



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

December 16, 2021

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #21-030-LR)
Legislative Service Bureau (Secretary of State Filing #21-12-07)
Department of Licensing and Regulatory Affairs

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2021-030-LR (Secretary of State Filing #21-12-07) on this date at 3:12 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Veterinary Technician – General Rules".

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) 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.

Sincerely,

Jocelyn Benson
Secretary of State

Sue Sayer / CK

Sue Sayer, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

December 16, 2021

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2021-30 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated August 30, 2021 for the Department of Labor and Economic Opportunity “**Veterinary Technician – General Rules**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

A handwritten signature in black ink, appearing to be "Orlene Hawks".

Michigan Office of Administrative Hearings and Rules



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Licensing and Regulatory Affairs dated August 30, 2021, amending R 338.4971, R 338.4972, R 338.4976, R 338.4982, R 338.4991, and R 338.4993, adding R 338.4971a and R 338.4971b, and rescinding R 338.4978 of the Department's rules entitled "Veterinary Technician – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: October 11, 2021

LEGISLATIVE SERVICE BUREAU

By

Elizabeth R. Edberg,
Legal Counsel



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated August 30, 2021, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Veterinary Technician – General Rules**” by:

- ◆ Amending R 338.4971, R 338.4972, R 338.4976, R 338.4982, R 338.4991, and R 338.4993.
- ◆ Adding R 338.4971a and R 338.4971b.
- ◆ Rescinding R 338.4978.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: October 11, 2021

Michigan Office of Administrative Hearings and Rules

By:

Katie Wienczewski,
Attorney



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the Department of Licensing and Regulatory Affairs by Sections 16145 and 18813 of the Public Health Code, 1978 PA 368, MCL 333.16145 and 333.18813, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.

R 338.4971, R 338.4972, R 338.4976, R 338.4982, R 338.4991, and R 338.4993, of the Michigan Administrative Code are amended, R 338.4971a and R 338.4971b are added, and R 338.4978 is rescinded.

Date: December 15, 2021

Adopted by: _____

A handwritten signature in black ink, appearing to read "Orlene Hawks", written over a horizontal line.

Orlene Hawks
Director

Department of Licensing and Regulatory Affairs

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

VETERINARY TECHNICIAN — GENERAL RULES

Filed with the secretary of state on December 16, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) 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 department of licensing and regulatory affairs by sections 16145 and 18813 of the public health code, 1978 PA 368, MCL 333.16145 and 333.18813, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.4971, R 338.4972, R 338.4976, R 338.4982, R 338.4991, and R 338.4993, of the Michigan Administrative Code are amended, R 338.4971a and R 338.4971b are added, and R 338.4978 is rescinded, as follows:

PART 1. GENERAL RULES

R 338.4971 Definitions.

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

(a) "Animal patient" means an animal as defined in section 18802(2) of the code, MCL 333.18802.

(b) "Board" means the Michigan board of veterinary medicine created in section 18821 of the code, MCL 333.18821.

(c) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(d) "Department" means the department of licensing and regulatory affairs.

(2) A term defined in the code has the same meaning when used in these rules.

PART 2. EDUCATION AND EXAMINATION

R 338.4971a Approval of veterinary technician training programs; standards adopted by reference.

Rule 1a. (1) The board approves and adopts by reference the standards for accrediting programs for training veterinary technicians adopted by the American Veterinary Medical Association's (AVMA) Committee on Veterinary Technician Education and Activities (CVTEA) entitled "Accreditation Policies and Procedures of the AVMA Committee on Veterinary Technician Education and Activities," July 2020.

(2) The standards for accrediting programs for training veterinary technicians adopted by the CVTEA are available at no cost from the AVMA website at <http://www.avma.org>. A copy of the standards is available for inspection or distribution at a cost of 10 cents per

page from the Board of Veterinary Medicine, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

R 338.4971b Examination; approval and adoption; passing score.

Rule 1b. (1) The board approves and adopts the Veterinary Technician National Examination (VTNE) developed by the American Association of Veterinary State Boards (AAVSB) or its predecessor organization.

(2) The passing score for the VTNE is the score determined by the AAVSB or its predecessor organization.

PART 3. LICENSURE

R 338.4972 Licensure by examination; requirements.

