

AGENCY REPORT TO THE JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate the rules must complete and submit this form electronically to the Michigan Office of Administrative Hearings and Rules (MOAHR) at MOAHR-Rules@michigan.gov.

1. Agency Information:

Agency name:	Licensing and Regulatory Affairs		
Division/Bureau/Office:	Bureau of Professional Licensing		
Name, title, phone number, and e-mail of person completing this form:	Weston J. MacIntosh Senior Policy Analyst (517) 241-9269 macintoshw1@michigan.gov		
Name of Departmental Regulatory Affairs Officer reviewing this form:	Liz Arasim		

2. Rule Set Information:

MOAHR assigned rule set number:	2018 – 107 LR
Title of proposed rule set:	Psychology – General Rules

3. Purpose for the proposed rules and background:

The general purpose of these rules is to supply educational, licensure, and continuing education requirements.
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4. Summary of proposed rules:

<p>R 338.2521. This rule pertains to definitions. It sets forth an explanation of specific terms used throughout the set. Clarification of the terms used in the rule set have been made, including the meaning of the term “extreme hardship” and what types of entities qualify as an “organized health care setting.”</p> <p>R 338.2523. This rule pertains to an English language requirement. It sets forth the requirement for English language proficiency. Typographical revisions have been made.</p> <p>R 338.2525. This rule pertains to identifying human trafficking. It sets forth the requirements for training on human trafficking. The current rule does not clearly specify information as to when this training must be obtained. The proposed human trafficking rule indicates the renewal cycle year that applicants for license renewal will have to obtain the training, as well as the date after which applicants for initial licensure will have to obtain the training. The proposed rule will supply notice of the timelines for obtaining the required training.</p> <p>R 338.2527. This rule pertains to prohibited conduct. It sets forth conduct that can result in discipline. This rule is being rescinded because it is duplicative of statute.</p> <p>R 338.2529. This rule pertains to accreditation standards. It sets forth the requirements that must be met for accredited programs. This rule will be amended to supply updated accreditation standards for educational programs, which are adopted by reference.</p> <p>R 338.2541. This rule pertains to accreditation standards for doctoral level educational programs. It sets forth the requirements that must be met for accredited programs. This rule will be amended to</p>
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supply updated accreditation standards for educational programs, which are adopted by reference. It also adds the standards of the Psychological Clinical Science Accreditation System (PCSAS) as another approved accrediting body.

R 338.2543. This rule pertains to the application for a doctoral level trained psychology license. It sets forth the requirements that must be met to receive a license. The amendment to this rule sets forth the criteria that an applicant must provide to the board, so that the board can evaluate a postdoctoral internship.

R 338.2545. This rule pertains to examination scores for applicants. It sets forth the requirements that must be met to receive a passing score. The acronyms for the examination developer have been capitalized, to be consistent with other typographical changes made throughout the rules set.

R 338.2547. This rule pertains to examination eligibility. It sets forth the requirements that must be met to sit for the examination. Grammatical changes have been made to the rule, to make it more consistent with the rest of the rule set.

R 338.2549. This rule pertains to foreign graduates of non-accredited schools. It sets forth the requirements that must be met to qualify for a psychology license. Citations to other applicable rules have been updated to reflect corresponding revisions.

R 338.2551. This rule pertains to licensure by endorsement. It sets forth the requirements that must be met to qualify for a license through endorsement. It modifies the qualification for licensure by endorsement to require at least 10 years of licensed independent practice and the holding of a current license in the independent practice of psychology, as opposed to simply holding a current health service provider credential issued by the National Register of Health Service Psychologists.

R 338.2553. This rule pertains to an educational limited license for postdoctoral experience. It sets forth the requirements that must be met to qualify for a postdoctoral educational limited license, as well as the required setting and circumstances of the experience. It also adds criteria that must be included by the applicant for the board to consider an alternative supervision arrangement.

R 338.2555. This rule pertains to relicensure for a postdoctoral educational limited license. It sets forth the requirements that must be met for relicensure to be granted. It adds the requirements that the applicant must supply fingerprints and evidence of good moral character in support of the application for relicensure.

R 338.2561. This rule pertains to applications for limited license psychologists. It sets forth the requirements that must be met to qualify for licensure. It adds criteria that must be included by the applicant for the board to consider approval of a post-degree practicum, in lieu of a practicum that was an integrated part of a master's degree program.

R 338.2563. This rule pertains to examination scores for applicants seeking a limited license. It sets forth the requirements that must be met to receive a passing score. The acronyms for the examination developer have been capitalized, to be consistent with other typographical changes made throughout the rules set.

R 338.2565. This rule pertains to examination eligibility for applicants seeking a limited license. It sets forth the requirements that must be met to sit for the examination. Grammatical changes have been made to the rule, to make it more consistent with the rest of the rules set.

