

Pharmacy- Pharmacist Continuing Education Rules - ORR 2021-051 LR
Public Comment Summary
Rules Committee’s Recommendations to October 24, 2022, Public Comments

Testimony/Comments Received:

Rose Baran
Charlie Mollien

Rule 338.3042 License renewals; continuing education requirements; applicability.

Rule Numbers	Commenter	Comment
Section (1)(d)	Mollien	Modify R 338.3042(1)(d) to reflect the actual practice of the Department to read: The continuing education requirements apply to an applicant for license renewal, who has been licensed for the 2-year period immediately preceding the end of the license cycle. If a license cycle is extended more than 2 years by the Department, the additional time may be used to complete the continuing education requirements.
Section (2)	Baran	Rule 338.3042(2) is confusing. In the current Public Health Code-General Rules, Rule 338.7004(2) it states “Beginning June 1, 2022, and for every renewal cycle thereafter, <u>in addition to completing any continuing education required for renewal, reregistration, or relicensure, an applicant for license or registration renewal, reregistration, or relicensure under article 15 of the code, MCL 333.16101 to 333.18838, except those licensed under part 188 of the code, MCL 333.18801 to 333.18838, shall have completed a minimum of 1 hour of implicit bias training for each year of the applicant’s license or registration cycle.”</u> It appears Rule 338.3042(2) is in conflict with Rule 338.7004 as Rule 338.3042(2) would allow Implicit Bias Training to count for both Implicit Bias Training and continuing education credit in the same renewal period. Also the Implicit Bias Training FAQs at https://www.michigan.gov/-

		<p>/media/Project/Websites/lara/bpl/Shared-Files/Implicit-Bias-Training-FAQs.pdf?rev=3bc940b9f585408db605070baf61c83e states “The rule also specifically states that this training is in addition to any continuing education requirements required for renewal.</p> <p>Suggest changing Rule 338.3042(2) to read: Except for the implicit bias training, the 1-time training in human trafficking, and the 1-time training in opioid and controlled substances awareness may be used to comply with both the training requirement and the continuing education requirement in the same renewal period. 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>
Section (5)	Mollien	<p>Modify R 338.3042(5) to make clear, and fair to all licensees, the Board does not intend to apply additional license renewal requirements during the license cycle a rule change takes effect. For example, if the Board were to require 1 hour of patient safety CPE in the future, the requirement to complete the 1 hour begins with the next full license cycle (not in the middle of a license cycle, which could have 1 day, 1 week, or 1.9 years left depending on when a licensee renews their license).</p> <p>If additional continuing education requirements are needed to meet license renewal requirements, the new requirements take effect starting with the next full license cycle. Except as Otherwise unless as stated, this rule takes effect upon promulgation of the rules.</p>
Rules Committee Response	<p>(1)(d): The Rules Committee does not recommend that the requested language be added to the rule, as it is rare that the license cycle is extended, and the proposed language may be confusing to licensees.</p> <p>(2): The Rules Committee does not recommend that the change be incorporated into the rules because the changes to the General Public Health Code Implicit Bias rule make the comment moot.</p> <p>(5): The Rules Committee is recommending that the comment be evaluated with the full Board. It was discussed that not all changes to continuing education are effective at the same time. A reduction in requirements as well as procedural requirements usually take place immediately upon promulgation. Rules that add specific continuing education hours usually take affect for the first renewal cycle 1 year after the rules are promulgated, or on a specific date.</p>	
Board Response	<p>(1)(d): The Board does not agree that the rule should be modified, as it is rare that the license cycle is extended, and the proposed language may be confusing to licensees.</p>	

	<p>(2): Changes to the General Public Health Code Implicit Bias rule makes the comment moot.</p> <p>(5): The Board does not agree that the rule should be modified, as the Board may add an effective date for future changes in Pharmacy rules and the change would have no effect on the effective date in the General Public Health Code Rules.</p>
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R 338.3042 License renewals; continuing education requirements; applicability.

Rule 2. (1) These rules apply to applications for renewal of a pharmacist's license and a special retired volunteer pharmacist's license under sections 16201 and 16184 of the code, MCL 333.16201 and 333.16184. A licensee seeking renewal shall comply with all of the following:

(a) Submit a completed application on a form provided by the department, together with the requisite fee.

