

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PODIATRIC 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, 16178, 16182, 16186, 16204, 16205, 16287, and 18001, 18031, and 18033** of the public health code, 1978 PA 368, MCL 333.16145, ~~MCL 333.16148, 333.16174, 333.16178, 333.16182, 333.16186, 333.16204, 333.16205, 333.16287, and 333.18001, 333.18031, and 333.18033,~~ 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 338.8101, R 338.8102, R 338.8103, R 338.8104, R 338.8107, R 338.8109, R 338.8110, R 338.8113, R 338.3126, R 338.8127, R 338.8128, and R 338.8145 of the Michigan Administrative Code are amended, R 338.8102a is added, and R 338.8111 and R 338.8115 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.8101 Definitions.

Rule 101. (1) As used in these rules:

- (a) "Board" means the Michigan board of podiatric medicine and surgery.
- (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) ~~Terms~~ **A term** defined in ~~article 15~~ of the code ~~have~~ **has** the same ~~meanings~~ **meaning** when used in these rules.

PART 2. LICENSURE

R 338.8102 Training standards for identifying victims of human trafficking; requirements.

Rule 102. (1) Pursuant to ~~section~~ **sections 16148 and 17060 of the code**, MCL 333.16148; and ~~section 17060, MCL 333.17060 of the code,~~ an individual seeking

licensure or licensed shall complete training in identifying victims of human trafficking that meets the following standards:

- (a) Training content that covers all of the following:
 - (i) Understanding the types and venues of human trafficking in Michigan or 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) Identifying 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 the requirements of subdivision (a) of this ~~rule~~ **subrule** and is published in a peer review journal, health care journal, or professional or scientific journal.
- (c) Acceptable modalities of training ~~may~~ 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 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 subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
 - (ii) For training completed pursuant to 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 section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule ~~shall~~ apply for license renewals beginning with the **2017** ~~first~~ renewal cycle ~~after the promulgation of this rule~~ and for initial **licensure beginning January 6, 2022** ~~licenses issued 5 or more years after the promulgation of this rule.~~

R 338.8102a Minimum English language standard.

Rule 102a. An applicant for initial licensure shall demonstrate a working knowledge of the English language if the applicant's educational or training program was taught outside of the United States. To demonstrate a working

knowledge of the English language, the applicant shall 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 administered by the Educational Testing Service.

R 338.8103 Licensure by examination; requirements.

Rule 103. 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 the requirements of the code and the administrative rules promulgated pursuant to the code, an applicant shall satisfy all of the following requirements:

(a) Have graduated from a school of podiatric medicine approved by the board **in R 338.8113.**

(b) Have achieved a ~~passing~~ ~~of score of pass~~ on ~~parts I, II, and III~~ of the **required parts of the American Podiatric Medical Licensing Examination (APMLE) examination developed and scored sponsored** by the National Board of Podiatric Medical Examiners (NBPME) **as required by R 338.8104(4).**

(c) Have achieved a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department or an entity approved by the department.

(i) The jurisprudence examination shall assess an applicant's knowledge of the laws and administrative rules governing the practice of podiatric medicine and surgery in this state.

(ii) An applicant who fails to achieve a passing score on the jurisprudence examination may repeat the examination without limitation.

(d) Have satisfactorily completed either of the following:

(i) ~~At least One 2 year~~ **years** of a postgraduate residency program approved by the board **pursuant to R 338.8113.** Certification of completion of postgraduate ~~education~~ **training shall must** be accepted by the board **submitted to the department** not more than ~~30~~ **15** days before completion of the training.

(ii) ~~Until 2 years after the date of this amendatory rule~~ **January 31, 2020, at least 1** year of a preceptorship program approved by the board. Certification of completion of ~~the preceptorship postgraduate education- training~~ **shall must** be accepted by the board **submitted to the department** not more than ~~30~~ **15** days before completion of the training.