R 338.2567. This rule pertains to foreign graduates of non-accredited schools seeking a limited license. It sets forth the requirements that must be met to qualify for a psychology license. Citations to other applicable rules have been updated, to reflect corresponding revisions.

R 338.2569. This rule pertains to applications for a temporary limited license. It sets forth the requirements that must be met to qualify for a temporary limited license. Recent statutory changes have been incorporated into the rule, including allowing temporary limited licenses to be issued not only for applicants seeking to fulfill their required post-master's degree experience, but also for students who are currently enrolled in an eligible doctoral degree program. The rule adds requirements related to accreditation of eligible educational programs. The post-master's degree experience requirements on minimum and maximum hours per week have been removed. Amendment to the rule also adds criteria that must be included by the applicant for the board to consider approval of an alternative supervision arrangement.

R 338.2571. This rule pertains to limited license supervision requirements. It sets forth the requirements that must be met for proper supervision of licensees holding limited licenses. The rule adds criteria that must be included by a licensee for the board to consider approval of an alternative supervision arrangement.

R 338.2573. This rule pertains to relicensure for limited licenses. It sets forth the requirements that must be met for a former limited licensee to be relicensed. It adds the requirements that the applicant must supply fingerprints and evidence of good moral character in support of the application for relicensure.

R 338.2581. This rule pertains to license renewals. It sets forth the requirements that must be met for renewal of a license. It clarifies the requirement that proof of continuing education must be kept for a minimum of 4 years from the date of applying for license renewal.

R 338.2583. This rule pertains to acceptable continuing education. It sets forth the requirements that must be met for a continuing education program to be considered in satisfaction of continuing education requirements. Clarification is added that there are no restrictions related to earning continuing education credits through online means. The revised rule expands the list of providers that are eligible for both approving or offering continuing education programs. The rule clarifies requirements related to supplying proof of the acquired continuing education credits, includes other means of acquiring continuing education credits, and updates citations to other applicable rules, reflecting the corresponding revisions to the rules set.

R 338.2585. This rule pertains to approval of continuing education providers. It sets forth the requirements that must be met for the board to consider granting approval of a continuing education program offered by a potential provider. It sets forth the criteria that a provider must provide to the board, so the board can consider whether the proposed continuing education program is proper.

5. List names of newspapers in which the notice of public hearing was published and publication dates (attach copies of affidavits from each newspaper as proof of publication).

The Grand Rapids Press, April 4, 2019
The Mining Journal, March 18, 2019
The Flint Journal, April 4, 2019

6. Date of publication of rules and notice of public hearing in *Michigan Register*:

Issue No. 5 – 2019 (Published April 1, 2019)

7. Time, date, location, and duration of public hearing:

1:00 p.m., April 22, 2019, G. Mennen Williams Building Auditorium, 525 W. Ottawa Street, Lansing, Michigan. The hearing lasted for 45 minutes.

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

https://dtmb.state.mi.us/ORRDocs/RIS/1886_2018-107LR_ris.pdf

9. List of the name and title of agency representative(s) attending public hearing:

Weston MacIntosh, Dena Marks, and Rick Roselle, Department Analysts for the Bureau of Professional Licensing.

10. Persons submitting comments of support:

Frances Brown, PsyD, Michigan School of Psychology; Lauren Levinson; Jason Moser, PhD, Michigan State University.

11. Persons submitting comments of opposition:

Dennis Kayes, JD
Eric Ozkan, PhD

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12. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments Made at Public Hearing	Written Comments	Agency Rationale for Change	Rule Number & Citation Changed
1.	Frances Brown, PsyD, Michigan School of Psychology	The commenter requested that the rule language of R 338.2561(1)(b)(iv) be changed to require the applicant to meet in person with his or her supervisor for a minimum of 2 hours a week during the practicum, rather than 8 hours a month during the practicum, as academic semesters do not coincide with the beginning and end of the month.	The commenter requested that the rule language at R 338.2561(1)(b)(iv) be changed to require the applicant to meet in person with his or her supervisor for a minimum of 2 hours a week during the practicum, rather than 8 hours a month during the practicum, as academic semesters do not coincide with the beginning and end of the month.	Because academic semesters do not coincide with the beginning and end of the month, the requirement of a minimum of 2 hours a week during the practicum, rather than 8 hours a month during the practicum, makes more sense.	R 338.2561(1)(b)(iv)
2.	Lauren Levinson		The commenter requested an update to the examination part of the rule, R 338.2561(1)(d), to reflect recent language changes to MCL 333.18223(2) by 2018 PA 24.	The language added to MCL 333.18223(2) by 2018 PA 24 made this language void.	R 338.2561(1)(d)
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13. Date report completed:

<u>June 27, 2019</u>