(b) Beginning with renewals on January 1, 2020, an applicant for license renewal shall have completed a 1-time training identifying victims of human trafficking as required in R 338.511 and section 16148 of the code, MCL 333.16148.

(c) An applicant for license renewal, who also applies for a controlled substance license, shall have completed a 1-time training in opioids and other controlled substances awareness as required in R 338.3135.

(d) The continuing education requirements apply to an applicant for license renewal, who has been licensed for the 2-year period immediately preceding the end of the license cycle.

(e) An applicant for license renewal shall furnish the board with satisfactory evidence that the applicant completed not less than 30 hours of continuing education approved by the board, under R 338.3043 and R 338.3044, during the license cycle before the application for renewal. Continuing education that is earned during the 60-day grace period may be included up to the date the application for renewal is filed. An applicant for license renewal shall complete all of the following continuing education requirements:

(i) At least 1 hour of the 30 required hours of continuing education in pharmacy ethics and pharmacy law, which may be completed in 1 or more courses.

(ii) At least 10 hours of the 30 required hours of continuing education must be live, synchronous, courses or programs, in-person or virtual, that provide for the opportunity of direct interaction between faculty and participants, including but not limited to, lectures, symposia, live teleconferences, and workshops. Accreditation Council for Pharmacy Education (ACPE) courses designated as live meet this requirement.

(iii) At least 1 hour of the 30 required hours of continuing education in pain and symptom management, as required under section 16204(2) of the code, MCL 333.16204. Continuing education in pain and symptom management includes, but is not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interventions as they relate to professional practice.

(iv) Not more than 12 hours of continuing education during a 24-hour period.

(2) Except for the 1-time training in human trafficking, the 1-time training in opioid and controlled substances awareness, and the implicit bias training, which may be used to comply with both the training requirement and the continuing education requirement in the same renewal period, 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.

(3) Submission of an application for renewal constitutes the applicant’s certification of compliance with the requirements of this rule. An applicant shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal. The board may require an applicant to submit evidence to demonstrate compliance with this rule. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.

(4) 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.

(5) Except as otherwise stated, this rule takes effect upon promulgation of the rules.

Rule 338.3044 Acceptable continuing education for licensees.

Rule Numbers	Commenter	Comment
Section (h)	Baran	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.” 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.
Rules Committee Response	(h): The Rules Committee recommends that 10 hours be modified to 2 hours. A licensee should only receive 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.	
Board Response	(h): The Board agrees with the comment that a licensee should receive 2 hours of continuing education credit for each license cycle 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.	

R 338.3044 Acceptable continuing education for licensees.

Rule 4. The board shall consider all of the following as acceptable continuing education:

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES	
Type of Activity	#- Number of Hours Earned/Maximum Hours
<p>(a) Completion of an approved continuing education course or program related to the practice of pharmacy. A continuing education course or program is approved, regardless of the format in which it is offered, if it is approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> • A pharmacy program accredited by the Accreditation Council for Pharmacy Education (ACPE) or the Canadian Council for Accreditation of Pharmacy Programs (CCAPP). • A continuing education sponsoring organization, institution, or individual approved by the ACPE. • Another state board of pharmacy. <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held, or activity</p>	<p>The number of hours earned will be the number of hours approved by the sponsor or the approving organization.</p> <p>If the activity was not approved for a set number of hours, then 1 credit hour for every 50 minutes of participation may be earned.</p> <p>No limitation on the number of hours earned.</p>