R 338.8104 Examinations; **adoption; required components; passing score; eligibility for part III.**

Rule 104. ~~(1) Part III of the nbpme examination shall assess an applicant's knowledge, skills, and abilities related to the clinical practice of podiatric medicine and surgery.~~

~~(2) To be eligible for part III of the podiatric examination administered by the nbpme, an applicant shall submit an application for licensure, pursuant to R 338.8103, together with the requisite fee. To assure eligibility to sit for the nbpme examination, an applicant shall submit his or her completed application not less than 30 days before the date of the examination.~~

(1) The board approves and adopts the APMLE sponsored by the NBPME.

(2) An applicant applying for licensure who graduated in 2014 or earlier, or who graduated in 2016, must have achieved a passing score on all of the following components of the APMLE:

- (a) Part I.**
- (b) Part II.**
- (c) Part III.**

(3) An applicant applying for licensure who graduated in 2015 or later, excluding 2016, must have achieved a passing score on all of the following components of the APMLE:

- (a) Part I.**
- (b) Part II.**
- (c) Part II Clinical Skills Patient Encounter (CSPE).**
- (d) Part III.**

(4) The accepted passing score for each component of the APMLE for licensure is the passing score established by the NBPME.

~~(3) An applicant who fails after 3 attempts to achieve a passing score on part III of the nbpme examination is not eligible to sit again for the examination until after he or she has completed a program of study in podiatric medicine and surgery acceptable to the board. If the applicant thereafter fails part III of the nbpme examination, the applicant may repeat the examination without limitation if the applicant, subsequent to each failure, first completes a program of study in podiatric medicine and surgery acceptable to the board. As used in this subrule, "a program of study in podiatric medicine and surgery acceptable to the board" means any of the following:~~

- ~~-(a) A course or courses in podiatric medicine and surgery offered by a school of podiatric medicine which is approved by the board.~~
- ~~-(b) A program of study in podiatric medicine and surgery developed and offered by a sponsor of a residency program approved by the board.~~
- ~~-(c) A course or courses in podiatric medicine and surgery offered by a sponsor of a continuing education program approved by the board.~~

R 338.8107 Licensure by endorsement; requirements.

Rule 107. (1) An applicant for licensure by endorsement shall submit a completed application, on a form provided by the department, together with the requisite fee. ~~In addition to meeting the requirements of the code and the administrative rules promulgated pursuant to the code, an applicant shall satisfy the requirements of this rule.~~

(2) An applicant for licensure by endorsement shall achieve a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department or an entity approved by the department.

~~(2)~~ **(3) If an applicant is was first licensed in another state and has been actively engaged in the practice of podiatric medicine and has been licensed as a podiatrist for a minimum of 10 years before the date of filing an application for Michigan podiatric medical licensure, it will be is presumed that the applicant meets the requirements of section 16186(1)(a) and (b) of the code, MCL 333.16186(1)(a) and (b), of the code. The applicant shall obtain a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department.**

~~(3)~~ (4) If an applicant **was first licensed in another state and has been actively engaged in the practice of podiatric medicine** and has been licensed as a podiatrist for less than 10 years before the date of filing an application for Michigan podiatric medical licensure ~~does not meet the requirements of subrule (2) of this rule~~, the applicant shall satisfy all of the following requirements:

(a) Have graduated from a school of podiatric medicine approved by the board **pursuant to R 338.8113.**

(b) Have satisfactorily completed a postgraduate residency approved by the board **pursuant to R 338.8113.**

~~(c) Was first licensed in another state and had achieved~~ **Have achieved** a **passing** score of pass on each part of the examination **APMLE as required by R 338.8104.** ~~developed and scored by the national board of podiatric medical examiners.~~

~~-(d) Have obtained a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department.~~

~~(4)~~ (5) An applicant's license shall **must** be verified, ~~on a form provided by the department~~, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a license as a podiatrist. ~~If applicable,~~ **The** verification shall **must** include the record of any disciplinary action taken or pending against the applicant.

R 338.8109 Educational limited licenses; **limited license renewal.**

Rule 109. (1) An educational limited license authorizes the holder of the license to engage in the practice of podiatric medicine and surgery as part of a postgraduate education program.

