

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Professional Licensing

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Pharmacy - Pharmacist Continuing Education

5. Rule numbers or rule set range of numbers:

R 338.3041 - R 338.3045

6. Estimated time frame:

12 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The Pharmacy – Pharmacist Continuing Education rules provide the continuing education requirements for renewal of a pharmacist license. The rule changes will update the deadline for submitting a continuing education waiver request and modify the requirement for opioids and other controlled substances awareness training. Further, all rules will be reviewed, updated and revised for clarity as needed.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

MCL 333.16145 authorizes the Board to promulgate rules necessary or appropriate to fulfill its functions under Article 15. MCL 333.16148 authorizes the Department to promulgate training standards for identifying victims of human trafficking. MCL 333.16204 authorizes the Board to promulgate rules for continuing education in pain and symptom management for licensure renewal if continuing education is a condition for license renewal. MCL 333.17731 authorizes the Department, in consultation with the Board, to promulgate rules requiring each applicant for license renewal to complete as part of the continuing education or proficiency examination requirement an appropriate number of hours or courses in pain and symptom management.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 333.16141, MCL 333.16145, MCL 333.16148, MCL 333.16184, MCL 333.16201, MCL 333.16204, MCL 333.16205, MCL 333.17731, MCL 333.17767, Executive Reorganization Order No. 1991-9, MCL 338.3501; Executive Reorganization Order No. 1996-2, MCL 445.2001; Executive Reorganization Order No. 2003-1, MCL 445.2011; and Executive Reorganization Order No. 2011-4, MCL 445.2030.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

The proposed rules are required by sections 16148, 16204, and 17731 of the Public Health Code, MCL 333.16148, MCL 333.16204, and MCL 333.17731.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

The subject matter of these rules is not contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

None of the proposed rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

The Department works with various associations, educational institutions, pharmacies, and lobbyists in preparing the proposed rules.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The rules were last amended on June 26, 2023. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

Yes

Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.