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STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF PROFESSIONAL LICENSING

- - -

PUBLIC HEARING  
TUESDAY, MARCH 9, 2021  
AT ABOUT 1:00 P.M.

- - -

HELD VIA ZOOM TELECONFERENCE  
LANSING, MICHIGAN

- - -

RE: Public Health Code - General Rules  
(MOAHR #2020-109 LR)

- - -

HEARING FACILITATOR:

DENA MARKS  
Bureau of Professional Licensing  
611 W. Ottawa Street  
Lansing, Michigan 48909

ALSO PRESENT: Kerry Przybylo  
Stephanie Wysack

- - -

REPORTED BY: Lori Anne Penn, CSR-1315

I N D E X

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Opening Statement - Dena Marks

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- - -

COMMENTS:

PAGE

Victoria Dinkin

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Mark McWilliams

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James Blundo

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Michelle Mertic

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Christine Farrell

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Rhonda Dailey

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Michael Joy

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Closing Statement - Dena Marks

17

1 Tuesday, March 9, 2021

2 At 1:00 p.m.

3 - - -

4 MS. MARKS: Good afternoon. My name is  
5 Dena Marks, and I am an analyst for the Bureau of  
6 Professional Licensing in the Department of Licensing and  
7 Regulatory Affairs. I will be conducting the hearing  
8 today.

9 This is a public hearing on the proposed  
10 administrative rules entitled "Public Health Code -  
11 General Rules". We are conducting the hearing as  
12 required by the Administrative Procedures Act to allow  
13 the public to comment on the proposed changes to this  
14 rule set. As with all other public hearings on draft  
15 rule sets, the only items discussed during this hearing  
16 will be the proposed changes to the rule set. This  
17 hearing will not be covering any questions or discussions  
18 on any other issues.

19 We are calling this hearing to order at  
20 1:00 p.m. on March 9, 2021, via Zoom to comply with  
21 statutorily required measures designed to help prevent  
22 the spread of Coronavirus 2019, known as COVID-19. The  
23 notice of public hearing was published in three  
24 newspapers of general circulation, the Grand Rapids  
25 Press, the Flint Journal, and the Mining Journal on  
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1 February 12, 2021, as well as the *Michigan Register*,  
2 Issue No. 2-2021, published on February 15, 2021.

3 All comments should relate directly to  
4 the proposed rules. If you have questions about the  
5 rules, you may place your comments on the record and the  
6 Department will review and can consider them. If you  
7 have suggested changes to the proposed rules, please  
8 indicate the specific reasons why the changes would be in  
9 the public interest.

10 We will take comments in the following  
11 manner.

- 12 • For those using the Video Conference Portion,  
13 not calling in on a telephone, please use the  
14 "Raise Your Hand" feature in Zoom. I will call  
15 on individuals to speak and they will be unmuted  
16 at that time.
- 17 • For participants that are available only by  
18 telephone, we will ask if you wish to make a  
19 comment after the video participants have  
20 finished.
- 21 • If you have a comment but do not wish to speak,  
22 please note the Department will also accept  
23 written statements e-mailed or postmarked to  
24 BPL-BoardSupport@Michigan.gov until 5:00 p.m.  
25 today.

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1           If you have previously submitted comments  
2           in writing to the Bureau, it is not necessary for you to  
3           repeat your comments on the record today. Comments made  
4           in writing will be reviewed and considered by the  
5           Department in the same manner as comments made during  
6           this public hearing.

7           Those making comments during this hearing  
8           should clearly and slowly say and spell your name and  
9           advise if you are speaking on behalf of an organization.  
10          We will limit comments to three minutes per person.  
11          Please remember that only one person should speak at a  
12          time.

13          The Department staff from the Bureau of  
14          Professional Licensing here today includes me, Kerry  
15          Przybylo, and Stephanie Wysack.

16          Is there anyone who wishes to make  
17          comment about the Public Health Code - General Rules at  
18          this time?

19          MS. PRZYBYLO: Again, if you wish to --  
20          this is Kerry Przybylo. If you wish to speak, please use  
21          the "Raise Your Hand" feature in the reactions button at  
22          the bottom of your screen.

23          I'm not seeing anybody raising their  
24          hands, so we'll go to those that are on the telephone.  
25          If you wish to speak and you are calling in on the  
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1 telephone, please hit \*6 to unmute yourself so that we  
2 may hear your comment.

3 I see that a few of us -- a few attendees  
4 just connected to audio. If you just connected to audio  
5 and you wish to speak and make a comment about the rules,  
6 please press \*6 on your telephone to unmute yourself, if  
7 you're calling in on your phone as well. If you're  
8 calling in on -- if you're attending by video, please use  
9 the reaction button at the bottom to "Raise Your Hand".