(2) An applicant for an educational limited license shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant to the code, an applicant shall satisfy all of the following requirements:

(a) Have graduated from a school of podiatric medicine approved by the board **pursuant to R 338.8113.**

(b) If the applicant graduated in 2014 or earlier, or graduated in 2016, have achieved a passing score on all of the following components of the APMLE:

(i) Part I.

(ii) Part II.

(c) If the applicant graduated in 2015 or later, excluding 2016, have achieved a passing score on all of the following components of the APMLE:

(i) Part I.

(ii) Part II.

(iii) Part II CSPE.

~~Pass parts I and II of the examination developed and scored by the National Board of Podiatric Medical Examiners.~~

~~(e)~~ (d) Either of the following:

(i) ~~Have been appointed to a residency program that is approved by the board.~~ **Have documentation provided directly to the department verifying that the applicant has been accepted into a postgraduate training program that satisfies R 338.8113(2).**

(ii) ~~Until 2 years after the date of this amendatory rule~~ **November 13, 2019**, have been appointed to a 1-year preceptorship program that is approved by the board.

(3) A limited license is renewable for not more than 5 years pursuant to section 333.18012(2) of the code, MCL 333.18012(2).

R 338.8110 Requirements for relicensure **after lapse**; license lapsed for less than 3 years; continuing education.

Rule 110. ~~(1) An applicant whose license has been lapsed within 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) or (4) of the code, as applicable, MCL 333.16201(3) or (4), of the code, if the applicant satisfies the following requirements as indicated by a (v) below:~~

~~(a) Submits a completed application on a form provided by the department, together with the requisite fee.~~

~~(b) Establishes that he or she is of good moral character.~~

~~(c) Submits proof to the department of having completed within the 3-year period immediately preceding the date of application, 150 hours of continuing podiatric medical education credit that complies with R 338.8127.~~

~~(d) Takes and achieves a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department or an entity approved by the department.~~

~~(2) In addition to meeting the requirements of subrule (1) of this rule, an applicant's license shall be verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a license as a podiatrist. This includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed on the applicant.~~

(1) For a podiatrist who has let his or her Michigan license lapse and is not currently licensed in another state.	Lapsed 3 years or less.	Lapsed more than 3 years.
(a) Application and fee: Submit a completed application on a form provided by the department, together with the required fee.	√	√
(b) Good moral character: Establish that he or she is of good moral character as defined in 1974 PA 381, MCL 338.41 to 338.47.	√	√
(c) Fingerprints: Submit fingerprints as required by section 16174(3) of the code, MCL 333.16174(3).		√
(d) Continuing education: Complete 150 hours of continuing education pursuant to R 338.8127 including the following: (i) At least 3 hours in pain and symptom management pursuant to R 338.8127(1)(c). (ii) At least 1 hour in medical ethics pursuant to R 338.8127(1)(d).	√	√

	<p>(iii) At least 2 hours related to controlled substances prescribing pursuant to R 338.8127(1)(e).</p> <p>The applicant shall submit proof of having completed the required continuing education within the 3-year period immediately preceding the date of the application for relicensure. If the continuing education hours submitted with the application are deficient, the applicant shall have 2 years from the date the department received the application to complete the deficient hours.</p>		
(e)	<p>Examination: Achieve a score 75 or more on the examination of Michigan laws and rules related to the practice of podiatric medicine that is developed and administered by the department, or an entity approved by the department.</p>	√	√
(f)	<p>Examination: Achieve a passing score on part III of the APMLE sponsored by the NBPME or its successor.</p>		√
(g)	<p>Proof of license verification: An applicant's license must be verified by the licensing agency of each state of the United States in which the applicant has ever held a license as a podiatrist.</p> <p>Verification must include the record of any disciplinary action taken or pending against the applicant.</p>	√	√

(2) For a podiatrist who has let his or her Michigan license lapse and is currently licensed in another state.		Lapsed 3 years or less.	Lapsed more than 3 years.
(a)	<p>Application and fee: Submit a completed application on a form provided by the department, together with the required fee.</p>	√	√
(b)	<p>Good moral character: Establish that he or she is of good moral character as defined by 1974 PA 381, MCL 338.41 to 338.47.</p>	√	√
(c)	<p>Fingerprints: Submit fingerprints as required by section 16174(3) of the code, MCL 333.16174(3).</p>		√
(d)	<p>Continuing education: Complete 150 hours of continuing education pursuant to R 338.8127 including the following:</p>	√	√