Rule 2. An applicant for a Michigan veterinary technician license by examination shall submit a completed application on a form provided by the department, together with the required fee. In addition to meeting the requirements of the code an applicant shall satisfy both of the following requirements:

(a) Have successfully completed a program for training veterinary technicians approved and adopted in R 338.4971a. The educational institution must provide the department with the applicant's final, official transcript.

(b) Have achieved a passing score on the examination approved and adopted in R 338.4971b.

R 338.4976 Licensure by endorsement; requirements.

Rule 6. An applicant for a Michigan veterinary technician license by endorsement shall hold an active license in good standing in another state and submit a completed application on a form provided by the department, together with the required fee. In addition to satisfying the requirements of the code and the administrative rules promulgated under the code, an applicant shall comply with all of the following requirements:

(a) Establish that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to MCL 338.47.

(b) Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.

(c) Achieve a passing score on the examination approved under R 338.4971b.

(d) Comply with both of the following:

(i) Disclose each license, registration, or certification in a health profession or specialty issued by any other state, the United States military, the federal government, or another country on the application form.

(ii) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.

R 338.4978 Rescinded.

R 338.4982 Relicensure.

Rule 12. (1) An applicant whose license has lapsed may be relicensed upon submission of the appropriate documentation as noted in the table below by (√):

(a) For an applicant who has let his or her Michigan license lapse and is not currently licensed in another state or registered in Canada.	Lapsed 0-3 years	Lapsed more than 3 years
(i) Submit a completed application on a form provided by the department, together with the required fee.	√	√
(ii) Establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√
(iii) Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√
(iv) Submit proof of having completed 15 hours of continuing education that satisfy the requirements of R 338.4993.	√	√
(v) Achieve a passing score on the examination approved under R 338.4971b within 3 years before the application for relicensure.		√
(vi) An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country, shall do both of the following: (A) Disclose each license, registration, or certification on the application form. (B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.	√	√
(b) For an applicant who has let his or her	Lapsed	Lapsed more than

Michigan license lapse and is currently licensed in another state or registered in Canada.		0-3 years	3 years
(i)	Submit a completed application on a form provided by the department, together with the required fee.	√	√
(ii)	Establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√
(iii)	Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√
(iv)	Submit proof of having completed 15 hours of continuing education that satisfy the requirements of R 338.4993.	√	√
(v)	<p>An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country, shall do both of the following:</p> <p>(A) Disclose each license, registration, or certification on the application form.</p> <p>(B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.</p>	√	√

(2) If relicensure is granted and it is determined that a sanction has been imposed by another state, the United States military, the federal government, or another country, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

PART 4. LICENSE RENEWAL; CONTINUING EDUCATION

R 338.4991 License renewals; continuing education.

Rule 91. (1) Beginning with licenses that expire on December 31, 2022, and for all renewals thereafter, an applicant for license renewal shall have completed at least 15 hours of continuing education that satisfies the requirements of R 338.4993 in the 3 years immediately preceding the application for renewal.

(2) Submission of an application for renewal constitutes the applicant’s certification of compliance with the requirements of this rule. The department may require a licensee to submit evidence to demonstrate compliance with this rule.

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

(4) The licensee shall retain documentation of satisfying 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) of the code, MCL 333.16221.

R 338.4993 Acceptable continuing education; requirements; limitations.

Rule 93. (1) The 15 hours of continuing education required under R 338.4991(1) for the renewal of a veterinary technician license must satisfy all of the following:

(a) Not more than 12 hours may 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 for which the licensee has already earned credit during the same renewal period.

(c) A minimum of 10 hours of continuing education must be scientific in nature. A continuing education program or activity is scientific in nature if it includes the science of diagnosis, treatment, and prevention of disease as it relates directly to an animal patient or topics of public veterinary practice, epidemiology, food safety, public animal health, animal welfare, or antimicrobial stewardship.

(d) A minimum of 5 hours of continuing education must be completed in-person or through live, synchronous contact.

(e) A maximum of 5 hours of continuing education may be earned collectively for activities in subrule (2)(c) to (g) of this rule.

(2) The board considers any of the following as acceptable continuing education:

Activity Code	Activity and Proof of Completion	Number of continuing education hours granted/permitted for activity
(a)	Attendance at or participation in a continuing education program or activity related to practice as a veterinary technician or any nonclinical subject relevant to practice as a veterinary technician in a veterinary practice, education, administration, management, or science which includes, but is not limited to, live, in-person programs; interactive or monitored teleconferences, audio-conferences, or web-based programs; online programs; and journal articles or other self-study programs approved or	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 for the specific program or activity.

