

Michigan Office of Administrative Hearings and Rules

611 W. Ottawa Street

Lansing, MI 48909

Phone: 517-335-8658 Fax: 517-335-9512

**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:

Weston MacIntosh

Phone number of person completing this form:

517-241.9269

E-mail of person completing this form:

MacintoshW1@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Elizabeth Arasim

2. Rule Set Information

MOAHR assigned rule set number:

2019-84 LR

Title of proposed rule set:

Chiropractic – General Rules

3. Purpose for the proposed rules and background:

The general purpose of these rules is to provide educational, licensure, and continuing education requirements for this profession. The proposed updates include typographical revisions, as well as substantive changes to continuing education requirements.

4. Summary of proposed rules:

The proposed rules will clarify terms used in the rule set, adopt by reference accreditation standards for chiropractic educational programs; include a requirement that acceptable continuing education must be approved or offered by the Michigan Association of Chiropractors (MAC), with the exception of a course or courses related to the practice of chiropractic which are offered on campus by an approved chiropractic school or initial presentation of a continuing education program related to the practice of chiropractic to a state, regional, national, or international organization; and rescind the rule allowing a proposed sponsor of continuing education to seek approval from the board to offer continuing education courses since proposed continuing education providers will now have to seek approval from the MAC.

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

The Flint Journal, January 5, 2021
The Grand Rapids Press, January 5, 2021
The Mining Journal, January 5, 2021

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

1/15/2021

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

1/19/2021 01:00 PM at The public hearing will be held virtually via Zoom to receive public comments while complying with measures designed to help prevent the spread of Coronavirus Disease 2019 (COVID 19). , <https://us02web.zoom.us/j/89584407954?pwd=R0ZmOGhNUmw5Z24xZ3g4a2UveGx4dz09> Password for video connection: 759646 Phone number: 877-336-1831 Conference Code for audio connection: 486917

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/RFRTransaction?TransactionID=82>

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

Weston MacIntosh, Senior Policy Analyst, Bureau of Professional Licensing
Kerry Przybylo, Manager, Boards and Committees, Bureau of Professional Licensing,
Andria Ditschman, Senior Policy Analyst, Bureau of professional Licensing
Stephanie Wysack, Departmental Technician, Bureau of Professional Licensing

10. Persons submitting comments of support:

Michigan Association of Chiropractors/Kristine Dowell
Eric DiMartino
Tim Gaughan
Lisa Olszewski
Robyn Peake
Donald Reno
Lewis Squires

11. Persons submitting comments of opposition:

Garth Aamodt
James Agrusa
Anna Albers
Ted Arkfeld
Brian Arnold
Donald Atkins
David Batton
Janet Bednarz
Linda Berry
Beverly Blas
David Bogart

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Kyra Bolden
Martin Brown
Steven Brown
Richard Burke
Darlene Button
Jessica Cohen
Mark Cohen
Peter Costantino
Kelly Cromarty
Thomas Czarnecki
James Darrach
Robert Ducharme
Barbara Dumbrigue
William Easton
David Estefan
Robert Fenell
Kris Fetterman
Stacey Francis
Michael Gasiewicz
Thomas Gerou
Rita Goines-McClain
Denise Goodwin
Timothy Grondin
Joel Hack
Daniel Halaberda
Robert Hallett
Royann Hassinger
Sharon Havis
Kirk Hilborn
Chelsea Jaques
Alexander Jeffrey
Karl Johnson
Richard Johnson
Larry Kaplan
Robert Korn
Charmaine Lanjopoulos
Raymond Lanjopoulos
Kenneth Large
Richard Larned
Natalie Lawrin
Lawrence Lee
Gary Loiselle
Macomb County Chiropractic Association/Martin Brown
Robert Manela
Larry Manteuffel
Mark Manteuffel