	<p>(i) At least 3 hours in pain and symptom management pursuant to R 338.8127(1)(c). (ii) At least 1 hour in medical ethics pursuant to R 338.8127(1)(d). (iii) At least 2 hours related to controlled substances prescribing pursuant to R 338.8127(1)(e).</p> <p>The applicant shall submit proof of having completed the required continuing education within the 3-year period immediately preceding the date of the application for relicensure. If the continuing education hours submitted with the application are deficient, the applicant shall have 2 years from the date the department received the application to complete the deficient hours.</p>		
(e)	<p>Examination: Achieve a score of 75 or more on the examination of Michigan laws and rules related to the practice of podiatric medicine that is developed and administered by the department, or an entity approved by the department.</p>	√	√
(f)	<p>Proof of license verification: An applicant's license must be verified by the licensing agency of each state of the United States in which the applicant holds or has ever held a license as a podiatrist.</p> <p>Verification must include the record of any disciplinary action taken or pending against the applicant.</p>	√	√

R 338.8111 Requirements for relicensure; license lapsed for 3 years or more; continuing education; examination. **Rescinded.**

~~—Rule 111. (1) An applicant whose license has been lapsed for 3 or more years preceding the date of application for relicensure and who holds a current license as a podiatrist in another state of the United States, under the provisions of section 16201(4), MCL 333.16201(4) of the code, may be relicensed by complying with all of the following requirements:~~

~~—(a) Submits a completed application on a form provided by the department, together with the requisite fee.~~

~~—(b) Establishes that he or she is of good moral character.~~

~~—(c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3).~~

~~—(d) Submits proof of having completed within the 3-year period immediately preceding the date of application 150 hours of continuing podiatric medical education credit that complies with R 338.8127.~~

~~—(e) Takes and achieves a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department or an entity approved by the department.~~

~~—(2) An applicant for relicensure whose license has been lapsed for 3 or more years preceding the date of application and who does not hold a current license as a podiatrist in any state of the United States, under the provisions of section 16201(4), MCL 333.16201(4) of the code may be relicensed by complying with all of the following requirements:~~

~~—(a) Submits a completed application on a form provided by the department, together with the requisite fee.~~

~~—(b) Establishes that he or she is of good moral character.~~

~~—(c) Submits fingerprints as set forth in section 161743(3) of the code, MCL 333.16174(3).~~

~~(d) Takes and achieves a score of pass on part III of the examination developed and scored by the National Board of Podiatric Medical Examiners.~~

~~—(e) Takes and achieves a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department or an entity approved by the department.~~

~~—(3) In addition to meeting the requirements of either subrule (1) or (2) of this rule, an applicant's license shall be verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant has ever held a license as a podiatrist. This includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed on the applicant.~~

PART 3. EDUCATIONAL AND RESIDENCY PROGRAMS

R 338.8113 Accreditation standards for approval of schools of podiatric medicine and residency programs; institutions of higher education; adoption of standards by reference.

Rule 113. (1) The board approves and adopts by reference the standards for accrediting colleges of podiatric medicine developed and adopted by the Council on Podiatric Medical Education (CPME) of the American Podiatric Medical Association (**APMA**) and entitled "Standards and Requirements for Accrediting Colleges of Podiatric Medicine," CPME 120, October 2014. A copy of the standards and requirements is available at no cost from the council's website at www.cpme.org. A copy of the standards and requirements also is available for inspection and distribution at cost from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, MI 48909. The board considers any school of podiatric medicine accredited by the ~~Council on Podiatric Medical Education CPME~~ of the ~~American Podiatric Medical Association APMA~~ as a school of podiatric medicine approved by the board.

