

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OSTEOPATHIC MEDICINE AND SURGERY - GENERAL RULES

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) 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**, 16204, **16215**, **16287**, **17531**, 17533, and 17548 of **the public health code**, 1978 PA 368, MCL 333.16145, 333.16148, **333.16174**, 333.16204, **333.16215**, **333.16287**, **333.17531**, 333.17533, and 333.17548, and Executive Reorganization Order Nos. ~~1996-1~~, **1991-9**, 1996-2, 2003-1, and 2011-4, MCL ~~330.3101~~, **338.3501**, 445.2001, 445.2011, and 445.2030)

R 338.111, R 338.115, R 338.117, R 338.119, R 338.120, R 338.121, R 338.123, R 338.125, R 338.127, R 338.129, R 338.133, R 338.141, and R 338.143 of the Michigan Administrative Code are amended, R 338.112 and R 338.114 are added, and R 338.113 and R 338.131 are rescinded, to read as follows:

PART 1. GENERAL PROVISIONS

R 338.111 Definitions.

Rule 11. (1) As used in these rules:

(a) "Board" means the Michigan board of osteopathic medicine and surgery created ~~in~~ **under** section 17521 of the code, MCL 333.17521.

(b) "Code" means **the public health code**, 1978 PA 368, MCL 333.1101 to 333.25211.

(c) "Department" means the department of licensing and regulatory affairs.

(2) **A term defined in the code has the same meaning when used in these rules.**

R 338.112 Minimum English language standard.

Rule 12. An applicant for initial licensure whose educational program was taught in a language other than English must demonstrate a working knowledge of the English language. To demonstrate a working knowledge of the English language, the applicant must establish that he or she 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 and obtained the following section scores:

- (a) Not less than 15 on the reading section.
- (b) Not less than 18 on the listening section.
- (c) Not less than 22 on the speaking section.
- (d) Not less than 17 on the writing section.

R 338.113 ~~Name of practitioner; display of name.~~ **Rescinded.**

~~Rule 13. A person shall not engage in the practice of osteopathic medicine and surgery under a personal name other than the name under which he or she is licensed.~~

R 338.114 Telehealth.

Rule 14. (1) Consent for treatment must be obtained before providing a telehealth service under section 16284 of the code, MCL 333.16284.

(2) Proof of consent must be maintained in the patient's up-to-date medical record and retained in compliance with section 16213 of the code, MCL 333.16213.

(3) A physician providing a telehealth service may prescribe a drug if the physician is a prescriber acting within the scope of his or her practice and in compliance with section 16285 of the code, MCL 333.16285, if he or she does both of the following:

(a) If medically necessary, refers the patient to a provider that is geographically accessible to the patient.

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

(4) A physician providing any telehealth service must do both of the following:

(a) Act within the scope of his or her practice.

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

R 338.115 Code of ethics.

Rule 15. (1) The standards of the American Osteopathic Association, 142 E. Ontario St., Chicago, IL 60611-2864 set forth in the "Code of Ethics" dated ~~April 24, 2014,~~ **July 24, 2016**, are adopted by reference in these rules. The code of ethics may be obtained at no cost from the association's website at: ~~<http://www.osteopathic.org/inside-aoa/about/leadership/Pages/aoa-code-of-ethics.aspx>~~

<https://osteopathic.org/about/leadership/aoa-governance-documents/code-of-ethics/>

(2) A licensee shall must not violate the code of ethics.

(3) Copies of the adopted standards referenced in subrule (1) of this rule are available for inspection and distribution at a cost of 10 cents per page from the Board of Osteopathic Medicine and Surgery, Bureau of ~~Health Care Services,~~ **Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.**

R 338.117 ~~Delegation to Prescribing of drugs by physician's assistants; written authorization requirements. procedures and protocols.~~

Rule 17. (1) **Under section 17548(3) and (4) of the code, MCL 333.17548(3) and (4), and under the terms of a practice agreement, A physician who supervises a physician's assistant may prescribe a drug, including a controlled substance that is included in schedules 2 to 5 of part 72 of the code, MCL 333.7201 to MCL 333.7231, subject to the following requirements:** ~~under sections 17548 and 17549 of the code, MCL 333.17548 and 333.17549, shall establish a written authorization that delegates to the physician's assistant the performance of medical care services or the prescribing of schedule 2 to 5 controlled substances, or both. The written authorization shall contain all of the following:~~

~~(a) The name, license number, and signature of the supervising physician.~~

(a) If a physician's assistant prescribes a drug, the physician's assistant's name must be used, recorded, or otherwise indicated in connection with that prescription.