10 Okay. We have some comments. So  
11 first -- oh, boy. Okay. The first person that I see  
12 is -- they lowered their hands. Their hands were raised  
13 but then they, then they lowered their hands.

14 MS. MARKS: It looks like maybe Victoria  
15 has a comment.

16 VICTORIA DINKIN: Hi. I have a general  
17 question. I apologize, I just --

18 MS. MARKS: I'm sorry, Victoria, could  
19 you please state and spell your first and last name?

20 VICTORIA DINKIN: Sure. Victoria Dinkin,  
21 D-i-n-k-i-n, Victoria is V-i-c-t-o-r-i-a.

22 MS. MARKS: Thank you. Go ahead with  
23 your comments.

24 VICTORIA DINKIN: Okay. I just recently  
25 learned about this in the past couple of days, so I'm

1       sorry, I apparently missed out on something. My  
2       understanding is that this is for a hearing to consider  
3       two changes; one is to change the date of license renewal  
4       and one is to add another requirement for licensure or  
5       renewal. My concern or question really deals with the  
6       licensure date change. Is there consideration given  
7       for -- in other words, right now in my profession we  
8       renew towards the end of the year. If that is to be  
9       changed, let's say my date of initial license application  
10      and effectiveness was in July, is that going to become  
11      effective as of this year or will it be effective next  
12      year; is it going to be a prorated amount? And what was  
13      the logic behind changing that date? I read what was  
14      written here, but it still doesn't seem like that makes  
15      an effective difference to me, so I was just concerned  
16      about that. Thank you.

17                   MS. PRZYBYLO: All right. Is there  
18      anybody else who wishes to make a comment about the  
19      rules? Please "Raise Your Hand" with the reaction  
20      button, or to unmute yourself, please hit \*6.

21                   Looks like Mark McWilliams has a comment.  
22      Go ahead, Mark. You need to unmute yourself first,  
23      please.

24                   MARK McWILLIAMS: Sure. Is that better?

25                   MS. PRZYBYLO: Much better.

1                   MARK McWILLIAMS: Great. Thank you. My  
2 name is Mark McWilliams, M-a-r-k M-c-W-i-l-l-i-a-m-s. I  
3 represent Disability Rights Michigan. We are the  
4 federally-mandated protection and advocacy agency  
5 advocating for people with disabilities, and as part of  
6 that work also find ourselves involved in issues  
7 involving racial equity.

8                   Disability Rights Michigan is part of  
9 a -- part of a collaborative of organizations working  
10 with people with disabilities that has looked at  
11 cultural, developing cultural and linguistic competency,  
12 and for that reason, we support the rule on requiring  
13 implicit bias training for healthcare providers, we  
14 believe that that's a serious problem and in all aspects  
15 of the professional practice, not just in healthcare, but  
16 believe that the requirements are really important to  
17 improve services to black, indigenous, and people of  
18 color.

19                   We have three suggestions which we will  
20 submit in writing to improve the rule. One is -- relates  
21 to the record and making sure that the community is  
22 consulted, including the people who are most affected by  
23 the rule, that the training requirement actually would be  
24 increased in terms of the number of hours, and that there  
25 be explicit reference to addressing racism and ethnicity

1 issues in the training standards themselves. Thank you.

2 MS. MARKS: I'm not seeing anyone else;  
3 are you, Kerry?

4 MS. PRZYBYLO: No.

5 MS. MARKS: If there are no other persons  
6 who wish to speak at this time, we'll take a ten-minute  
7 recess to see if others join us that would like to make  
8 comments. Thank you.

9 (At 1:10 p.m., there was a brief recess.)

10 (Brief discussion held off the record.)

11 THE REPORTER: Are we back on the record?

12 MS. PRZYBYLO: Yes. Hold on just one  
13 second. Lori, yes, we are going to go back on the record  
14 because there is a comment, but we're waiting for  
15 Mr. Blundo to unmute himself before he can speak.

16 JAMES BLUNDO: I have done that. I  
17 apologize, for some reason my computer won't let me raise  
18 my hand.

19 MS. MARKS: No problem. So we're going  
20 to go back on the record to take additional comments at  
21 this time.

22 Mr. Blundo, go ahead with your name and  
23 spelling, please.

24 JAMES BLUNDO: My name is James Blundo,  
25 J-a-m-e-s B-l-u-n-d-o. I'm the Executive Director of the  
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1 Michigan Mental Health Counselors Association, and I'm  
2 going to read you a letter we are sending to you.

3 On behalf of the Michigan Mental Health  
4 Counselors Association --

5 THE REPORTER: I'm sorry, sir. Please,  
6 if you're going to read, you will have to slow down.

7 MS. PRZYBYLO: Yes.

8 JAMES BLUNDO: Oh, I'm so sorry.

9 MS. PRZYBYLO: We're taking this -- a  
10 court reporter is transcribing this, so you --

11 (Multiple speakers.)

