

Michigan Office of Administrative Hearings and Rules

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

1. Agency Information

Agency name:

Licensing and Regulatory Affairs

Division/Bureau/Office:

Bureau of Professional Licensing

Name of person completing this form:

Dena Marks

Phone number of person completing this form:

517-335-3679

E-mail of person completing this form:

MarksD1@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Elizabeth Arasim

2. Rule Set Information

MOAHR assigned rule set number:

2020-109 LR

Title of proposed rule set:

Public Health Code - General Rules

3. Purpose for the proposed rules and background:

The Public Health Code General Rules establish the specific dates that a license or registration renewal period begins or ends for licenses and registrations regulated by the Public Health Code. The rule set provides general rules applicable to all professionals regulated under Article 15 of the Public Health code. Additionally, Governor Whitmer issued Executive Directive 2020-7 to improve equity in the delivery of health care services to the people of the State of Michigan. COVID-19 data reported by the state has revealed disparities in health outcomes associated with demographic factors such as race, ethnicity, and gender. Such disparities can unintentionally arise due to implicit bias. The directive requires health workers to obtain training on how to recognize and mitigate implicit bias to reduce the disparities and provide the best health care to all patients under the care of health care workers licensed under Article 15 of the Public Health Code, except for persons practicing under Part 188 (Veterinary Medicine).

4. Summary of proposed rules:

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The proposed rules will add a definition for “implicit bias.” Amendments will be made to biennial license and registration renewals, and the date of renewal for acupuncture, audiology, chiropractic, marriage and family therapy, nursing home administrators, psychology, sanitarians, and speech-language pathology will be changed to the date of the year when the licensee’s initial license or a registrant’s initial registration was issued. Dental therapy will be added to biennial renewals and the renewal date provided. Amendments will be made to triennial license and registration renewals, and the date of renewal for athletic trainers and massage therapy will be changed to the date of the year when the licensee’s initial license was issued. Amendments will be made to the rule providing the minimum English language standard for licensure or registration to clarify the name of the Michigan English Test and the score required. A new proposed rule will be added to establish the implicit bias training requirements for health care professionals to ensure that Michigan residents do not encounter barriers or disparities in access to or delivery of health care services.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

Flint Journal, February 12, 2021
Grand Rapids Press, February 12, 2021
Mining Journal, February 12, 2021

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

2/15/2021

7. Date, time, and location of public hearing:

3/9/2021 01:00 PM at The hearing will be held via Zoom. , <https://us02web.zoom.us/j/81431417388?pwd=SEVJeIhBOYkx5MkZzZ2w5NGwvNXZtUT09>

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

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTtransaction?TransactionID=1235>

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

Dena Marks, Senior Policy Analyst, Boards and Committees Section, Bureau of Professional Licensing
Kerry Przybylo, Manager, Boards and Committees Section, Bureau of Professional Licensing
Stephanie Wysack, Board Support Technician, Boards and Committees Section, Bureau of Professional Licensing

10. Persons submitting comments of support:

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James Blundo, Executive Director, Michigan Mental Health Counselors Association
Floyd Booker, Director of Diversity and Inclusion, Hope Network
Margaret Bruder
Martina T. Caldwell, Medical Director of Diversity & Inclusion, Henry Ford Medical Group
Adam Carlson, Vice President, Advocacy, Michigan Health & Hospital Association
Alisha Cottrell, Vice President, Advocacy, Ascension Michigan
Rhonda Dailey
Victoria Dinkin
Chris Farrell, Oral Health Program Director, Division of Child and Adolescent Health, Michigan Department of Health and Human Services
Anthony Flevaris, BHMS School Counselor
Bridget Hurd, Vice President, Inclusion and Diversity, Blue Cross and Blue Shield of Michigan
Ellen Sugrue Hyman, Executive Director, Michigan Oral Health Coalition
Michael Joy
Malarie Luft
Edward Mathis, President, American Physical Therapy Association, Michigan
Mark McWilliams, Disability Rights Michigan
Michelle Mertic, Guidance Center
Julie Novak, Chief Executive Officer, Michigan State Medical Society
Kelli Pierce, Vice President for Advocacy, Michigan Speech-Language-Hearing Association
Jodee Fishman Raines, COO, New Detroit, Inc.
Julia Rice, Executive Director, American Physical Therapy Association, Michigan
Lee Roosevelt, Clinical Assistant Professor, School of Nursing University of Michigan – Ann Arbor
Feyrouz Saad, Executive Director, Office of Global Michigan, Michigan Department of Labor and Economic Opportunity
Laura Schmidt
Shannon McKenney Shubert, Executive Director, Michigan Breastfeeding Network
Gregory J. Spray, President, Michigan Speech-Language-Hearing Association
Sherrie Springer
Beth Straebel, System Director, Organizational Effectiveness, Munson Healthcare
James Sullivan
Sandy Sutton, Greater Detroit Dental Hygienist's Association
Kendra Thelen
Steve Tobocman, Executive Director, Global Detroit
Sara Van Tongeren
Kimberlydawn Wisdom, Department of Community Health, Equity, Wellness and Diversity, Henry Ford Health System

11. Persons submitting comments of opposition:

None.

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

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	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for change	Rule number & citation changed
1	<p>Feyrouz Saad, Executive Director, Office of Global Michigan, Michigan Department of Labor and Economic Opportunity</p> <p>Steve Tobocman, Executive Director, Global Detroit</p>		<p>The commenters stated that the Occupational English Test (OET) should be added for applicants to demonstrate the applicant's ability to meet the minimum English language standard for licensure. The commenters recommended a minimum overall score of 300 be accepted.</p>	<p>The department agreed that the OET, which is accepted by the Educational Commission for Foreign Medical Graduates/Foundation for Advancement of International Medical Education and Research and was specifically designed for healthcare professionals, should be included as an approved examination.</p>	R 338.7002b

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2	James Sullivan		<p>The commenter stated that an applicant who has had their educational credentials evaluated by a credential evaluation service will have already had English proficiency tested and should not be required to take a second test. The commenter recommended adding this to satisfy the rule: “The applicant’s credentials and English proficiency have been evaluated and determined to be equivalent to the credentials required in this state by a board-approved credentialing agency.”</p>	<p>As a part of the credentialing of several professions, such as pharmacy and nursing, an English proficiency examination is required. If the credentialing agency requires a different examination than one already approved in this rule, the applicant could be required to pass two English proficiency examinations to be licensed. The department agreed that adding approval of the examination required by the board-approved credentialing agency will eliminate that possibility.</p>	R 338.7002b

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3	Chris Farrell, Oral Health Program Director, Division of Child & Adolescent Health, Mich. Dept. of Health and Human Services Ellen Sugrue Hyman, Executive Director, Michigan Oral Health Coalition		The commenter stated that the word “health” should be substituted for “medical” throughout the rule because it implies that only physical health is intended.	The department agreed that health care, not just medical care, was intended.	R 338.7004
4	Adam Carlson, Vice President, Advocacy, Michigan Health & Hospital Association		The commenter stated that the use of “training provider” may cause confusion and should be changed to “instructor” or an equivalent term. Additionally, the commenter stated that a subsection (v) should be added to include nationally recognized diversity, equity, and inclusion firms.	The department agreed that the use of “provider” may cause confusion and that organizations specializing in diversity, equity, and inclusion issues should be added as approved sponsors.	R 338.7004 (3)(c)

13.Date report completed:

4/7/2021