~~(b) The name, license number, and signature of the physician's assistant.~~

(b) If a physician's assistant prescribes a drug that is included in schedules 2 to 5, the physician's assistant's DEA registration number must be used, recorded, or otherwise indicated in connection with that prescription.

~~(c) The limitations or exceptions to the delegation of any medical care services or prescription of schedules 2 to 5 controlled substances.~~

~~(d) The effective date of the delegation.~~

(2) ~~The supervising physician shall review and update the written authorization prior to the renewal of the physician's assistant's license or in the interim as needed. A supervising physician shall note the review date on the written authorization. Under section 17548(3) and (5) of the code, MCL 333.17548(3) and (5), and under the terms of a practice agreement, a physician's assistant may order, receive, and dispense complimentary starter dose drugs, including controlled substances that are included in schedules 2 to 5 of part 72 of the code, MCL 333.7201 to MCL 333.7231, subject to the following requirements:~~

(a) If a physician's assistant orders, receives, or dispenses a complimentary starter dose drug, the physician's assistant's name must be used, recorded, or otherwise indicated in connection with that order, receipt, or dispensing.

(b) If a physician's assistant orders, receives, or dispenses a complimentary starter dose drug that is included in schedules 2 to 5, the physician's assistant's DEA registration number must be used, recorded, or otherwise indicated in connection with that order, receipt, or dispensing.

~~(3) A supervising physician shall ensure that an amendment to the written authorization is in compliance with subrule (1) of this rule.~~

~~(4) A supervising physician shall maintain the signed, written authorization at the supervising physician's principal place of practice.~~

~~(5) The supervising physician shall provide a copy of the signed, written authorization to the physician's assistant.~~

~~(6) A supervising physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.~~

R 338.119 Delegation of prescribing controlled substances to ~~nurse practitioners or nurse midwives~~; **an advance practice registered nurse**; limitation.

Rule 19. (1) A physician may delegate the prescription of controlled substances listed in schedules 2 to 5 to a registered nurse who holds specialty certification under section 17210 of the code, MCL 333.17210, with the exception of a nurse anesthetist, if the delegating physician establishes a written authorization that contains all of the following information:

- (a) The name, license number, and signature of the delegating physician.
 - (b) The name, license number, and signature of the nurse practitioner, ~~or nurse midwife~~, **or clinical nurse specialist**.
 - (c) The limitations or exceptions to the delegation.
 - (d) The effective date of the delegation.
- (2) ~~A~~ **The** delegating physician ~~shall~~ **must** review and update a written authorization on an annual basis from the original date or the date of amendment, if amended. ~~A~~ **The** delegating physician ~~shall~~ **must** note the review date on the written authorization.
- (3) ~~The delegating physician shall ensure that an amendment to the written authorization is in compliance with subrule (1) of this rule.~~ **The delegating physician must maintain a written authorization at the delegating physician's primary place of practice.**
- (4) ~~A delegating physician shall maintain the signed, written authorization at the delegating physician's primary place of practice.~~ **The delegating physician must provide a copy of the signed, written authorization to the nurse practitioner, nurse midwife, or clinical nurse specialist.**
- (5) ~~The delegating physician shall provide a copy of the signed, written authorization to the nurse practitioner or nurse midwife.~~ **The delegating physician must ensure that an amendment to the written authorization is in compliance with subrules (1), (2), (3), and (4) of this rule.**
- (6) A delegating physician ~~shall not~~ **may** authorize a nurse practitioner, ~~or a nurse midwife~~, **or a clinical nurse specialist** to issue a ~~multiple prescription~~ **prescriptions allowing the patient to receive a total of up to a 90-day supply for of a schedule 2 controlled substance. with a quantity greater than a 30-day supply.**
- (7) A delegating physician ~~shall~~ **must** not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.

R 338.120 Training standards for identifying victims of human trafficking; requirements.