12 JAMES BLUNDO: Oh, I'm sorry. I gotcha.

13 MS. PRZYBYLO: -- so please slow down,  
14 please. Thank you.

15 JAMES BLUNDO: I should know that by now.  
16 I'm sorry.

17 On behalf of the Michigan Mental Health  
18 Counselors Association, I would like to thank you for the  
19 opportunity to provide comment on the proposed implicit  
20 bias training Public Health Code - General Rule Set  
21 2020-109 LR.

22 MMHCA, as we are referred, M-M-H-C-A,  
23 applauds the Department of Licensing and Regulatory  
24 Affairs for the outstanding stakeholders engagement  
25 process, including the implementation, curriculum, and  
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1 partnership used to develop the recommendations for the  
2 rules and ensure the intent and impact of Governor  
3 Whitmer's implicit bias training executive order is  
4 ultimately realized. We do, however, recommend, once the  
5 rules are finalized, that the Department compile and  
6 maintain the list of eligible training programs Michigan  
7 licensed healthcare professionals may choose from to meet  
8 the State's implicit bias training requirements.

9 Thank you again for this opportunity to  
10 provide comment and for all the Department's efforts  
11 throughout this inclusive and collaborative rules  
12 process. Please allow this letter to serve as MMHCA's  
13 formal communication of our full support for the draft  
14 implicit bias training Public Health Code - General Rule  
15 Set.

16 Sincerely, James Blundo.

17 I hope I said that slow enough. I'm  
18 sorry.

19 THE REPORTER: Yes. Thank you.

20 JAMES BLUNDO: Are we set? Thank you.

21 MS. MARKS: I see Michelle Mertic also  
22 has her hand raised. Michelle.

23 MICHELLE MERTIC: (Inaudible).

24 THE REPORTER: I'm sorry, you're going to  
25 have to speak louder or into your microphone, please.

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1 MICHELLE MERTIC: Can you hear me now?

2 THE REPORTER: It's not great, but go  
3 ahead.

4 MICHELLE MERTIC: Okay. You know what,  
5 I'll log out and come back in in a different way and  
6 you'll be able to hear me better.

7 MS. PRZYBYLO: Okay. Again, anybody else  
8 who wishes to make a comment, please "Raise Your Hand"  
9 using your reactions button at the bottom of the screen,  
10 or if you are phoning in, please hit \*6 to unmute  
11 yourself.

12 (Brief pause.)

13 MS. MARKS: Michelle, have you been able  
14 to reconnect?

15 MICHELLE MERTIC: Yes, I have. Can you  
16 hear me okay?

17 MS. PRZYBYLO: Much better.

18 MICHELLE MERTIC: Thank you. My name is  
19 Michelle, M-i-c-h-e-l-l-e, my last name is Mertic,  
20 spelled M-e-r-t-i-c. I wanted to ask for clarification  
21 on the implicit bias training, specifically where it says  
22 in the proposed rule about assessments. I was hoping for  
23 more clarification. Is that -- if that is assessments  
24 built in to the implicit bias training, can it be added  
25 as a pre-post test? And I also wanted to second what

1 Mr. Blundo said, if there could be a list of approved  
2 trainings. And I'm the training coordinator for the  
3 Guidance Center in Southgate. Thank you.

4 MS. MARKS: Is there anyone else who  
5 would like to make a comment at this time? If so, please  
6 hit the reaction button, or if you're on your phone, hit  
7 \*6 and speak.

8 I'm not seeing anyone else; are you,  
9 Kerry?

10 MS. PRZYBYLO: No. I'm paging through  
11 all the attendees. I don't see any further indications  
12 that someone wishes to make a comment.

13 MS. MARKS: All right. If there are no  
14 further comments at this time, I hereby declare the  
15 hearing closed.

16 MS. PRZYBYLO: Oh, wait. Christine  
17 Farrell.

18 MS. MARKS: Christine Farrell.

19 CHRISTINE FARRELL: Good afternoon.  
20 Sorry. I was trying to, like some of the others. My  
21 name is Christine Farrell, C-h-r-i-s-t-i-n-e, Farrell, F-  
22 as in Frank a-r-r-e-l-l. And my comment is also related  
23 to the implicit bias. It's under the Rule 4, No. 3,  
24 letter C, small i, where it says, training offered by  
25 nationally-recognized or state-recognized health-related

1 organization. I wondered if that could be revised to  
2 broaden, instead of health-related, maybe a nonprofit  
3 organization that offers health, human services, or other  
4 kind of training. I think health-related organization is  
5 rather limiting, and I think there are a number of  
6 organizations, nonprofits, human services organizations,  
7 or others that could offer implicit bias training. I  
8 think health-related organization might be too limiting.

