

State Budget Office  
**Office of Regulatory Reinvention**  
 111 S. Capitol Avenue; 8th Floor, Romney Building  
 Lansing, MI 48933  
 Phone: (517) 335-8658 FAX: (517) 335-9512

**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 Office of Regulatory Reinvention (ORR) at [orr@michigan.gov](mailto:orr@michigan.gov).

**1. Agency Information:**

Agency name:	Department of Licensing and Regulatory Affairs		
Division/Bureau/Office:	Bureau of Professional Licensing		
Name, title, phone number, and e-mail of person completing this form:	Dena Marks, Board Analyst 517-335-3679 MarksD1@michigan.gov		
Name of Departmental Regulatory Affairs Officer reviewing this form:	Liz Arasim, Department of Licensing and Regulatory Affairs		

**2. Rule Set Information:**

ORR assigned rule set number:	2018-040 LR
Title of proposed rule set:	Nursing Home Administrators – General Rules

**3. Purpose for the proposed rules and background:**

The existing rules regulate the licensure, renewals, and relicensure of nursing home administrators. The proposed rules reorganize the rule set into 4 parts for clarity. The proposed rules add statutory requirements for licensure, update accreditation and approved course of instruction information, reorganize and update relicensure requirements, update and revise continuing education (CE) requirements, and add a board approval process for CE courses that are not approved by the National Association of Long-term Care Administrator Boards or a college or university accredited by the Council of Higher Education Accreditation.

**4. Summary of proposed rules:**

**R 339.14001:** This rule provides definitions for terms used in the rules. The proposed rules amend the definition of “board.”

**R 339.14002:** The current rule pertains to the training standards for identifying victims of human trafficking. The proposed rules will rescind this rule so that it can be moved to Part 3 Licensure to for better organization and clarity.

**R 339.14005:** This rule pertains to accreditation standards. The proposed rule updates outdated information regarding accreditation standards.

**R 339.14007:** The current rule pertains to the approved course of instruction and training for licensure. The proposed rule updates the approved course of instruction and training to include new topics.

**R 339.14008:** This rule pertains to licensure. The proposed rule updates examination information, including the maximum number of times that the entity administering the licensing examination will permit an applicant to attempt to pass the examination. The proposed rule also eliminates the requirement that the applicant pass the Michigan Nursing Home Administrator Examination.

**R 339.14009:** The current rule pertains to the examination requirement for licensure. The proposed rule updates outdated information and revises the rule for clarity.

**R 339.14011:** The current rule pertains to the passing score an applicant for licensure must achieve on the National Association of Long-term Care Administrator Board's (NAB) National Nursing Home Administrators Line of Service Examination (NHA LOS) and the Michigan Nursing Home Administrator Examination (Michigan Examination). The current rule also includes the topics tested on the Michigan Examination. The proposed rule includes the passing score an applicant for licensure must achieve on the NHA LOS and the NAB Core of Knowledge Examination for Long Term Care Administrators. The proposed rule eliminates all information regarding the Michigan Examination because it will no longer be required for licensure.

**R 339.14012:** This is a new proposed rule regarding the required training standards for identifying victims of human trafficking. The proposed rule provides the date by which an applicant for licensure or renewal must comply with this requirement.

**R 339.14013:** This is a new proposed rule that will advise a foreign-trained applicant for licensure that he or she must demonstrate a working knowledge of the English language by achieving a score of 80 or above on the Test of English as a Foreign Language Internet-based Test.

**R 339.14015:** This rule pertains to professional designation. In the proposed rules, this rule will be rescinded because it is duplicative of statute, specifically, MCL 333.17303.

**R 339.14020:** The current rule pertains to relicensure. The proposed rule reorganizes relicensure requirements into a chart for clarity. In the proposed rule, if the applicant's license has been lapsed for more than 3 years, he or she must establish that he or she is of good moral character and submit fingerprints. The proposed rule also eliminates the requirement that an applicant must pass the Michigan Nursing Home Administrator Examination.

**R 339.14020a:** This rule pertains to licensure by endorsement. The proposed rule removes the requirement that the applicant pass the Michigan Nursing Home Administrator Examination.

**R 339.14022:** This is a new proposed rule pertaining to CE. The proposed rule informs a licensee of the CE requirements that must be met for license renewal.