Rule 20. (1) ~~Pursuant to~~ **Under** section 16148 of the code, MCL 333.16148, a licensed physician or licensure applicant ~~shall~~ **must** complete training in identifying victims of human trafficking that ~~meets~~ **satisfies** the following standards:

- (a) Training content ~~shall~~ **must** cover all of 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) Using 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 by the board for initial licensure, or by a college or university.
 - (iv) Reading an article related to the identification of victims of human trafficking that ~~meets~~ **satisfies** the requirements of subdivision (a) of this subrule and is published in a peer review 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~~ **must** 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 an individual. The certification statement ~~shall~~ **must** include the individual's name and either of the following:
 - (i) For training completed ~~pursuant to~~ **under** subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
 - (ii) For training completed ~~pursuant to~~ **under** subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
- (3) ~~Pursuant to~~ **Under** section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply ~~to~~ **for** license renewals beginning with the ~~first~~ **2017** renewal cycle ~~after the promulgation of this rule~~ and for initial **licensure beginning December 20, 2021.** ~~licenses issued 5 or more years after the promulgation of this rule.~~

PART 2. LICENSES

R 338.121 Accreditation standards for approval of osteopathic medical schools, postgraduate training programs, and institutions; adoption by reference.

Rule 21. (1) The board approves and adopts by reference the standards for accrediting osteopathic medical schools developed and adopted by the American Osteopathic Association Commission on Osteopathic College Accreditation, ~~212 East Ohio Street,~~ **142 E. Ontario St., Chicago, IL 60611, Illinois 60611-2864,** as set forth in the

publication entitled “Accreditation of Colleges of Osteopathic Medicine: COM Accreditation Standards and Procedures” effective ~~July 1, 2014,~~ **August 29, 2016**, which is available at no cost on the association’s website at: www.osteopathic.org. The board ~~shall consider~~ **considers** any osteopathic school of medicine accredited by the ~~commission on osteopathic college accreditation~~ **Commission on Osteopathic College Accreditation** approved by the board.

(2) The board approves and adopts by reference the standards of the American Osteopathic Association Council on Postdoctoral Training, ~~212 East Ohio Street,~~ **142 E. Ontario St.,** Chicago, ~~IL 60611,~~ **Illinois 60611-2864**, as set forth in the publication entitled “The Basic Documents for Postdoctoral Training” effective ~~July 1, 2014,~~ **March 1, 2018**, which is available at no cost on the association’s website at:

~~www.osteopathic.org.~~ The board ~~shall consider~~ **considers** any osteopathic postgraduate training program accredited by the ~~American osteopathic association council on postdoctoral training~~ **Osteopathic Association Council on Postdoctoral Training** approved by the board.

(3) The board approves and adopts by reference the standards of the American Osteopathic Association Council on Osteopathic Postdoctoral Training Institutions, ~~212 East Ohio Street,~~ **142 E. Ontario St.,** Chicago, ~~IL 60611,~~ **60611-2864**, as set forth in the publication entitled “OPTI Accreditation Handbook” effective March 2014, which is available at no cost on the association’s website at: www.osteopathic.org. The board ~~shall consider~~ **considers** any osteopathic institution accredited by the ~~American osteopathic association council on osteopathic postdoctoral training institutions~~ **Osteopathic Association Council on Osteopathic Postdoctoral Training Institutions** as approved by the board.

(4) The board approves and adopts by reference the standards for the approval of a postgraduate training program developed and adopted by the Accreditation Council for Graduate Medical Education, ~~Suite 2000, 515 North State Street, Chicago, IL 60654,~~ **401 N. Michigan Avenue, Suite 2000, Chicago, Illinois 60611**, effective ~~January 1, 2014,~~ **July 1, 2016**, which ~~and~~ are available at no cost on the council’s website at: ~~www.acgme.org/acgmeweb.~~ The board ~~shall consider~~ **considers** any medical postgraduate training program accredited on or after July 1, 2015; by the ~~accreditation council for graduate medical education~~ **Accreditation Council for Graduate Medical Education** as approved by the board.

(5) Copies of the standards and criteria are available for inspection and distribution at a cost of **10 cents per page** ~~at~~ **from** the Board of Osteopathic Medicine and Surgery, Bureau of ~~Health Care Services,~~ **Professional Licensing,** Licensing and Regulatory Affairs, 611 W. Ottawa Street, P.O. Box 30670, Lansing, Michigan, 48909.

R 338.123 Licensure by examination.