(2) The board approves and adopts by reference the standards for approval of residency programs developed and adopted by the ~~Council on Podiatric Medical Education (CPME)~~

of the ~~American Podiatric Medical Association~~ **APMA** entitled “Standards and Requirements for Approval of Podiatric Medicine and Surgery Residencies,” CPME 320, July 2015. A copy of the standards and requirements is available at no cost from the council’s website at www.cpme.org. A copy of the standards and requirements also is available for inspection and distribution at cost from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, MI 48909. The board considers any residency program approved by the ~~Council on Podiatric Medical Education~~ **CPME** of the ~~American Podiatric Medical Association~~ **APMA** as a school of podiatric medicine approved by the board.

(3) A higher education institution is considered approved by the board if it is accredited by the accrediting body of the region in which the institution is located and the accrediting body meets either the recognition standards and criteria of the Council for Higher Education Accreditation (**CHEA**) or the recognition procedures and criteria of the United States Department of Education. The board adopts by reference the procedures and criteria for recognizing accrediting organizations of the ~~Council for Higher Education Accreditation~~ (**CHEA**), effective June 28, 2010, and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in ~~Title 34, CFR Part 602 of the Code of Federal Regulations, C.F.R. 34 §§ 602.10 to 602.38~~. Copies of the standards and criteria of the ~~Council for Higher Education Accreditation~~ **CHEA** and the United States Department of Education are available for inspection and distribution at cost from the Board of Podiatric Medicine and Surgery, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. The CHEA recognition standards also may be obtained at no cost from the council’s website at <http://www.chea.org>. The federal recognition criteria also may be obtained at no cost from the department’s website at <http://www.ed.gov/about/offices/list/OPE/index.html>.

~~R 338.8115 Patient records; retention; disposition; confidentiality.~~ **Rescinded.**

~~Rule 115. (1) Any individual covered by these rules shall retain a patient record for at least 7 years from the date of the last podiatric service, pursuant to section 16213, MCL 333.16213, of the code.~~

~~(2) A licensee shall retain a patient record for a minor patient for at least 7 years from the date of the last podiatric service, or until the minor patient reaches the age of 19, whichever is later.~~

~~(3) Any individual covered by these rules shall store and dispose of written, electronic and other client records so as to ensure their confidentiality, except as otherwise proscribed by law.~~

PART 2 4. CONTINUING EDUCATION

~~R 338.8126 License renewal; requirements; applicability.~~

~~Rule 126. (1) An applicant for license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall accumulate **not less than 150 hours of continuing podiatric medical education in activities approved by the board in R 338.8127** during the 3 years immediately preceding ~~an~~ **his or her**~~

application for renewal ~~not less than 150 hours of continuing podiatric medical education in activities approved by the board under R 338.8128.~~

(2) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The board may require a licensee to submit evidence to demonstrate compliance with this rule. A licensee shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to comply with this rule is a violation of section 16221(h); ~~MCL 333.16221(h)~~, of the code, **MCL 333.16221(h)**.

(3) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department ~~prior to~~ **before** the expiration date of the license.

(4) ~~The requirements of this rule do not apply to a licensee during his or her initial licensure cycle.~~ **The department may select and audit a sample of licensees who have renewed their licenses and request proof of compliance with subrule (2) of this rule. If audited, the licensee shall submit documentation as specified in R 338.8127.**

R 338.8127 Acceptable continuing education; requirements; limitations.

Rule 127. (1) The 150 hours of continuing education required pursuant to R 338.8126(1) for the renewal of a license shall comply with the following, as applicable:

(a) Not more than 12 credit hours ~~shall~~ **must** be earned during one 24-hour period.

(b) A licensee may not earn credit for a continuing education program or activity that is identical or substantially identical to a program or activity the licensee has already earned credit for during that renewal period.

(c) An applicant for license renewal shall ~~complete~~ **have earned** at least ~~5~~ **3** continuing podiatric medical education hours in pain and symptom management in each renewal period pursuant to section 16204(2), ~~MCL 333.16204(2)~~, of the code, **MCL 333.16204(2)**. Courses in pain and symptom management may include, but are not limited to, **any of the following as they relate to professional practice:**

(i) ~~courses~~ **Courses** in behavior management,.

(ii) ~~pharmacology~~, **Pharmacology**.