**R 339.14023:** The current rule pertains to qualifying subjects for CE. This rule will be rescinded for organization. The rule's current location is confusing because it precedes rules intended to advise a licensee on the CE requirements and limitations for license renewal. The rule will be relocated to its logical location, R 339.14032.

**R 339.14024:** This is a new proposed rule pertaining to the accumulation of CE credits, required credits, and limitations on the accumulation of CE credits.

**R 339.14024a:** This is a new proposed rule pertaining to prohibitions on carrying over CE credits to another renewal cycle and earning credits for attending the same CE program twice in a licensing cycle.

**R 339.14025:** The current rule pertains to a sponsor’s application for approval of a CE program. The process described in this rule is only required if the board has not previously approved a CE course, as described in R 339.14026. This rule will be rescinded and relocated R 339.14026a.

**R 339.14026:** This is a new proposed rule pertaining to approved CE courses. The proposed rule identifies the CE courses that are approved by the board.

**R 339.14026a:** This is a new proposed rule pertaining to an application by a CE course sponsor seeking board approval of a CE course that is not approved under R 339.14026.

**R 339.14027:** The current rule pertains to the standards for department approval of a CE program. This will be rescinded because CE courses must have board approval pursuant to MCL 333.17313(2).

**R 339.14029:** The current rule pertains to the withdrawal of approval of a CE program. The proposed rule will clarify that it is the board that may withdraw approval of a CE program for noncompliance.

**R 339.14030:** The current rule pertains to the licensee’s duty to accumulate CE credits before license renewal, but it currently follows other CE rules. The rule will be rescinded to relocate this duty into new proposed R 339.14024.

**R 339.14031:** This rule pertains to acceptable CE and limitations placed on the accumulation of CE credits. In the proposed rules, this rule will be rescinded for organization and clarity.

**R 339.14032:** This is a new proposed rule identifying the subjects that are acceptable for CE courses.

**R 339.14033:** The rule pertains to proof of completion of approved CE. This rule will be rescinded as the CE sponsor’s obligations are included in proposed R 339.14026a.

**R 339.14035:** The current rule pertains to satisfactory completion of CE requirements. This rule will be rescinded because the limitations are reorganized and included in proposed R 339.14024a.

**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, October 4, 2018  
The Flint Journal, October 4, 2018  
The Mining Journal, October 2, 2018

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

Issue No. 18-2018, October 15, 2018

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

October 29, 2018, 9:00 a.m., G. Mennen Williams Building Auditorium, 525 Ottawa Street, Lansing, Michigan

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

[http://dmbinternet.state.mi.us/DMB/ORRDoes/RIS/1822\\_2018-040LR\\_ris.pdf](http://dmbinternet.state.mi.us/DMB/ORRDoes/RIS/1822_2018-040LR_ris.pdf)

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

Kerry Przybylo, Manager, Boards and Committees  
Weston MacIntosh, Board Analyst  
Kimberly Caitlin, Technician  
Dena Marks, Board Analyst

**10. Persons submitting comments of support:**

Stacey Braybrook  
Dalton Herbel, Director of Public Policy, LeadingAge Michigan

**11. Persons submitting comments of opposition:**

None.

State Budget Office  
**Office of Regulatory Reinvention**  
 111 S. Capitol Avenue; 8th Floor, Romney Building  
 Lansing, MI 48933  
 Phone: (517) 335-8658 FAX: (517) 335-9512

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

	<b>Name &amp; Organization</b>	<b>Comments Made at Public Hearing</b>	<b>Written Comments</b>	<b>Agency Rationale for Change</b>	<b>Rule Number &amp; Citation Changed</b>
1.	Stacey Braybrook		The commenter stated that it was unclear whether continuing education must be completed before the license expiration date or before the renewal application date and asked that the rule be clarified.	The wording should be amended to clarify that the continuing education must be completed before a licensee submits his or her renewal application.	R 339.14022(1)
2.					
3.					
4.					