9 MS. PRZYBYLO: Thank you, Christine.

10 CHRISTINE FARRELL: Thank you.

11 MS. MARKS: Are there any other comments?

12 MS. PRZYBYLO: I don't see any, Dena.

13 Oh, Rhonda Dailey has a comment.

14 RHONDA DAILEY: Hi. My name is Rhonda  
15 Dailey, that's spelled R-h-o-n-d-a, last name is D- as in  
16 doll a-i-l-e-y. And I wanted to know what is the next  
17 step in this process once this hearing is over and the  
18 comments are made, how long will it be and when will the  
19 rules take place?

20 MS. PRZYBYLO: Rhonda, this is the public  
21 hearing to receive comments on the rules. We're in the  
22 middle of the process, I guess you could say. We still  
23 need to review all the comments, and then once the draft  
24 is complete, it is sent over to the legislature to sit  
25 for 15 joint session days. That is kind of an

1 unpredictable amount of time because a joint session day  
2 is when both the House and the Senate are in session and  
3 take a vote. So that's kind of a nebulous timeframe, so  
4 I can't give you a real good estimate, but most likely,  
5 I'm guessing it will be in the fall sometime that they  
6 may finish the promulgation process. It's just a guess.  
7 Lots of other factors can impact that.

8 RHONDA DAILEY: Thank you for that  
9 sincere response. I do have a question. For people that  
10 may have, you know, gone to implicit bias training even  
11 now or until the time that the rule is actually set in  
12 place, will that information or the training they've  
13 received count toward the new rule?

14 MS. PRZYBYLO: I think, if I remember  
15 correctly, the rule indicates that you have to take it  
16 within a certain amount of time before you apply for  
17 licensure. So you would have to look -- I don't remember  
18 off the top of my head what that is, but you'd have to  
19 look at that specifically. If it doesn't have a date in  
20 there, then generally speaking, the requirement happens  
21 when the rule becomes in effect, so you would have to  
22 take it from the day of promulgation forward, if the rule  
23 doesn't say something differently.

24 MS. MARKS: Kerry, we should pause for a  
25 moment. Lori just sent me an email that she got kicked

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1 off.

2 MS. PRZYBYLO: Okay.

3 RHONDA DAILEY: Thank you.

4 (Brief discussion and pause to allow the court  
5 reporter to reconnect.)

6 THE REPORTER: I am back. Sorry. My  
7 computer just, whatever.

8 MS. MARKS: Welcome back, Lori. Let us  
9 know when you're ready.

10 THE REPORTER: I'm ready. Thanks.  
11 Sorry.

12 MS. MARKS: All right. Michael Joy had a  
13 comment. If you could unmute yourself, Michael.

14 MICHAEL JOY: Hello. Thank you for  
15 taking my comment. I just have a question. Is there a  
16 process for, that someone has to go through to be able to  
17 offer implicit bias training as part of these rules?

18 MS. PRZYBYLO: Okay. Michael, just to be  
19 clear, this is a time to receive comments about the  
20 rules, it's not a question and answer session about the  
21 rules. But I believe that the rules have in there a way  
22 to become an approved sponsor to provide that program.

23 MICHAEL JOY: Okay. Thank you.

24 MS. MARKS: Is there anyone else who  
25 would like to make a comment?

1 MS. PRZYBYLO: Dena, I do not see any  
2 further -- any further people raising their hand. Again,  
3 if you are calling in on your phone and wish to unmute  
4 yourself to speak, please hit \*6.

5 MS. MARKS: Thank you for the comments  
6 today. If there are no further comments at this time, I  
7 hereby declare the hearing closed. The record will  
8 remain open until 5:00 p.m. today for any comments you  
9 wish to share about the proposed rules, which may be  
10 mailed, or e-mailed to BoardSupport@Michigan.gov, so that  
11 would be BPL-BoardSupport@Michigan.gov. Thank you for  
12 attending the hearing.

13 (At 1:38 p.m., the public hearing concluded.)

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1 STATE OF MICHIGAN )  
 )  
2 COUNTY OF MACOMB )

3 I, Lori Anne Penn, certify that this  
4 transcript consisting of 18 pages is a complete, true,  
5 and correct record of the public hearing held via Zoom  
6 teleconference in this matter on Tuesday, March 9, 2021.

7 I further certify that I am not  
8 responsible for any copies of this transcript not made  
9 under my direction or control and bearing my original  
10 signature.

11 I also certify that I am not a relative  
12 or employee of or an attorney for a party; or a relative  
13 or employee of an attorney for a party; or financially  
14 interested in the action.

15  
16  
17 March 11, 2021  
Date

*Lori Anne Penn*  
Lori Anne Penn, CSR-1315  
Notary Public, Macomb County, Michigan  
My Commission Expires June 15, 2025

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