Rule 23. An applicant for licensure by examination, ~~shall submit a completed application on a form provided by the department together with the requisite fee. In addition to meeting~~ **satisfying** the requirements of the code, ~~and the administrative rules,~~ **an applicant for licensure by examination shall meet** **must satisfy** all of the following requirements:

(a) The applicant shall have completed the requirements for a degree in osteopathic medicine from a school of osteopathic medicine approved by the board in R 338.121(1). **Submit the required fee and a completed application on a form provided by the department.**

(b) The applicant shall have satisfactorily completed 1 year of postgraduate clinical training that satisfies either of the following requirements: **Possess a degree from a school of osteopathic medicine that satisfies the standards set forth in R 338.121(1).**

(i) ~~A postgraduate training program that satisfies the requirements of R 338.121(2) at a training institution that satisfies the requirements of R 338.121(3).~~

(ii) ~~A postgraduate training program approved by the board in R 338.121(4).~~

(c) Certification of satisfactory completion of postgraduate clinical training under subdivision (b)(i) and (ii) of this rule shall be accepted by the board not more than 30 days before completion of the first year of training. **Passed all parts of the Comprehensive Osteopathic Medical Licensing Examination (COMLEX) adopted under R 338.129.**

(d) The applicant shall have passed all parts of the examination conducted and scored by the national board of osteopathic medical examiners as set forth in R 338.129.

Completed a minimum of 1 year of postgraduate clinical training in a program that satisfies either of the following requirements:

(i) **A postgraduate training program that satisfies the requirements of R 338.121(2) at a training institution that satisfies the requirements of R 338.121(3).**

(ii) **A postgraduate training program approved by the board in R 338.121(4).**

(e) **Submit a certificate of completion of the postgraduate training required under subrule (d) of this rule to the department no more than 15 days prior to the scheduled date of completion.**

R 338.125 Licensure by endorsement.

Rule 25. (1) An applicant for an osteopathic medicine and surgery license **by endorsement shall must** submit the required fee ~~on~~ **and** a completed application **on a** form provided by the department. ~~An applicant who satisfies the requirements of the code and this rule is presumed to meet the requirements of section 16186(1)(a) and (d) of the code, MCL 333.16186(1)(a) and (d).~~

(2) An applicant for an osteopathic medicine and surgery license shall meet **must satisfy either 1** of the following requirements:

(a) Has first been licensed in **good standing in** another state ~~to~~ **and** actively engage **engaged** in the practice of osteopathic medicine and surgery for at least 5 years ~~before~~ **prior to the date of filing of an** the application.

(b) Has **first** been licensed in **good standing in** another state and ~~has passed all components of the national board of osteopathic medicine examination adopted in R 338.129.~~ **actively engaged in the practice of osteopathic medicine and surgery less than 5 years prior to the date of filing the application and satisfies both of the following requirements:**

(i) **Passed all parts of the Comprehensive Osteopathic Medical Licensing Examination (COMLEX) adopted under R 338.129.**

(ii) **Completed a minimum of 1 year of postgraduate clinical training in a program that satisfies either of the following requirements:**

(A) A postgraduate training program that satisfies the requirements of R 338.121(2) at a training institution that satisfies the requirements of R 338.121(3).

(B) A postgraduate training program approved by the board in R 338.121(4).

(3) An applicant's license ~~shall~~ **must** be verified by the licensing agency of any state of the United States in which the applicant holds a current license or has ever held a license as an osteopathic physician. Verification includes, but is not limited to, showing proof that the applicant's license is in good standing and, if applicable, any disciplinary action taken or pending against the applicant.

R 338.127 Educational limited license.

Rule 27. (1) An individual not eligible for a Michigan osteopathic medicine and surgery license must obtain an educational limited license before engaging in postgraduate training.

(2) An applicant for an educational limited license, in addition to ~~meeting~~ **satisfying** the requirements of the code, ~~and these rules shall~~ **must** satisfy all of the following: **following requirements:**

(a) Submit the required fee and a completed application on a form provided by the department.

(b) Have documentation provided directly to the department from an osteopathic medical school that ~~meets~~ **satisfies** the requirements of R 338.121(1) verifying that the applicant has graduated or is expected to graduate ~~in within 3 months.~~ **months of the date of the application.**

(c) Have documentation provided directly to the department verifying that the applicant has been accepted into a postgraduate training program that ~~meets~~ **satisfies** the requirements of R 338.121(2) or (4).

(3) ~~Pursuant to~~ **Under** section 17512(2) of the code, MCL 333.17512(2), an educational limited license may be renewed ~~no not~~ more than 5 ~~times.~~ **years.**

R 338.129 Examination; ~~adoption; required passing score.~~ **scores; limitation on attempts; time limitations.**

Rule 29. (1) The board adopts the ~~comprehensive osteopathic medical licensing examination (comlex)~~ **Comprehensive Osteopathic Medical Licensing Examination (COMLEX)** developed and administered by the ~~national board of osteopathic medical examiners (nbome).~~ **National Board of Osteopathic Medical Examiners (NBOME).**

(2) The passing score for each ~~component part~~ **part** of the ~~comlex~~ **COMLEX** accepted for licensure ~~shall be~~ **is** the passing score established by the ~~nbome.~~ **NBOME.**

(3) An applicant cannot make more than 6 attempts to pass any part of the COMLEX.