<b>13. Date report completed:</b> December 7, 2018
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STATE OF MICHIGAN )  
County of Genesee

ss Rhonda J Walker

Being duly sworn deposes and say he/she is Principal Clerk of



# THE FLINT JOURNAL

## DAILY EDITION

RECEIVED  
OCT 08 2018  
LARA

a newspaper published and circulated in the County of Genesee and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(days) \_\_\_\_\_

October 4 A.D. 20 18

Sworn to and subscribed before me this 4th day of October 20 18

*Juanice M. DeKruy*  
JUANICE M. DEGRABE  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF KENT  
MY COMMISSION EXPIRES Oct 3, 2020  
ACTING IN COUNTY OF Genesee

**Department of Licensing and Regulatory Affairs**  
**Bureau of Professional Licensing**

**NOTICE OF PUBLIC HEARING**

**October 29, 2018**  
**9:00 a.m.**

Location: G. Mennen Williams Building Auditorium  
525 W. Ottawa Street, Lansing, Michigan

The hearing is held to receive public comments on the following administrative rules:

**Accountancy – General Rules** (ORR 2018-025 IR)  
**Authority:** MCL 339.205; MCL 339.308; MCL 339.721; MCL 339.725; MCL 339.726; MCL 339.728; MCL 339.729

**Overview:** The proposed changes include revising definitions; revising and organizing rules pertaining to continuing education; licensure, relicensure, and renewal requirements; updating accreditation standards and approved courses of instruction and training; rescinding rules that are duplicative of statutory requirements; and adding updates to related changes in MCL 339.729 as amended by 2018 PA 81, which became effective on June 17, 2018.

**Nursing Home Administrators General Rules** (ORR #2018-040 IR)  
**Authority:** MCL 333.16145; MCL 333.16148; MCL 333.16178; MCL 333.17309

**Overview:** The proposed changes include revising definitions; revising and organizing rules pertaining to licensure, relicensure, and renewal; reorganizing and updating accreditation standards and approved courses of instruction and training; rescinding rules that do not comply with statutory requirements; adding requirements for board approval of continuing education programs; and reorganizing and updating continuing education requirements.

The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules. Comments on the proposed rules may be presented in person at the public hearing. Written comments will also be accepted from date of publication until **5:00 p.m. on October 29, 2018**, at the following address or e-mail address:

Department of Licensing and Regulatory Affairs  
Bureau of Professional Licensing—Boards and Committees Section  
P.O. Box 30670  
Lansing, MI 48906-8170  
Attention: Policy Analyst Email: [BPB.BoardsSupport@michigan.gov](mailto:BPB.BoardsSupport@michigan.gov)

A copy of the proposed rules may be obtained by contacting Board Support at (517) 241-2500 or the email address noted above. Electronic copies also may be

STATE OF MICHIGAN )  
County of Kent  
and County of Ottawa

ss Debra Sutton

Being duly sworn deposes and say he/she is Principal Clerk of



# THE GRAND RAPIDS PRESS

## DAILY EDITION

a newspaper published and circulated in the County of Kent and the County of Ottawa and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(days) \_\_\_\_\_

October 4 A.D. 20 18

Sworn to and subscribed before me this 4<sup>th</sup> day of October 2018

Department of Licensing and Regulatory Affairs  
Bureau of Professional Licensing

### NOTICE OF PUBLIC HEARING

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MCL 339.726; MCL 339.728; MCL 339.729

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#### Nursing Home Administrators General Rules (ORR #2018-040 LR)

**Authority:** MCL 333.16145; MCL 333.16148; MCL 333.16178; MCL  
333.17309

**Overview:** The proposed changes include revising definitions; revising and organizing rules pertaining to licensure, relicensure, and renewal; reorganizing and updating accreditation standards and approved courses of instruction and training; rescinding rules that do not comply with statutory requirements; adding requirements for board approval of continuing education programs; and reorganizing and updating continuing education requirements.

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Department of Licensing and Regulatory Affairs  
Bureau of Professional Licensing—Boards and Committees Section  
P.O. Box 30670  
Lansing, MI 48909-8170  
Attention: Policy Analyst Email: BPLBoardSupport@michigan.gov

A copy of the proposed rules may be obtained by contacting Board Support at (517) 241-7500 or the email address noted above. Electronic copies also may be obtained at the following link:

<http://w3.lara.state.mi.us/orr/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level=1=Bureau+of+Professional+Licensing>

The meeting site and parking are accessible to people with disabilities. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations (such as materials in alternative format) in order to participate in the meeting should call (517) 241-7500.

0816681-02

JANICE M. DEGRAAF  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF KENT  
MY COMMISSION EXPIRES Oct 3, 2020  
ACTING IN COUNTY OF Kent

# The Mining Journal

Upper Michigan's Largest Daily Newspaper

249 W. Washington St., P.O. Box 430, Marquette, Michigan 49855. Phone (906)228-2500. Fax (906)228-3273.

## AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

## AFFIDAVIT OF PUBLICATION

For the County of **MARQUETTE**

In the matter of: Notice of Public Hearing  
Department of Licensing and Regulatory Affairs  
Bureau of Professional Licensing  
Accountancy - General Rules  
Nursing Home Administrators General Rules

Size: 3 x 6

State of **MICHIGAN**, County of Marquette ss.

