

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**BUREAU OF PROFESSIONAL LICENSING**

**PUBLIC HEALTH CODE—GENERAL RULES**

(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 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.

History: 1979 AC; 2009 AACs; 2014 AACs; 2017 AACs; 2020 AACs; 2021 AACs; 2023 AACs.

**R 338.7001a Biennial license and registration renewal; expiration.**

Rule 1a. (1) The following licenses and registrations expire biennially and must be renewed every 2 years on or before the date indicated:

Acupuncture	Issue date
Audiology	Issue date
Chiropractic	Issue date
Dental Therapy	Issue date
Nursing	Issue date
Nursing home administrators	Issue date
Occupational therapy	Issue date
Optometry	Issue date
Pharmacy	Issue date
Psychology	Issue date
Speech-language pathology	Issue date

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

History: 1979 AC; 2009 AACCS; 2014 AACCS; 2017 AACCS; 2020 AACCS; 2021 AACCS; 2022 AACCS; 2024 MR 10, May 16, 2024.

**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) The following licenses issued or renewed on or after the effective date of these rules expire triennially and must be renewed every 3 years on or before the date indicated:

Marriage and family therapy	Issue date
Physician's assistants	Issue date
Respiratory care	Issue date

(3) The following licenses issued or renewed on or after the effective date of these rules and on or after the effective date of the applicable profession's next rules revision expire triennially and must be renewed every 3 years on or before the date indicated:

Midwifery	Issue date
Physical Therapy	Issue date
Sanitarians	Issue date

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

History: 1979 AC; 2009 AACCS; 2014 AACCS; 2017 AACCS; 2020 AACCS; 2021 AACCS; 2022 AACCS; 2023 AACCS; 2024 MR 10, May 16, 2024.

**R 338.7002a Quadrennial license renewal; expiration.**

Rule 2a. (1) The following license expires quadrennially and must be renewed every 4 years on or before the date indicated:

Behavior Analysts	Issue date
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(2) A license having a limitation may be renewed for a term less than 4 years.

History: 2020 AACCS.

**R 338.7002b Minimum English language standard.**

Rule 2b. (1) Under section 16174(1)(d) of the code, MCL 333.16174, an applicant seeking licensure, registration, relicensure, if lapsed for more than 3 years, or reregistration, if lapsed for more than 3 years, shall demonstrate a working knowledge of the English language under the minimum standards established by the department.

(2) To demonstrate a working knowledge of the English language, the applicant shall establish that the applicant meets 1 of the following:

(a) The applicant's health professional educational program was taught in English.

(b) The applicant supplies transcripts establishing that the applicant earned not less than 60 college level credits from an English-speaking undergraduate or graduate school.

(c) The applicant's credentials and English proficiency have been evaluated and determined to be equivalent to the credentials required in this state by a board-approved credentialing agency.

(d) The applicant obtained an overall score of not less than 176 overall and 185 speaking on the Cambridge English (B2 First, C1 Advanced, or C2 Proficiency) Examination.

(e) The applicant obtained a passing score of 650 or higher on the Examination for the Certificate of Competency in English (ECCE) test developed by Michigan Language Assessment, as demonstrated by a certificate of competency or certificate of competency with honors.

(f) The applicant obtained a passing score of 650 or higher on the Examination for the Certificate of Proficiency in English (ECPE) test developed by Michigan Language Assessment, as demonstrated by a certificate of proficiency or certificate of proficiency with honors.

(g) The applicant obtained a total score of not less than 6.5 on the International English Language Testing System (IELTS) Academic test within 2 years of the date of application.

(h) The applicant obtained an overall score of not less than 55 on the 4-skill Michigan English Test (MET) developed by Michigan Language Assessment.

(i) The applicant obtained an overall score of not less than 300 on the Occupational English Test (OET).

(j) The applicant obtained an overall score of not less than 55 and not less than 50 on any section of the Pearson PTE Academic Examination.

(k) The applicant obtained a total score of not less than 80 on the Test of English as a Foreign Language Internet-Based Test (TOEFL-IBT) administered by the Educational Testing Service within 2 years of the date of application.

(l) The applicant obtained a score of not less than 725 on the reading and listening section, not less than 150 on the writing section, and not less than 160 on the speaking section of the Test of English for International Communication (TOEIC) within 2 years of the date of application.

History: 2020 AACCS; 2021 AACCS; 2022 AACCS; 2024 MR 10, May 16, 2024.

**R 338.7003 "Stark Law" revision; adoption by reference.**

Rule 3. (1) Under section 16221(e)(iv)(B) of the code, MCL 333.16221, the department has taken notice that the Stark Law, 42 USC 1395nn, was revised effective February 9,

2018. The department also takes notice that the regulations promulgated under the Stark Law, 42 CFR 411.350 to 411.389, were revised effective January 19, 2021, and January 1, 2022. The department finds that the revisions to both the Stark Law, 42 USC 1395nn, and regulations under the Stark Law, 42 CFR 411.350 to 411.389, pertain to referrals by physicians for designated health services and continues to protect the public from inappropriate referrals by physicians. Therefore, the department adopts by reference the Stark Law, 42 USC 1395nn, as revised February 9, 2018, and regulations promulgated under the Stark Law, 42 CFR 411.350 to 411.389, as revised January 19, 2021, and January 1, 2022.

(2) All federal regulations noted in subrule (1) of this rule are available at no cost at [SUBPART - Financial Relationships Between Physicians and Entities Furnishing Designated Health Services \(govregs.com\)](#). These regulations also are available for inspection and distribution at a cost of 10 cents per page from the Bureau of Professional Licensing, Michigan Department Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

History: 2009 AACCS; 2017 AACCS; 2022 AACCS.

#### **R 338.7004 Implicit bias training standards.**

Rule 4. (1) 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) An individual applying for licensure 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. Unless prohibited by the code or rules, this training may be used to satisfy other training or continuing education requirements for license renewal.

(3) A licensee or registrant shall not carry forward implicit bias training hours earned during 1 renewal cycle to the next renewal cycle.

(4) A licensee or registrant shall not earn implicit bias training hours for completing implicit bias training that is identical or substantially identical to implicit bias training that the licensee or registrant has already completed during the same renewal cycle.

(5) The implicit bias training must be related to reducing barriers and disparities in access to and delivery of healthcare 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 healthcare, 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 healthcare 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 healthcare services.

(b) Training must include strategies to reduce disparities in access to and delivery of healthcare 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 was 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.

(6) Submission of an application for licensure, registration, or renewal constitutes an applicant's certificate of compliance with the requirements of this rule. The 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 licensees or registrants and request documentation of proof of compliance with this rule. If audited by the department, the 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.

History: 2020 AACCS; 2021 AACCS; 2022 AACCS; 2023 AACCS; 2024 MR 10, May 16, 2024.

### **R 338.7005 Rescinded.**

History: 2014 AACCS; 2019 AACCS.