(4) An applicant must successfully pass all parts of the COMLEX within 7 years from the date that he or she first passed any part of the COMLEX. An applicant may request consideration of a variance of the 7 year requirement by providing, at a minimum, proof of both of the following requirements to the board:

(a) That the applicant has already passed all parts of the COMLEX, but that the time taken to pass all parts is more than 7 years.

- (b) **That the applicant has completed 1 of the following activities:**
- (i) **Graduation from an accredited graduate degree program in addition to osteopathic medical school.**
 - (ii) **Completion of a residency or fellowship program with demonstrated consistent participation in the program.**

R 338.131 ~~Examination eligibility.~~ **Rescinded.**

~~Rule 31. (1) To be eligible to sit for any component of the comprehensive medical licensure examination (comlex) adopted in R 338.129, an applicant shall satisfy the requirements of the national board of osteopathic medical examiners.~~

~~(2) An applicant shall make no more than 6 attempts to pass any part of the comlex.~~

~~(3) An applicant shall successfully pass all components of the comlex within 7 years from the date that he or she first passed any component of the comlex.~~

R 338.133 ~~Relicensure requirements.~~

Rule 33. (1) An applicant whose Michigan osteopathic medicine and surgery license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section ~~16201(3),~~ **16201(3) of the code, MCL 333.16201(3), of the code** if the applicant ~~meets~~ **satisfies both all** of the following requirements:

(a) Submits the required fee and **a** completed application on a form provided by the department.

(b) Submits proof **to the department** of completing not less than 150 hours of continuing education that satisfies the requirements of ~~R 338.141.~~ **R 338.141 during the 3 years immediately preceding the date of the application for relicensure.**

(c) **Establishes that he or she is of good moral character as defined under sections (1) to (7) of the occupational license for former offenders act, 1974 PA 381, MCL 338.41 to 338.47.**

(d) **An applicant who holds or has ever held a license to practice osteopathic medicine and surgery must establish all of the following requirements:**

(i) **Disciplinary proceedings are not pending against the applicant.**

(ii) **If sanctions have been imposed against the applicant, the sanctions are not in force at the time of application.**

(iii) **A previously held license was not surrendered or allowed to lapse to avoid discipline.**

(2) An applicant whose Michigan osteopathic medicine and surgery license has been lapsed for ~~more than~~ 3 years but less than 5 years ~~shall~~ **must submit fingerprints as set forth in section 16201(4) of the code, MCL 333.16201(4), and meet satisfy** the requirements of subrule (1) of this rule and ~~any~~ **1** of the following requirements:

(a) Presents ~~evidence~~ **proof** to the department that he or she ~~was~~ **is** actively licensed **and in good standing** as an osteopathic physician in another state. ~~at any time during the 3-year period immediately preceding the date of application.~~

(b) ~~Takes and passes the comprehensive osteopathic medical variable purpose examination (comvex) offered by the national board of osteopathic medical examiners (nbome). The passing score shall be the score established by the nbome for passing.~~

Completes 1 of the following during the 3 years immediately preceding the date of the application for relicensure:

(i) Takes and passes the Comprehensive Osteopathic Medical Variable-Purpose Examination (COMVEX) offered by the NBOME. The passing score is the passing score established by the NBOME.

(ii) Successfully completes a postgraduate training program that satisfies the requirements of R 338.121(2) or (4).

(iii) Successfully completes a physician re-entry program accredited by the Coalition for Physician Enhancement (CPE).

(iv) Successfully completes a physician re-entry program affiliated with an osteopathic medical school that satisfies the requirements of R 338.121(1).

~~(e) Successfully completes a postgraduate training program that satisfies the requirements of R 338.121(2) or (4).~~

~~(d) Successfully completes a physician re-entry program that is accredited by the coalition for physician enhancement.~~

(3) An applicant whose Michigan osteopathic medicine and surgery license has been lapsed for 5 years or more shall **must submit fingerprints as set forth in section 16201(4) of the code, MCL 333.16201(4), and** satisfy the requirements of subrule (1) of this rule and ~~either~~ 1 of the following requirements:

(a) Presents ~~evidence~~ **proof** to the department that he or she ~~was~~ **is** actively licensed **and in good standing** as an osteopathic physician in another state. ~~at any time during the 3-year time period immediately preceding the date of application.~~

(b) ~~Successfully completes both of the following requirements:~~ **Completes both of the following during the 3 years immediately preceding the date of the application for relicensure:**

(i) Takes and passes the ~~comvex~~ **COMVEX** offered by the ~~nbome~~ **NBOME**. The passing score ~~shall be the score~~ **is the passing score** established by the ~~nbome~~ **NBOME**. ~~for passing.~~

(ii) Successfully completes ~~either~~ **1** of the following training options:

(A) A ~~post-graduate~~ **postgraduate** training program that satisfies the requirements of R 338.121(2) or (4).