**JAMES A. REEVS**

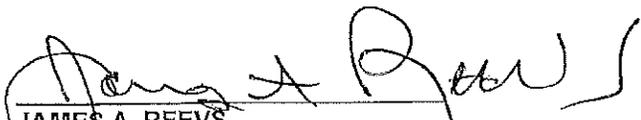
being duly sworn, says that he is

**PUBLISHER**

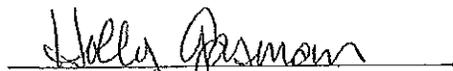
of **THE MINING JOURNAL**

a newspaper published and circulated in said county and otherwise qualified according to Supreme Court Rule; that annexed hereto is a printed copy of a notice which was published in said newspaper on the following date, or dates, to-wit

October 2, 2018

  
\_\_\_\_\_  
**JAMES A. REEVS**

Subscribed and sworn to before me this 2nd day of October 2018.

  
\_\_\_\_\_  
**HOLLY GASMAN**  
Notary Public for **MARQUETTE** County, Michigan  
Acting in the County of Marquette  
My commission expires: May 25, 2025

ew he hadn't lined up the  
r the deal.  
reached a settlement with  
ators, announced Saturday.  
ying on as CEO, but giving  
airmanship. The complaint  
ght his removal as CEO as  
tsk and Tesla will each pay  
ion to resolve the case.  
rose more than a percent at  
ing bell.

Bridge also has options.  
"It's a trick-taking game,"  
Reese said. "You can play a  
hand with a suit being trump  
or you can play a hand with  
no trump."

She acknowledged bridge  
also might attract people  
who already play another  
type of card game.

"I think people who like

Mail, 3020 U.S. 41 West in  
Marquette Township. For  
more information, call  
Stevens at 906-361-1324 or  
Reese at 906-361-1441.

*Christie Bleck can be  
reached at 906-228-2500,  
ext. 250. Her email address  
is: cbleck@miningjournal  
.net.*

**Department of Licensing and Regulatory Affairs  
Bureau of Professional Licensing**

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**Nursing Home Administrators General Rules (ORR #2018-040 LR)**

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**Overview:** The proposed changes include revising definitions; revising and organizing rules pertaining to licensure, relicensure, and renewal; reorganizing and updating accreditation standards and approved courses of instruction and training; rescinding rules that do not comply with statutory requirements; adding requirements for board approval of continuing education programs; and reorganizing and updating continuing education requirements.

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Bureau of Professional Licensing – Boards and Committees Section  
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Lansing, MI 48909-8170  
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## Marks, Dena (LARA)

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**From:** Stacey Braybrook <slbraybrook@yahoo.com>  
**Sent:** Monday, October 29, 2018 9:44 AM  
**To:** Marks, Dena (LARA)  
**Subject:** Fw: R 339.14022(1) - NHA draft rules

Sent from Yahoo Mail on Android

----- Forwarded Message -----

**From:** "Stacey Braybrook" <slbraybrook@yahoo.com>  
**To:** "bpl-support@michigan.gov" <bpl-support@michigan.gov>  
**Sent:** Sat, Oct 20, 2018 at 9:22 AM  
**Subject:** R 339.14022(1) - NHA draft rules  
Good Morning,

In reviewing R 339.14022(1), in the NHA draft rules, it's unclear if the continuing education credits must be completed before the date of application for renewal or the date that the license expires, which may be different. Please clarify.

Thank you,  
Stacey Braybrook

**Nursing Home Administrators General Rules – 2017 – 040 LR**  
**Public Comment Summary**  
**Rules Committee and Board responses to October 29, 2018 Public Comment**

