

Michigan Office of Administrative Hearings and Rules
MOAHR-Rules@michigan.gov

**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:

Andria Ditschman

Phone number of person completing this form:

517-290-3361

E-mail of person completing this form:

DitschmanA@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Elizabeth Arasim

2. Rule Set Information

MOAHR assigned rule set number:

2021-51 LR

Title of proposed rule set:

Pharmacy - Pharmacist Continuing Education

3. Purpose for the proposed rules and background:

The purpose of the Pharmacy – Pharmacist Continuing Education rules is to regulate the license renewal process and continuing education requirements for pharmacists. The proposed rules will clarify the continuing education requirements, including the requirement for 1 hour of continuing education in pharmacy ethics and jurisprudence.

4. Summary of proposed rules:

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The proposed rules include the following modifications: licensees will be able to submit and earn continuing education for renewal, during the 60-day grace period, up to the date the licensee applies for renewal; licensees may earn 1 hour in ethics and pharmacy law by completing more than one course; licensees may earn 10 hours of live courses by attending in-person or virtual continuing education, as long as there is an opportunity for direct interaction between faculty and participants; licensees may submit ACPE courses that are designated as live towards their 10 hours of required live courses; licensees may receive continuing education credit and training credit during the same renewal cycle for human trafficking training, opioid and controlled substances awareness training, and implicit bias training; applications for continuing education courses and programs will be submitted 70 days before the course or program is conducted; a continuing education course may be relevant to health care services, pharmacy operations, or advancement of pharmacy education; applicants for continuing education approval will be required to submit less support documentation; programs and courses may be offered more frequently as additional dates during a term of approval do not need review; the only modifications that require review during the approved term are modifications to the title, number of continuing education hours, or learning objectives; and continuing education credit will be given for attendance at a full board meeting, disciplinary meeting, and rules committee work group meeting.

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

The Flint Journal: September 15, 2022

The Grand Rapids Press: September 15, 2022

The Mining Journal: October 5, 2022

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

10/15/2022

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

10/24/2022 09:00 AM at Location: G. Mennen Williams Building Auditorium 525 W. Ottawa Street, Lansing, Michigan , 525 W. Ottawa Street, Lansing, Michigan

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=1309>

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

Andria Ditschman, Departmental Specialist, Bureau of Professional Licensing

Weston MacIntosh, Departmental Specialist, Bureau of Professional Licensing

10. Persons submitting comments of support:

No persons submitted comments of support.

11. Persons submitting comments of opposition:

Rose Baran and Charlie Mollien submitted comments in opposition.

12. Persons submitting other comments:

Rose Baran and Charlie Mollien submitted comments with suggested changes to the rules.

13. 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 Rule Change and Description of Change(s) Made	Rule number & citation changed

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1	Rose Baran		<p>Rule 338.3044(h) appears to allow a licensee presenting a continuing education program under (h) at 5 different times in a renewal period and obtain 10 hours of continuing education for presenting the same continuing education program. This would appear to conflict with Rule 338.3042(2) “An applicant for license renewal may not earn continuing education credit for a program or activity that is identical to a program or activity an applicant has already earned credit for during that renewal period.”</p> <p>However, if that is the intent, to allow up to 10 hours for presenting the same program in the same renewal period than no change is needed.</p>	<p>The Board agrees with the comment that the rule should be modified to limit a licensee to only receive 2 hours of continuing education credit for presenting a continuing education program approved by the board under R 338.3043 or subdivision (a) of this rule that is not a part of the licensee’s regular job description once during a license cycle.</p>	R 338.3044 (h)
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14.Date report completed:

5/2/2023