	<p>offered by any of the following:</p> <ul style="list-style-type: none"> • American Association of Veterinary State Board (AAVSB) Registry of Continuing Education (RACE). • American Veterinary Medical Association (AVMA). • World Veterinary Association (WVA). • Michigan Veterinary Medical Association (MVMA). • Michigan Association of Veterinary Technicians (MAVT). • A state veterinary board of another state. • Local, state, or regional professional organization. • Member institution of the Association of American Veterinary Medical Colleges (AAVMC). • All AVMA constituent allied organizations and recognized veterinary specialty organizations. • AVMA accredited veterinary technician program. <p>If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, the sponsor's name or the name of the organization that approved the activity for continuing education credit, the name of the program or activity, and the date on which the program was held or the activity completed.</p>	
(b)	<p>Attendance at or participation in a continuing education program or activity related to practice as a veterinary technician which includes, but is not limited to, live-in person programs; interactive or monitored teleconferences; web-based programs; online programs; and journal articles or other self-study programs approved by or offered by any of the following:</p> <ul style="list-style-type: none"> • American Medical Association 	<p>The number of continuing education hours for a specific activity or program is the number of hours approved by the sponsor or approving organization for the specific program or activity. A maximum of 2 hours of continuing education may be earned for this activity in each</p>

	<p>(AMA).</p> <ul style="list-style-type: none"> • Michigan State Medical Society (MSMS). • Accreditation Council for Continuing Medical Education (ACCME). • American Osteopathic Association (AOA). • Michigan Osteopathic Association (MOA). • Educational courses offered by a regionally accredited college or university relating to the husbandry of food producing animals. <p>If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, the sponsor's name or the name of the organization that approved the activity, and the date on which the program was held or the activity completed.</p>	renewal period.
(c)	<p>Initial presentation of a continuing education program related to practice as a veterinarian technician provided to a state, regional, national, or international veterinary medicine organization.</p> <p>To receive credit, the presentation must not be part of the licensee's regular job description and must be approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> • MVM-RACE. • AVMA. • WVA. • MVMA. • MAVT. • A state veterinary board of another state. • AMA. • MSMS. • ACCME. • AOA. 	Two hours of continuing education are earned for each 50 to 60 minutes of presentation. No additional credit is earned for preparation of the presentation. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.

	<ul style="list-style-type: none"> • MOA. • Member institution of the AAVMC. • All AVMA constituent allied organizations and recognized veterinary specialty organizations. • Educational courses offered by a regionally accredited college or university relating to the husbandry of food producing animals. <p>If audited, the licensee shall submit a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as presenter, and the name of the organization that approved or offered the presentation for continuing education credit.</p>	
(d)	<p>Initial publication of an article related to practice as a veterinary technician in a peer-reviewed journal.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or co-author or a publication acceptance letter.</p>	<p>Five hours of continuing education are earned for serving as the primary author. Two hours of continuing education are earned for serving as the secondary author. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.</p>
(e)	<p>Initial publication of a chapter related to practice as a veterinary technician in a professional or peer-reviewed textbook.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or co-author or a publication acceptance letter.</p>	<p>Five hours of continuing education are earned for serving as the primary author. Two hours of continuing education are earned for serving as the secondary author. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.</p>
(f)	<p>Service as a clinical instructor for veterinary technician students engaged in an educational program that satisfies the requirements of R 338.4971a.</p> <p>To receive credit, the clinical instructorship shall not be the licensee's primary employment function.</p>	<p>Two hours of continuing education are earned for each 50 to 60 minutes of scheduled instruction. No additional credit is earned for preparation of the lecture. A maximum of 5 hours may be earned for this activity in each renewal period.</p>

	If audited, the licensee shall submit proof of scheduled instructional hours and a letter from the program director verifying the licensee's role.	
(g)	<p>Participation on a state or national committee, board, council, or association related to practice as a veterinary technician. A committee, board, council, or association is considered acceptable by the board if it enhances the participant's knowledge and understanding of practice as a veterinary technician.</p> <p>If audited, the licensee shall submit documentation verifying the licensee's participation in at least 75% of the regularly scheduled meetings of the committee, board, council, or association.</p>	Two hours of continuing education are earned for each committee, board, council, or association. A maximum of 2 hours of continuing education may be earned for this activity in each renewal period.

FILED WITH SECRETARY OF STATE

ON 12/16/21 AT 3:12 P.M.