARKS: Michelle, have you been able
14 to reconnect?

15 MICHELLE MERTIC: Yes, I have. Can you
16 hear me okay?

17 MS. PRZYBYLO: Much better.

18 MICHELLE MERTIC: Thank you. My name is
19 Michelle, M-i-c-h-e-l-l-e, my last name is Mertic,
20 spelled M-e-r-t-i-c. I wanted to ask for clarification
21 on the implicit bias training, specifically where it says
22 in the proposed rule about assessments. I was hoping for
23 more clarification. Is that -- if that is assessments
24 built in to the implicit bias training, can it be added
25 as a pre-post test? And I also wanted to second what

1 Mr. Blundo said, if there could be a list of approved
2 trainings. And I'm the training coordinator for the
3 Guidance Center in Southgate. Thank you.

4 MS. MARKS: Is there anyone else who
5 would like to make a comment at this time? If so, please
6 hit the reaction button, or if you're on your phone, hit
7 *6 and speak.

8 I'm not seeing anyone else; are you,
9 Kerry?

10 MS. PRZYBYLO: No. I'm paging through
11 all the attendees. I don't see any further indications
12 that someone wishes to make a comment.

13 MS. MARKS: All right. If there are no
14 further comments at this time, I hereby declare the
15 hearing closed.

16 MS. PRZYBYLO: Oh, wait. Christine
17 Farrell.

18 MS. MARKS: Christine Farrell.

19 CHRISTINE FARRELL: Good afternoon.
20 Sorry. I was trying to, like some of the others. My
21 name is Christine Farrell, C-h-r-i-s-t-i-n-e, Farrell, F-
22 as in Frank a-r-r-e-l-l. And my comment is also related
23 to the implicit bias. It's under the Rule 4, No. 3,
24 letter C, small i, where it says, training offered by
25 nationally-recognized or state-recognized health-related

1 organization. I wondered if that could be revised to
2 broaden, instead of health-related, maybe a nonprofit
3 organization that offers health, human services, or other
4 kind of training. I think health-related organization is
5 rather limiting, and I think there are a number of
6 organizations, nonprofits, human services organizations,
7 or others that could offer implicit bias training. I
8 think health-related organization might be too limiting.

9 MS. PRZYBYLO: Thank you, Christine.

10 CHRISTINE FARRELL: Thank you.

11 MS. MARKS: Are there any other comments?

12 MS. PRZYBYLO: I don't see any, Dena.

13 Oh, Rhonda Dailey has a comment.

14 RHONDA DAILEY: Hi. My name is Rhonda
15 Dailey, that's spelled R-h-o-n-d-a, last name is D- as in
16 doll a-i-l-e-y. And I wanted to know what is the next
17 step in this process once this hearing is over and the
18 comments are made, how long will it be and when will the
19 rules take place?

20 MS. PRZYBYLO: Rhonda, this is the public
21 hearing to receive comments on the rules. We're in the
22 middle of the process, I guess you could say. We still
23 need to review all the comments, and then once the draft
24 is complete, it is sent over to the legislature to sit
25 for 15 joint session days. That is kind of an

1 unpredictable amount of time because a joint session day
2 is when both the House and the Senate are in session and
3 take a vote. So that's kind of a nebulous timeframe, so
4 I can't give you a real good estimate, but most likely,
5 I'm guessing it will be in the fall sometime that they
6 may finish the promulgation process. It's just a guess.
7 Lots of other factors can impact that.

8 RHONDA DAILEY: Thank you for that
9 sincere response. I do have a question. For people that
10 may have, you know, gone to implicit bias training even
11 now or until the time that the rule is actually set in
12 place, will that information or the training they've
13 received count toward the new rule?

14 MS. PRZYBYLO: I think, if I remember
15 correctly, the rule indicates that you have to take it
16 within a certain amount of time before you apply for
17 licensure. So you would have to look -- I don't remember
18 off the top of my head what that is, but you'd have to
19 look at that specifically. If it doesn't have a date in
20 there, then generally speaking, the requirement happens
21 when the rule becomes in effect, so you would have to
22 take it from the day of promulgation forward, if the rule
23 doesn't say something differently.

24 MS. MARKS: Kerry, we should pause for a
25 moment. Lori just sent me an email that she got kicked

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1 off.

2 MS. PRZYBYLO: Okay.

3 RHONDA DAILEY: Thank you.

4 (Brief discussion and pause to allow the court
5 reporter to reconnect.)

6 THE REPORTER: I am back. Sorry. My
7 computer just, whatever.

8 MS. MARKS: Welcome back, Lori. Let us
9 know when you're ready.

10 THE REPORTER: I'm ready. Thanks.
11 Sorry.

12 MS. MARKS: All right. Michael Joy had a
13 comment. If you could unmute yourself, Michael.

14 MICHAEL JOY: Hello. Thank you for
15 taking my comment. I just have a question. Is there a
16 process for, that someone has to go through to be able to
17 offer implicit bias training as part of these rules?

18 MS. PRZYBYLO: Okay. Michael, just to be
19 clear, this is a time to receive comments about the
20 rules, it's not a question and answer session about the
21 rules. But I believe that the rules have in there a way
22 to become an approved sponsor to provide that program.

23 MICHAEL JOY: Okay. Thank you.

24 MS. MARKS: Is there anyone else who
25 would like to make a comment?

1 MS. PRZYBYLO: Dena, I do not see any
2 further -- any further people raising their hand. Again,
3 if you are calling in on your phone and wish to unmute
4 yourself to speak, please hit *6.

5 MS. MARKS: Thank you for the comments
6 today. If there are no further comments at this time, I
7 hereby declare the hearing closed. The record will
8 remain open until 5:00 p.m. today for any comments you
9 wish to share about the proposed rules, which may be
10 mailed, or e-mailed to BoardSupport@Michigan.gov, so that
11 would be BPL-BoardSupport@Michigan.gov. Thank you for
12 attending the hearing.

13 (At 1:38 p.m., the public hearing concluded.)

14 - - -

1 STATE OF MICHIGAN)
)
2 COUNTY OF MACOMB)

3 I, Lori Anne Penn, certify that this
4 transcript consisting of 18 pages is a complete, true,
5 and correct record of the public hearing held via Zoom
6 teleconference in this matter on Tuesday, March 9, 2021.

7 I further certify that I am not
8 responsible for any copies of this transcript not made
9 under my direction or control and bearing my original
10 signature.

11 I also certify that I am not a relative
12 or employee of or an attorney for a party; or a relative
13 or employee of an attorney for a party; or financially
14 interested in the action.

15
16
17 March 11, 2021
Date

Lori Anne Penn
Lori Anne Penn, CSR-1315
Notary Public, Macomb County, Michigan
My Commission Expires June 15, 2025

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