(B) A physician re-entry program that is accredited by the ~~coalition for physician enhancement.~~ **CPE**.

(C) **A physician re-entry program affiliated with an osteopathic medical school that satisfies the requirements of R 338.121(1).**

(4) If required to complete the requirements of subrules ~~(2)(b) (2)(c), (2)(d)~~, or (3)(b) of this rule, the applicant may obtain ~~a~~ **an educational** limited license for the sole purpose of completing ~~the required~~ **that** training.

(5) An applicant with an educational limited license may be relicensed under section 16201(3) or (4) of the code, MCL 333.16201(3) or (4), if he or she complies with subrule (1) of this rule and R 338.127.

~~(5)~~ **(6)** An applicant ~~shall~~ **must** have his or her license verified by the licensing agency of any state of the United States in which the applicant holds or has ever held a license to practice osteopathic medicine. Verification ~~shall~~ **must** include information that the license is in good standing and, if applicable, the record of any disciplinary action taken or pending against the applicant.

PART 3. CONTINUING EDUCATION

R 338.141 ~~Continuing education as condition of license renewal.~~ **License renewals.**

Rule 41. (1) This part applies to an application for renewal of an osteopathic medicine and surgery license under section 17531 of the code, MCL 333.17531, and an osteopathic medicine and surgery **special** volunteer license under section 16184 of the code, MCL 333.16184.

(2) An applicant for license renewal who has been licensed in the 3-year period immediately preceding the application for renewal ~~shall~~ **must** accumulate a minimum of 150 hours of continuing education in activities approved by the board under ~~these rules R 338.143~~ during the 3 years immediately preceding the application for renewal.

(3) Submission of an application for renewal ~~shall constitute~~ **constitutes** the applicant's certification of compliance with the requirements of this rule. The licensee ~~shall~~ **must** retain documentation of ~~meeting~~ **satisfying** the requirements of this rule for 4 years from the date of applying for license renewal. Failure to ~~comply with~~ **satisfy** this rule is a violation of section 16221(h) of the code, MCL 333.16221(h).

(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~~ **must** submit documentation as specified in R 338.143.

R 338.143 ~~Acceptable continuing education; requirements; and limitations.~~

Rule 43. (1) The 150 hours of continuing education required ~~pursuant to~~ **under** R 338.141 ~~shall comply with~~ **must satisfy** the ~~following,~~ **following requirements,** as applicable:

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

(b) ~~Beginning 1 year or more after the effective date of these rules, a minimum of 3 hours of continuing education must be earned in the area of pain and symptom management pursuant to section 17533(2) of the code, MCL 333.17533(2). Continuing education hours in pain and symptom management may include, but are not limited to, public health burden of pain; ethics and health policy related to pain; Michigan pain and controlled substance laws; pain definitions; basic sciences related to pain including pharmacology; clinical sciences related to pain; communication related to pain; management of pain, including evaluation and quality pain care; or Michigan programs and resources relevant to pain. A minimum of 1 hour of continuing education must be earned in the area of medical ethics.~~

(c) ~~A minimum of 60 continuing education credits must be earned through category 1 programs listed in subrule (2) of this rule. For license renewals filed December 20, 2017, or later, a minimum of 3 hours of continuing education must be earned in the area of pain and symptom management under section 17533(2) of the code, MCL 333.17533(2). At least 1 of the 3 hours must include controlled substances~~

prescribing. Continuing education 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 and controlled substances prescribing.
- (xi) Michigan programs and resources relevant to pain.

(d) A minimum of 60 continuing education credits must be obtained through category 1 programs listed in subrule (2) of this rule.

