



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

March 22, 2023

**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 #21-057-LR)  
Legislative Service Bureau (Secretary of State Filing #23-03-12)  
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 #2021-057-LR (Secretary of State Filing #23-03-12) on this date at 12:00 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Veterinary Medicine – 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

Lashana Threlkeld, Departmental Supervisor  
Office of the Great Seal

Enclosure



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

ORLENE HAWKS  
DIRECTOR

March 22, 2023

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

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules  
Administrative Rules #: 2021-57 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated January 11, 2022 for the Department of Licensing & Regulatory Affairs “**Veterinary Medicine – 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,

Michigan Office of Administrative Hearings and Rules



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, 16215, 16287, and 18813 of the Public Health Code, 1978 PA 368, MCL 333.16145, 333.16215, 333.16287, 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 338.4901a, R 338.4903, R 338.4904, R 338.4905, R 338.4906, R 338.4907, R 338.4907a, R 338.4907b, R 338.4907c, R 338.4909, R 338.4910, and R 338.4921 of the Michigan Administrative Code are amended.

Date: 7/27/2022

Adopted by: \_\_\_\_\_

Orlene Hawks  
Director

Department of Licensing and Regulatory Affairs



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 January 11, 2022, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled "**Veterinary Medicine-General Rules**" by:

- ◆ Amending R 338.4901a, R 338.4903, R 338.4904, R 338.4905, R 338.4906, R 338.4907, R 338.4907a, R 338.4907b, R 338.4907c, R 338.4909, R 338.4910, and R 338.4921.

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: August 5, 2022

Michigan Office of Administrative Hearings and Rules

By:   
Ashlee N. Lynn,  
Attorney



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 January 11, 2022, amending R 338.4901a, R 338.4903, R 338.4904, R 338.4905, R 338.4906, R 338.4907, R 338.4907a, R 338.4907b, R 338.4907c, R 338.4909, R 338.4910, and R 338.4921 of the Department's rules entitled "Veterinary Medicine – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: August 5, 2022

LEGISLATIVE SERVICE BUREAU

By   
Rachel M. Hughart,  
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

VETERINARY MEDICINE - GENERAL RULES

Filed with the secretary of state on March 22, 2023

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, 16215, 16287, and 18813 of the public health code, 1978 PA 368, MCL 333.16145, 333.16215, 333.16287, 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 338.4901a, R 338.4903, R 338.4904, R 338.4905, R 338.4906, R 338.4907, R 338.4907a, R 338.4907b, R 338.4907c, R 338.4909, R 338.4910, and R 338.4921 of the Michigan Administrative Code are amended, as follows:

PART 1. GENERAL PROVISIONS

R 338.4901a Telehealth services.

Rule 1a. (1) A veterinarian providing a telehealth service shall do all of the following:

(a) Ensure that the client knows the identity and contact information of the veterinarian providing the telehealth service. Upon request, the veterinarian shall provide his or her licensure information including the name of the state where he or she is licensed and his or her license number.

(b) Ensure that the technology method and equipment used to provide telehealth services complies with all current privacy-protection laws.

(c) Employ sound professional judgment to determine whether using telehealth is an appropriate method for delivering medical advice or treatment to the animal patient.

(d) Have sufficient, current knowledge of the animal patient to render telehealth services demonstrated by satisfying 1 of the following:

(i) Except in the case of an emergency, have recently examined the animal patient in person.

(ii) Have conducted medically appropriate and timely visits to the premises where the group of animal patients is kept.

(e) Act within the scope of his or her practice.

(f) Exercise the same standard of care applicable to a traditional, in-person veterinary care service.

(g) Make himself or herself readily available to the animal patient for follow up veterinary services or ensure there is another suitable provider available for follow up care.

(2) Consent for medical advice and treatment shall be obtained before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.

(3) Evidence of consent for medical advice and treatment must be maintained in the animal patient's medical record.

(4) A veterinarian providing a telehealth service may prescribe a drug if the veterinarian is a prescriber acting within the scope of his or her practice and in compliance with section 16285 of the code, MCL 333.16285.

## PART 2. EXAMINATION AND EDUCATION

R 338.4903 Examination; approval and adoption; passing score.

Rule 3. (1) The board approves and adopts the North American Veterinary Licensing Examination (NAVLE) developed by the International Council for Veterinary Assessment (ICVA) or its successor organization.

(2) The passing score for the NAVLE is the score determined by the ICVA or its successor organization.

R 338.4904 Approval of veterinary colleges; adoption of standards.

Rule 4. (1) The board approves and adopts by reference the standards for Accrediting Colleges of Veterinary Medicine adopted by the American Veterinary Medical Association (AVMA) Council on Education entitled "Accreditation Policies and Procedures of the AVMA Council on Education," September 2020, revised December 2020.

(2) A copy of the "Accreditation Policies and Procedures of the AVMA Council on Education" is available at [https://www.avma.org/sites/default/files/2021-09/coe\\_pp-July-2021.pdf](https://www.avma.org/sites/default/files/2021-09/coe_pp-July-2021.pdf). A copy is available for inspection and 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.