**Testimony/Comments Received:**

1. Stacey Braybrook
2. Dalton R. Herbel, LeadingAge Michigan

**Rule 339.14001 Definitions**

Rule Numbers	Commenter	Comment
339.14001(f)	2	The commenter stated that “sponsor” should be redefined to include an organization that meets the standards set forth in R 339.14005.
339.14001(g)	2	The commenter stated that a new term, “professional equivalency,” should be added and defined to create a level playing field among those who wish to offer education, reduce costs to the student, and create a new option for applicants holding a bachelor’s degree or higher to qualify for the examination.
<b>Rules Committee Response</b>	<p>R 339.14001(f) The rules committee disagreed that the definition of “sponsor” should be redefined because the term is used in rule R 339.14026a to include entities approved by the board to offer continuing education programs and not to describe entities approved by the board to provide the education required for licensure in R 339.14005. The changes to R 339.14005 suggested by the commenter do not provide the recognized oversight and accrediting standards for higher educational programs. Further, public health, safety, and welfare are best protected by ensuring that a licensee’s educational program has been accredited by the Council of Higher Education Accreditation (CHEA).</p> <p>R 339.14001(g) The rules committee disagreed that a definition for “professional equivalency” should be added because the suggested use of the term in the proposed changes to R 339.14007 does not comply with the statutory requirements for nursing home administrator licensure in MCL 333.17309(2) or (3).</p>	

**BOARD RESPONSE: THE BOARD AGREED WITH THE RULES COMMITTEE’S RECOMMENDATION.**

**Rule 339.14005 Accreditation standards; adoption by reference**

Rule Numbers	Commenter	Comment
339.14005	2	The commenter stated programs offered by a sponsor with a 10 year history of approved programs and in good standing with at least 2 other national accrediting bodies should be added to the rule.
<b>Rules Committee Response</b>	<p>R 339.14005 The rules committee disagreed that a new category of education offered by a sponsor who has not satisfied the CHEA accreditation standards should be approved by the board because other national accrediting bodies do not provide the recognized oversight and accrediting standards for higher educational programs. Public health, safety, and welfare are best protected by ensuring that a licensee’s educational program has been accredited by the CHEA.</p>	

**BOARD RESPONSE: THE BOARD AGREED WITH THE RULES COMMITTEE’S RECOMMENDATION.**

**Rule 339.14007 Approved course of instruction and training**

Rule Numbers	Commenter	Comment
339.14007	2	The commenter stated “professional equivalency” should be added to subrule (b) as an alternative to the meeting the educational requirements for licensure.
<b>Rules Committee Response</b>	R 339.14007 The rules committee disagreed that a professional equivalency should be added as an alternative to the educational requirements for licensure because this alternative is not consistent with the statutory requirements for nursing home administrator licensure required by MCL 333.17309(2) and (3).	

**BOARD RESPONSE: THE BOARD AGREED WITH THE RULES COMMITTEE’S RECOMMENDATION.**

**Rule 339.14022 Required continuing education; certification; documentation**

Rule Numbers	Commenter	Comment
339.14022(1)	1	The commenter stated that it was unclear whether continuing education must be completed before the license expiration date or before the license renewal application date and asked that the rule be clarified.
<b>Rules Committee Response</b>	R 339.14022(1) The rules committee agreed that the rule should be clarified.	

Based on the rules committee’s recommendations, the proposed rule would read:

R 339.14022 Required continuing education; certification; documentation.

Rule 22. (1) If a licensee who is applying for license renewal has been licensed for the entire 2-year licensing cycle immediately preceding the expiration date of his or her license, the licensee shall accumulate not less than 36 hours of continuing education credits from courses approved pursuant to R 339.14026 ~~during that 2-year licensing cycle~~ before submitting a renewal application.

**BOARD RESPONSE: THE BOARD AGREED WITH THE RULES COMMITTEE’S RECOMMENDATION AND ADOPTED THE LANGUAGE STATED ABOVE.**

**Rule 339.14026 Approved continuing education courses.**

Rule Numbers	Commenter	Comment
339.14026	2	The commenter stated that other entities meeting the accreditation standards should be included in subrule (b), including “sponsors” under the definition suggested in R 339.14001(f).
<b>Rules Committee Response</b>	R 339.14026 The rules committee disagrees that additional entities should be included as approved continuing education (CE) providers pursuant to R 339.14026. The (CE) programs approved by the board have been evaluated and approved by the National Association of Long Term Care Administrator Boards (NAB) or accredited by CHEA. The board desires to better protect the public health, safety, and welfare of Michigan citizens by reviewing a CE program presented by a sponsor that has not been approved by the NAB or accredited by CHEA before approving it for CE credit pursuant to R 339.14026a.	

**BOARD RESPONSE: THE BOARD AGREED WITH THE RULES COMMITTEE’S RECOMMENDATION.**