(iii) ~~behavior~~ **Behavior** modification,.

(iv) ~~stress~~ **Stress** management,.

(v) ~~clinical~~ **Clinical** applications, ~~and~~

(vi) ~~drug~~ **Drug** interventions ~~as they relate to professional practice.~~

(d) **Effective 1 year or more after the date this rule was amended, an applicant for license renewal shall have earned at least 1 continuing podiatric medical education hour in medical ethics.**

(e) **Effective 1 year or more after the date this rule was amended, an applicant for license renewal shall have earned at least 2 continuing podiatric medical education hours in controlled substances prescribing. This is in addition to the continuing education required by subdivision (c) of this subrule.**

(2) ~~Pursuant to 2005 PA 70, MCL 338.3703, at least 1/2~~ **One half** of the 150 hours of continuing podiatric medical education credit in board-approved courses or programs that are required for the renewal of a license may be earned through online or electronic media, such as videotapes, internet web-based seminars, video conferences, online continuing education programs, and online journal articles.

(3) The board ~~will~~ **shall** consider the following as acceptable continuing education:

Activity Code	Acceptable Continuing Education Activities and Proof of Completion	Number of Continuing Education Hours Granted/Permitted for Each Activity
A	<p>Attendance at or participation in a continuing education program or activity related to the practice of podiatry, or any non-clinical subject relevant to practice, education, administration, management, or science, which includes including, but is not limited to, live and in-person programs; interactive or monitored teleconference or audio-conference programs; online programs; and, journal articles or other self-study programs offered by a sponsor accredited or approved by the Council on Podiatric Medical Education (CPME).</p> <p>If audited, a licensee shall 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 on which the program was held or activity completed.</p>	<p>The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or the approving organization.</p> <p>A minimum of 75 hours must be earned in each renewal period, unless all 150 hours are earned in Category N.</p>
B	<p>Attendance at or participation in a continuing education program or activity related to the practice of podiatry, or any non-clinical subject relevant to practice, education, administration, management, or science, which includes including, but is not limited to, live and in-person programs; interactive or monitored teleconference or audio-conference programs; online programs; and, journal articles or other self-study</p>	<p>The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or the approving organization.</p> <p>If the activity was not approved for a set number of hours, then 1 credit hour for each 50- to 60 minutes of participation may be earned.</p>

	<p>programs approved by either of the following:</p> <ul style="list-style-type: none"> • The Michigan Board of Podiatric Medicine and Surgery board of podiatric medicine and surgery, pursuant to R 338.8128. • Another state or provincial board of podiatric medicine and surgery. <p>If audited, a licensee shall 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 on which the program was held or activity completed.</p>	<p>A maximum of 75 hours may be earned for this category in each renewal period.</p>
C	<p>Attendance at or participation in a continuing education program or activity related to the practice of podiatry, or any non-clinical subject relevant to practice, education, administration, management, or science, which includes including, but is not limited to, live and in-person programs; interactive or monitored teleconference or audio-conference programs; online programs; and, journal articles or other self-study programs accredited, approved, or offered by either of the following:</p> <ul style="list-style-type: none"> • The Accreditation council Council for Continuing Medical Education. • The American Medical Association. • The American Osteopathic Association. 	<p>The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or the approving organization.</p> <p>A maximum of 40 hours may be earned in this category in each renewal period.</p>

	<p>If audited, a licensee shall 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 on which the program was held or activity completed.</p>	
D	<p>Obtaining specialty board certification from 1 of the following:</p> <ul style="list-style-type: none"> • American Board of Podiatric Medicine (ABPM). • American Board of Foot and Ankle Surgery (ABFAS). • American Board of Multiple Specialties in Podiatry (ABMSP). • American Board of Lower Extremity Surgery (ABLES). • American Board of Wound Management (ABWM). <p>If audited, a licensee shall submit proof of certification or recertification.</p>	<p>Fifty hours of continuing education may be earned in the year the applicant is advised of passing the certification examination.</p>
E	<p>Obtaining specialty board recertification by from 1 of the following:</p> <ul style="list-style-type: none"> • American Board of Podiatric Medicine (ABPM). • American Board of Foot and Ankle Surgery ABFAS. • American Board of Multiple Specialties in Podiatry ABMSP. 	<p>Thirty hours of continuing education may be earned in the year the applicant is advised of passing the recertification examination.</p>