## PART 3. LICENSURE

R 338.4905 Licensure by examination; requirements.

Rule 5. An applicant for a veterinary 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 and the administrative rules promulgated under the code, an applicant shall satisfy both of the following:

(a) Have satisfied 1 of the following educational requirements:

(i) Graduated from a veterinary college that satisfies the requirements of R 338.4904.

(ii) Obtained a certificate from the Educational Commission for Foreign Veterinary Graduates (ECFVG) of the AVMA.

(iii) Obtained a certificate from the Program for the Assessment of Veterinary Education Equivalence (PAVE) from the American Association of Veterinary State Boards (AAVSB).

(b) Have achieved a passing score on the examination adopted in R 338.4903.

R 338.4906 Licensure by endorsement; requirements.

Rule 6. An applicant for a veterinary license by endorsement shall hold a license in good standing and be actively practicing in another state or province of Canada and 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 and the administrative rules promulgated under the code, an applicant shall satisfy all of the requirements as noted by (√) below:

(a) An applicant who is licensed in another state.		Licensed for less than 5 years.	Licensed 5 years or more.
(i)	Establish that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.	√	√
(ii)	Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.	√	√
(iii)	Have satisfied 1 of the following requirements: (A) Graduated from a veterinary college that satisfies R 338.4904. (B) Obtained a certificate from the ECFVG of the AVMA. (C) Obtained a certificate from the PAVE from the AAVSB.	√	
(iv)	Have achieved a passing score on the examination adopted under R 338.4903.	√	
(v)	Comply with both of the following: (A) Disclose each license, registration, or certification in a health profession or specialty issued by any other state, the United States	√	√

	<p>military, the federal government, or another country 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>		
	(b) An applicant who is licensed in a province of Canada.	Licensed for less than 5 years.	Licensed 5 years or more.
(i)	Establish that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.	√	√
(ii)	Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.	√	√
(iii)	<p>Have satisfied 1 of the following requirements:</p> <p>(A) Graduated from a veterinary college that satisfies R 338.4904.</p> <p>(B) Obtained a certificate from the ECFVG of the AVMA.</p> <p>(C) Obtained a certificate from the PAVE from the AAVSB.</p>	√	√
(iv)	Have achieved a passing score on the examination adopted under R 338.4903.	√	
(v)	<p>Comply with both of the following:</p> <p>(A) Disclose each license, registration, or</p>	√	√

	<p>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.</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>		
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R 338.4907 Educational limited license; requirements; limitations.

Rule 7. (1) 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 under the code, an applicant shall meet both of the following:

(a) Achieve a passing score on the examination adopted in R 338.4903.

(b) Be admitted as a student to a postgraduate training program at a college of veterinary medicine that satisfies the requirements of R 338.4904.

(2) The holder of an educational limited license shall not do either of the following:

(a) Engage in the practice of veterinary medicine outside of his or her postgraduate training program in the college of veterinary medicine approved by the board for the training.

(b) Hold himself or herself out to the public as being independently engaged in the private practice of veterinary medicine.

R 338.4907a Clinical academic limited license requirements; limitations.

Rule 7a. (1) An applicant for a clinical academic 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 under the code, the applicant shall have been appointed to the academic faculty of a Michigan college of veterinary medicine that is approved by the board pursuant to R 338.4904.

(2) A clinical academic limited license authorizes the holder to engage in the practice of veterinary medicine only to the extent necessary to fulfill his or her employment obligations as a clinical instructor at a college of veterinary medicine approved by the

board. The holder of a clinical academic limited license shall not do either of the following:

(a) Engage in the practice of veterinary medicine outside of the limitations specified by the college of veterinary medicine at the time of appointment to the academic faculty and in conjunction with the application for limited license.

(b) Hold himself or herself out to the public as being independently engaged in the private practice of veterinary medicine.

R 338.4907b Senior student limited license requirements; limitations.

Rule 7b. (1) An applicant for a senior student limited license issued pursuant to section 18812(1) of the code, MCL 333.18812, 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 under the code, the applicant must be a senior student in a doctor of veterinary medicine program at a college of veterinary medicine approved by the board pursuant to R 338.4904 and satisfy all of the following:

(a) Provide a letter of enrollment as a senior student in good standing from the dean of a veterinary school approved by the board pursuant to R 338.4904.

(b) Achieve a passing score on the examination adopted in R 338.4903.

(c) Submit a form provided by the department that contains the name and signature of the Michigan-licensed supervising veterinarian acknowledging assumption of the supervisory responsibilities included in section 18802(4) of the code, MCL 333.18802.

(2) A senior student limited licensee shall not do either of the following:

(a) Engage in the practice of veterinary medicine except under the supervision of the Michigan-licensed veterinarian who signed the form submitted to the department pursuant to subrule (1)(c) of this rule.

(b) Hold himself or herself out to the public as being independently engaged in the private practice of veterinary medicine.

(3) The senior student limited license is granted for 1 year and may not be renewed.

R 338.4907c Graduate of nonapproved veterinary education program limited license; requirements; limitations.