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Ron Manteuffel
 Elaine Margolis
 Gregory McFarland
 Allen Mehler
 Jean Mikula
 Richard Mirowski
 Dale Morgan
 Jennifer Morgan
 Reena Pathak
 Theresa Pigott
 Regina Roberts
 Martin Rudick
 Jeremy Rudkin
 Paula Ruffin
 Craig Shaeffer
 Martha Schneider
 Kenneth Schultz
 Brian Seefeldt
 Bruce Serven
 Ronda Shallow
 Nate Shannon
 Gary Shoemaker
 Craig Stephenson
 Larry Sutherland
 Stephen Thompson
 Jaime Vande Veegaete
 Arthur VanHoutteghem
 William Vecchioni
 Lawrence Weiss
 Leighia Wells
 Stephanie Witte-Mason
 Richard Woolman
 Mark Wrobel
 Kim Zell

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

	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for change	Rule number & citation changed
1	Michigan Association of Chiropractors/Kristine Dowell Eric DiMartino		Prior to the re-write of the Rules that was completed in 2019, all applicants for	The Department agrees with the requested change, as it would ease the burden for those applicants	R 338.12036 (2)

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Tim Gaughan Lisa Olszewski	relicensure were required to satisfy EITHER of the following: <ul style="list-style-type: none">• 45 hours of continuing education in the preceding three years, with all the outlined requirements, or• Have been licensed as a chiropractor in another state of the United States during the three-year period immediately preceding the application for relicensure. This was changed in the most recent re-write of the Rules. Now, doctors seeking Michigan relicensure after their license has been lapsed for three years or more are required to have the 45 hours of continuing education AND either: <ul style="list-style-type: none">• Have been licensed in another state for the three years preceding the application• Have passed the National Board of	seeking relicensure.
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Chiropractic
Examiners
Special Purposes
Examination for
Chiropractic
(SPEC)
We feel that this
is overly
burdensome on
doctors seeking
relicensure, and
that if a doctor
has been
continuously
licensed in
another state for
the three years
immediately
preceding
application for
relicensure,
has been
following that
state's continuing
education rules,
and has no
sanction against
his or her license
in that other state,
they are
presumed to have
the skills to
practice
chiropractic in
the state of
Michigan.
We also do not
believe that
passing the
NBCE SPEC
examination is
necessary to
establish the
presumption of
having the skills
and ability to

practice chiropractic in the state of Michigan. It is also important to note that if a doctor had never been licensed in Michigan at all, the process to get a license is much less cumbersome, but because someone may have gotten a Michigan license right out of school but then moved to another state to practice, and now wants to come back, they must follow a completely different and more stringent set of rules.

We would like to see the rule re-written to be more in line with the Rule prior to the previous re-write, in which chiropractors have access to two methods in which to gain re-licensure:

1. Continuing Education; or,
2. Having been continuously licensed in another state for

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		the immediate past three years We believe that changing the relicensure rule in this way would fulfill the Board's duty to protect both the general public and the profession itself, while easing a burdensome requirement on applicants for relicensure whose license has been expired for three years or more.		

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2	Ted Arkfeld		<p>There are other more fair and reasonable options that should be acceptable to the Board: All C.E. provider organizations should apply and be reviewed by the state Board... Chiropractic College C.E. courses should be automatically approved whether classes are offered On-campus OR Off-campus. The pandemic has shown us that educational diversity is valid and useful. There is no reason that an identical course should only be approved On-campus, forcing Michigan's Chiropractors to travel at added risk and expense.</p>	<p>The Department agrees that the board should continue to receive and review proposed continuing education providers under R 338.12041(2) and R 338.12042, and that continuing education programs offered by a chiropractic school (regardless of modality) approved under R 338.12021 should be considered approved, as the above would give licensees many different opportunities to complete the continuing education requirements while ensuring quality continuing educational programs.</p>	<p>R 338.12041 (2) and R 338.12042</p>

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3	Macomb County Chiropractic Association		Initial presentation of C.E. courses should not be restricted to A.C.A., I.C.A. or M.A.C. presenters as ALL presenters of approved programs put in time and effort to produce their lectures and should be entitled to the 2 hours C.E. credit for each hour of presentation.	The Department agrees that the continuing education programs that count as approved for an attendee should also apply to those same programs in which the licensee was a presenter.	R 338.12041 (2)
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13.Date report completed:

10/18/2021