	<ul style="list-style-type: none"> • American Board of Lower Extremity Surgery ABLES. • American Board of Wound Management ABWM. <p>If audited, a licensee shall submit proof of recertification.</p>	
F	<p>Serving as an instructor of podiatric medical students, house staff, other physicians, or allied health professionals in a hospital or institution which that offers a postgraduate training program that is approved by the board pursuant to R 338.8113, if the hospital or institution has approved the instruction.</p> <p>If audited, a licensee shall submit a letter from the program director verifying the licensee's role.</p>	<p>Two hours of continuing education is granted for each 50 to 60 minutes spent as an instructor.</p> <p>A maximum of 50 hours of continuing education may be earned in this category each renewal period.</p>
G	<p>Serving as an instructor of podiatric students at an accredited podiatric medical institution under a rotating externship program recognized and approved by the medical institution in accordance with R 338.8113.</p> <p>If audited, a licensee shall submit a letter from the sponsoring podiatric institution verifying the licensee's role.</p>	<p>Two hours of continuing education is granted for each 50 to 60 minutes spent as an instructor.</p> <p>A maximum of 50 hours may be earned in this category in each renewal period.</p>
H	<p>Initial publication of an article related to the practice of podiatric medicine and surgery in a peer-reviewed journal.</p> <p>If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>Twenty-five hours of continuing education is granted per publication.</p> <p>A maximum of 75 hours may be earned in this category in each renewal period.</p>
I	<p>Initial publication of a chapter related to the practice of podiatric</p>	<p>Fifty hours of continuing education is granted per publication.</p>

	<p>medicine and surgery in either of the following:</p> <ul style="list-style-type: none"> • A professional or health care textbook. • A peer-reviewed textbook. <p>If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>A maximum of 50 hours may be earned in this category in each renewal period.</p>
J	<p>Initial presentation of a scientific exhibit, a formal original scientific paper, or both, at a professional meeting.</p> <p>If audited, a licensee shall submit a copy of the document presented with evidence of presentation and a log indicating time spent in preparation or a letter from the program sponsor verifying the length and date of the presentation and a log indicating time spent in preparation.</p>	<p>Two hours of continuing education is granted for each 50 to 60 minutes of presentation and preparation.</p> <p>A maximum of 30 hours may be earned in this category each renewal period.</p>
K	<p>Independent study, which is the independent reading of peer-reviewed professional journals or medical textbooks.</p> <p>If audited, a licensee shall submit an affidavit attesting to the number of hours the licensee spent participating in these activities and a bibliography listing the journal, article, author or authors, publication date, and date read.</p>	<p>One hour of continuing education is granted for each 50 to 60 minutes of participation.</p> <p>A maximum of 30 hours may be earned in this category in each renewal period.</p>
L	<p>Completion of a multi-media program that requires a licensee to complete a self-assessment component, including, but not limited to, videotapes, internet web-based seminars, video conferences, on-line continuing education programs, and journal</p>	<p>One hour of continuing education is granted for each 50 to 60 minutes of participation.</p> <p>A maximum of 30 hours may be earned in this category each renewal period.</p>

	<p>articles. This does not include multi-media programs that satisfy the requirements of activity codes a, b, or c A, B, or C. A self-assessment component shall include includes, but is not be limited to, a post-test or other evaluation instrument that assesses the knowledge an individual gained after completing an activity.</p> <p>If audited, a licensee shall submit an affidavit attesting to the number of hours the licensee spent participating in these activities a certificate of self-assessment provided by the program sponsor.</p>	
M	<p>Participation on a hospital staff committee dealing with quality patient care or utilization review, or both.</p> <p>If audited, a licensee shall submit a letter from an organization official verifying the licensee's participation and the number of hours the licensee spent participating on the committee.</p>	<p>One hour of continuing education is granted for each 50 to 60 minutes of participation.</p> <p>A maximum of 30 hours may be earned in this category each renewal period.</p>
N	<p>Full-time enrollment in a postgraduate clinical training program related to the practice of podiatric medicine and surgery in a hospital or institution that is approved by the board pursuant to R 338.8113.</p> <p>If audited, a licensee shall submit a letter from the program director verifying the licensee participated in the program.</p>	<p>A minimum of 5 months participation per year is required.</p> <p>Fifty hours of continuing education is granted for each year of full-time enrollment.</p> <p>A maximum of 150 hours may be earned in this category each renewal period.</p>