Rule 7c. (1) An applicant for a graduate of a nonapproved veterinary education program limited license issued pursuant to section 18812(2) of the code, MCL 333.18812, 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 under the code, the applicant shall satisfy all of the following:

(a) Provide proof that he or she is a graduate of a veterinary education program. If documentation submitted pursuant to this subrule is in a language other than English, an original, official translation must also be submitted.

(b) Submit a form provided by the department that contains the name and signature of the Michigan-licensed supervising veterinarian acknowledging assumption of the supervisory responsibilities included in section 18802(4) of the code, MCL 333.18802.

(2) A graduate of a nonapproved veterinary education program limited licensee shall not do either of the following:

(a) Engage in the practice of veterinary medicine except under the supervision of the Michigan-licensed veterinarian who signed the form submitted to the department pursuant to subrule (1)(b) of this rule.

(b) Hold himself or herself out to the public as being independently engaged in the private practice of veterinary medicine.

(3) The graduate of a nonapproved education program limited license is granted for 1 year and may not be renewed.

R 338.4909 Relicensure.

Rule 9. (1) An applicant whose license has lapsed may be relicensed under section 16201(3) or (4) of the code, as applicable, MCL 333.16201, if the applicant meets the requirements of the code and the administrative rules promulgated under the code and satisfies the following requirements as indicated by a (√) below:

(a) For an applicant who has let his or her Michigan license lapse and is not currently licensed in another state or province of 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 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 45 hours of continuing education that satisfy the requirements of R 338.4933.	√	√
(v) Pass the examination approved pursuant to R 338.4903 within 1 year of submitting 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 Michigan license lapse and is currently licensed in another state or province of 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 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 45 hours of continuing education that satisfy the requirements of R 338.4933.	√	√
(v)	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.	√	√

(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. SUPERVISION AND DELEGATION

R 338.4910 Supervision of veterinary technician or limited licensee by veterinarian; delegation to and supervision of a veterinary student or veterinary assistant.

Rule 10. (1) A veterinarian who is supervising a veterinary technician or limited licensee shall provide the supervision included in section 18802(4) of the code, MCL 333.18802, which requires that degree of close physical proximity necessary for the supervising veterinarian to directly observe and monitor the performance of the veterinary technician or limited licensee to ensure that the technician's or limited licensee's performance is within the scope of the order, assignment, or prescription of the veterinarian and being performed with the skill expected by the supervising veterinarian.

(2) A veterinarian may delegate the performance of an act, task, or function that falls within the practice of veterinary medicine to a veterinary student or veterinary assistant who is qualified to perform the act, task, or function if the veterinarian complies with both of the following:

(a) Before delegating an act, task, or function that falls within the practice of veterinary medicine, the veterinarian shall first examine the animal patient on which the delegated act, task, or function is to be performed and determine the appropriate treatment for the animal patient.

(b) As permitted by section 16215(6) of the code, MCL 333.16215, the delegating veterinarian shall maintain the degree of close proximity necessary to observe, monitor, and provide the supervision required for the supervising veterinarian to directly observe and monitor the performance of the veterinary student or veterinary assistant to ensure that the student's or assistant's performance is within the scope of the order, assignment, or prescription of the veterinarian and being performed with the skill expected by the supervising veterinarian.

#### PART 5. MEDICAL RECORDS

R 338.4921 Medical records; requirements.

Rule 21. (1) A veterinarian who practices veterinary medicine in this state shall maintain a medical record for each animal patient, herd, flock, or other group of animals that accurately reflects the veterinarian's evaluation and treatment of the animal patient or group of animals rendered in person or through a telehealth service. Entries in the medical record must be made in a timely fashion.

(2) Records must be legible and retrievable. A record may be maintained in either a written, electronic, audio, or photographic format.

(3) A record for an individual animal patient, group, herd, flock, or other group of animals must document all of the following:

(a) Identification including, but not limited to, a tattoo, tag number, lot number, pen number, age, name, markings, sex, and species, as available.

(b) Date of the last veterinary service.

- (c) Name, address, and telephone number of the client.
  - (d) Location of the animal patient or patients, if not at the location of the veterinary practice.
  - (e) Reason for the contact including, but not limited to, the case history, problem or signs of a problem, and whether the contact was a routine health visit or an emergency call.
  - (f) Vaccination history, if known.
  - (g) Results of the physical examination and a list of abnormal findings.
  - (h) Laboratory reports and other reports, if known.
  - (i) Diagnostic procedures utilized and the reports that pertain to these procedures.
  - (j) Procedures performed including, but not limited to, surgery and rectal palpations.
  - (k) Daily progress notes, if hospitalized.
  - (l) Informed consent, if appropriate.
  - (m) Diagnostic options and treatment plans.
  - (n) Any client communication deemed relevant.
  - (o) Prescribed medication.
- (4) Records must be maintained for a minimum of 7 years from the date of the last veterinary service.
- (5) Medical records are confidential and must not be released without the consent of the client or as required to protect public health or by law.
- (6) Copies of complete medical records must be provided upon written or oral request from the client.

FILED WITH SECRETARY OF STATE

ON 3/22/2023 AT 12:00 PM