(2) The board ~~shall consider~~ **considers** any of the following **activities** as acceptable category 1 continuing education:

	Activity and Proof of Completion	Number of continuing education hours granted /permitted for each the activity
a	<p>Attendance at or participating in a continuing education program or activity related to the practice of osteopathic medicine, which includes, but is not limited to, live, in-person programs; and journal articles with a self-study component, interactive or monitored teleconference; audio conference, web-based programs; or online programs approved or offered by any of the following: following organizations:</p> <ul style="list-style-type: none"> • Committee on continuing education of the American Osteopathic Association osteopathic association for evaluating osteopathic continuing education standards. • Michigan Osteopathic Association <p>If audited, a licensee shall must submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor</p>	<p>The number of continuing education hours for a specific program or activity is the number of hours assigned by the sponsoring organization for the specific program or activity. A minimum of 40 hours of continuing education shall must be earned in this activity. A maximum of 150 hours of continuing education may be earned for this activity in each renewal period.</p>

	name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program or activity was completed.	
b	<p>Attendance at or participating in a continuing education program or activity related to the practice of osteopathic medicine which includes, but is not limited to, live, in-person programs; and journal articles with a self-study component, interactive or monitored teleconference; audio conference; web-based programs; or online programs approved or offered by any of the following: following organizations:</p> <ul style="list-style-type: none"> • American medical association Medical Association • Accreditation council for continuing medical education Council for Continuing Medical Education • Michigan state medical society. State Medical Society <p>If audited, the licensee shall must submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program or activity was completed.</p>	The number of continuing education hours for a specific program or activity is the number of hours assigned by the sponsoring organization for the specific program or activity. A maximum of 110 hours of continuing education may be earned for this activity in a renewal period.
c	<p>Taking or and passing a specialty board certification or recertification examination for a specialty board recognized by the American osteopathic association or Osteopathic Association, the American board of medical specialties. Board of Medical Specialties, or the American Board of Physician Specialties.</p>	<p>Fifty hours of continuing education credit shall be granted for each A specialty board certification or recertification examination successfully passed during the renewal period. period is granted 50 hours of continuing education credit. A maximum of 50 hours of continuing education credit may be earned for this activity in each renewal period.</p>

	<p>If audited, the licensee shall must provide evidence proof from the specialty board of the successful passing of the examination.</p>	
d	<p>Successfully completing an activity that is required for maintenance of a specialty certification for a specialty board recognized by the American osteopathic association Osteopathic Association, the American Board of Medical Specialties, or the American Board of Physician Specialties that does not meet satisfy the requirements of subrule (2)(a) or (2)(e) 2(c) of this rule.</p> <p>If audited, the licensee shall must provide proof from the specialty board that the activity was required for maintenance of certification, that the activity was successfully completed, and the date of completion.</p>	<p>One hour of continuing education shall be is granted for every 60 minutes spent on the activity. A maximum of 30 hours may be earned for this activity in each renewal period.</p>
e	<p>Serving as a teacher, lecturer, preceptor, or moderator-participant in a medical education or training program that meets satisfies the standards adopted by the board in R 338.121.</p> <p>If audited, the licensee shall must submit a letter from the program director verifying the licensee's role, length of lecture or lectures, and the date on which the lecture or lectures were held.</p>	<p>Two hours of continuing education shall be is granted for each scheduled lecture or clinical consultation. Additional credit for preparation of the lecture shall not cannot be granted. A maximum of 90 hours of continuing education may be earned for this activity in each renewal period.</p>
f	<p>Conducting a formal inspection of an osteopath osteopathic medical education or training program that meets satisfies the standards adopted by the Board in R 338.121 or conducting clinical examinations of osteopathic specialty boards recognized by the American osteopathic association Osteopathic Association.</p> <p>If audited, the licensee shall must submit documentation from the</p>	<p>Five hours of continuing education shall be is granted per an inspection. A maximum of 90 hours of continuing education may be earned in this activity in each renewal period.</p>

	accrediting organization verifying the licensee's role and participation in the inspection.	
g	<p>Participating in any of the following: following committees:</p> <ul style="list-style-type: none"> • A peer review committee dealing with quality patient care as it relates to the practice of osteopathic medicine and surgery. • A committee dealing with utilization review as it relates to the practice of osteopathic medicine. • A health care organization committee with patient care issues related to the practice of osteopathic medicine. • A national or state committee, board, council, or association related to the practice of osteopathic medicine. <p>A committee, board, council, or association is considered acceptable by the board if it enhances the participant's knowledge and understanding of the practice of osteopathic medicine. If audited, the licensee shall must submit a letter from an organization official verifying the licensee's participation in at least 50% of the regularly scheduled meetings.</p>	Fifteen hours per each committee per year shall be is granted. A maximum of 90 hours of continuing education credit shall may be earned for this activity in each renewal period.
h	<p>Providing individual supervision for a disciplinary limited osteopathic physician.</p> <p>If audited, the licensee shall must submit an affidavit from the disciplinary limited osteopathic physician who received the supervision. The affidavit shall must attest to the licensee's role as supervisor and the number of hours spent providing supervision to the disciplinary limited osteopathic physician.</p>	One hour of continuing education shall be is granted for each 60 minutes spent consulting or reviewing the disciplined licensee's work. A maximum of 50 hours of continuing education shall may be granted earned for this activity per renewal period.