R 338.8128 Continuing education programs; adoption of standards by reference; ~~methods~~ **of board** approval.

Rule 128. (1) The board approves and adopts by reference the standards for approving sponsors of continuing education developed and adopted by the ~~Council on Podiatric Medical Education~~ CPME of the ~~American Podiatric Medical Association~~ APMA entitled, “Standards, Requirements, and Guidelines for Approval of Sponsors of Continuing Education in Podiatric Medicine,” CPME 720, January 2015. A copy of the standards and requirements is available at no cost from the council’s website at www.cpme.org. A copy of the standards and requirements is also available for inspection and distribution at cost from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, MI 48909.

(2) A continuing education program approved by the CPME is considered approved by the board.

~~(2)~~ (3) The board or authorized committee shall consider requests for approval of individual continuing education programs. A sponsor shall submit an application and information regarding the program or activity to the department at least 60 days before the program or activity is held. For purposes of this rule, 1 credit of continuing education is defined as 50 to 60 minutes of program attendance or participation in an activity.

~~(3)~~ (4) The board or authorized committee shall evaluate applications for approval based upon all of the following:

(a) The content of a program or activity ~~shall~~ **must** enhance the skills, knowledge, and practice of podiatric medicine and surgery.

(b) The sponsor shall provide an outline of the program or activity that includes a statement of educational goals or measurable behavioral objectives, or both.

(c) The program or activity ~~shall~~ **must** be presented, if applicable, by instructors who are qualified and competent in the subject matter as demonstrated by their education, training, and experience.

(d) Licensee attendance at the program or activity ~~shall~~ **must** be monitored by the sponsor, if applicable.

(e) The sponsor shall maintain, for a period of 3 years from the date of each program, records of program attendance or completion of an activity that show all of the following, as applicable:

(i) The date a program was held or an activity completed.

(ii) The location of a program.

(iii) The credentials of the individuals who presented a program.

(iv) Rosters of individuals who were in attendance at a program or completed an activity.

(v) The continuing education credits awarded to each attendee or participant.

(f) The sponsor shall award a certificate or written evidence of attendance at a program or completion of an activity that includes the following, as applicable:

(i) The participant’s name.

(ii) The date and location of the program.

(iii) The sponsor or program approval number.

(iv) The number of continuing education credits earned.

(4) The board or authorized committee may deny approval of programs or activities offered by institutions and organizations if the board or authorized committee determines that the programs or activities offered by those institutions or organizations fail to

demonstrate compliance with the legislative intent to further educate licensees on subjects related to the practice of podiatric medicine and surgery.

PART 5. TELEHEALTH

R 338.8145 ~~Rescission.~~ **Telehealth.**

Rule 145. (1) ~~R 338.311 and R 338.312 of the Michigan Administrative Code, appearing on pages 2411 to 2413 of the 1979 Michigan Administrative Code, are rescinded.~~ **Consent for treatment must be obtained before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.**

(2) ~~R 338.341 to R 338.384 of the Michigan Administrative Code, appearing on pages 2413 to 2420 of the 1979 Michigan Administrative Code, are rescinded.~~ **Evidence 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) ~~R 338.3601 to R 338.3605, R 338.3611 to R 338.3617, and R 338.3621 to R 338.3626 of the Michigan Administrative Code, appearing on pages 2648 to 2655 of the 1979 Michigan Administrative Code, are rescinded.~~ **A podiatrist providing a telehealth service may prescribe a drug if the podiatrist 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 podiatrist 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.**