i	<p>Participating in a post-graduate postgraduate training program that satisfies the requirements of R 338.121(2) or (4). To receive credit the licensee must be enrolled in the program a minimum of 5 months per year.</p> <p>If audited, the licensee shall must submit a letter from the program director verifying the dates that the licensee was enrolled in the program.</p>	<p>Fifty continuing education credits per year shall be is granted. A maximum of 150 credits per renewal period may be earned for this activity in each renewal period.</p>
j	<p>Publication of a scientific article relating to the practice of osteopathic medicine in a peer-reviewed journal or periodical.</p> <p>If audited, the licensee shall must submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter and documentation</p>	<p>Ten hours of continuing education shall be is granted for serving as the primary author. Five hours of continuing education shall be is granted for serving as a secondary author. Pursuant to Under R Under R 338.143(1)(a), credit for an article shall be is granted only once per renewal period. A maximum of 90 hours of continuing education shall may be earned for this activity in a renewal period.</p>
k	<p>Initial publication of a chapter or a portion of a chapter related to the practice of osteopathic medicine in either of the following: following textbooks:</p> <ul style="list-style-type: none"> • A professional health care textbook. • A peer-reviewed text book. <p>If audited, the licensee shall must submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>Ten hours of continuing education shall be is granted for serving as the primary author. Five hours of continuing education shall be is granted for serving as a secondary author. A maximum of 90 hours shall may be granted earned for this activity in each renewal period. Pursuant to Under R Under R 338.143(1)(a), credit for publication shall be is granted once per renewal period.</p>
l	<p>Until 3 years after the effective date of this rule, December 20, 2019, attendance at or participation in a continuing education activity that had been approved by the Board board prior to the effective date of this rule but does not satisfy the requirements of subrule (2)(a) or (b).</p>	<p>The number of continuing education hours for a specific program or activity shall be is the number of hours previously approved by the board. A maximum of 90 hours of continuing education may be earned for this activity.</p>

	<p>If audited, the licensee shall must submit a copy of the letter or certificate of completion showing the licensee's name, number of continuing education hours earned, sponsor name, and the date on which the program was held or the activity completed.</p>	
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(3) The board considers any of the following activities as acceptable Category 2 activities are as follows: continuing education:

	Activity and Proof of Completion	Number of continuing education hours granted /permitted for each the activity
a	<p>Independently reading a peer-reviewed journal that does not satisfy the requirement of subrule (2)(a). The reading shall must have been completed prior to the effective date of this rule.</p> <p>If audited, the licensee shall must submit a signed document, listing the journals read, including title, publisher, volume number, article read, and the authors.</p>	<p>Three hours of continuing education shall be is granted for each journal article read. A maximum of 90 hours of continuing education credit may be earned for this activity in each renewal period. Pursuant to Under R 338.143(1)(a), credit for the same article appearing in different journals shall be is granted once per renewal period.</p>
b	<p>Initial presentation of a scientific exhibit, poster, or paper to a professional osteopathic medicine organization.</p> <p>If audited, the licensee shall must submit a copy of the document presented with evidence proof of the presentation or a letter from the program sponsor verifying the date of presentation.</p>	<p>Ten hours of continuing education shall be is granted for each presentation. No additional credit shall be is granted for preparation of the presentation. A maximum of 90 hours may be earned in this activity in each renewal period. Pursuant to Under R 338.143(1)(a), credit for a presentation shall be is granted once per renewal period.</p>
c	<p>Completing a multimedia self-assessment that does not meet satisfy the requirements of subrule (2)(a) prior to the effective date of this rule. December 20, 2016. The self-assessment shall must improve the licensee's knowledge and understanding of the practice of osteopathic medicine.</p>	<p>The number of continuing education hours shall be is the number of hours approved by the self-assessment sponsor. A maximum of 90 hours of continuing education may be earned for this activity.</p>

	If audited, the licensee shall must submit a certificate of self-assessment provided by the program sponsor.	
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