	completed.	
(b)	<p>Completion of postgraduate pharmacy practice or administration courses offered for credit in a pharmacy school accredited by the ACPE or the CCAPP.</p> <p>If audited, a licensee shall submit an official transcript that reflects completion of the postgraduate pharmacy practice or administration course and number of semester or quarter credit hours earned.</p>	<p>Twelve hours of continuing education will be earned for each academic quarter credit earned and 18 hours will be earned for each academic semester credit earned.</p> <p>No limitation on the number of hours earned.</p>
(c)	<p>Participation in a home study program offered through an ACPE-approved provider or other instructional approaches that include an evaluation component including, but not limited to, on-line continuing education programs and journal articles.</p> <p>If audited, a licensee shall submit an affidavit attesting to the number of hours the licensee spent participating in the home study program that includes a description of the activity.</p>	<p>One hour will be earned for each hour devoted to a home study program.</p> <p>A maximum of 20 hours may be earned per renewal period.</p>
(d)	<p>Participation as a preceptor for at least 1 pharmacy intern.</p> <p>A preceptorship shall be for a minimum of 120 hours in person and have a 1 intern - to - 1 preceptor ratio. This may involve multiple preceptor relationships at different times.</p> <p>If audited, a licensee shall submit written</p>	<p>Five hours of continuing education may be earned for a minimum of 120 hours in person of preceptorship in each renewal period.</p> <p>A maximum of 5 hours may be earned in each renewal period.</p>

	documentation from the educational institution or preceptor's supervisor verifying the dates and hours of the preceptorship.	
(e)	<p>Renewal of a pharmacy license held in another state that requires continuing education for license renewal that is substantially equivalent in subject matter and total amount of required hours to that required in these rules if the licensee resides and practices in another state.</p> <p>If audited, a licensee shall submit proof of current licensure in another state and a copy of a letter or certificate of completion showing all of the following:</p> <ul style="list-style-type: none"> • theThe licensee's name,. • numberNumber of hours earned,. • theThe sponsor's name or the name of the organization that approved the program or activity for continuing education credit, and • theThe date on which the program was held, or the activity was completed. 	<p>Thirty hours will be earned.</p> <p>A maximum of 30 hours may be earned in each renewal period.</p>
(f)	<p>Initial publication of an article or a chapter related to the practice of pharmacy in either of the following:</p> <ul style="list-style-type: none"> • A pharmacy textbook. • A peer reviewed journal. 	<p>Ten hours will be earned per publication.</p> <p>A maximum of 10 hours may be earned in each renewal period.</p>

	If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.	
(g)	<p>Successful completion of a board certification national pharmacy examination through Board of Pharmacy Specialties (BPS).</p> <p>If audited, a licensee shall submit proof of a passing score on the examination.</p>	<p>Ten hours may be earned in the year in which the licensee achieves a passing score.</p> <p>A maximum of 20 hours may be earned in each renewal period. Credit will not be given for repeating the same examination twice in a renewal period.</p>
(h)	<p>Presentation of 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.</p> <p>If audited, a licensee shall submit a copy of the curriculum and a letter from the program sponsor verifying the length and date of the presentation.</p>	<p>Two hours for every 50 minutes devoted to presenting the program.</p> <p>A maximum of 102 102 hours will may be earned in each renewal period.</p>
(i)	<p>Attendance at a pharmacy-related program that is approved by the board pursuant to R 338.3043.</p> <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing all of the following:</p> <ul style="list-style-type: none"> • licensee's Licensee's name,. 	<p>The number of hours earned will be the number of hours approved by the sponsor or the approving organization.</p> <p>If the activity was not approved for a set number of hours, then 1 credit hour for every 50 minutes of</p>

	<ul style="list-style-type: none"> • number Number of hours earned, • sponsor Sponsor name or the name of the organization that approved the program or course for continuing education credit, and • the The date on which the program was held, or the activity was completed. 	<p>participation may be earned.</p> <p>No limitation on the number of hours earned.</p>
(j)	<p>Attendance at a full board of pharmacy meeting, disciplinary subcommittee meeting, or rules committee work group meeting.</p>	<p>One hour may be earned for attending a full meeting. This category of continuing education qualifies as 1 hour in pharmacy law.</p> <p>A maximum of 5 hours may be earned in each renewal period.</p>

Archived: Tuesday, February 21, 2023 9:07:09 AM

From: [BPL-BoardSupport](#)

Sent: Tue, 25 Oct 2022 11:00:02

To: [Ditschman, Andria \(LARA\)](#)

Subject: FW: Public Comment for Pharmacy - Pharmacist Continuing Education Draft Rule

Importance: Normal

Sensitivity: None

From: Mollien, Charlie <Charlie.Mollien@meijer.com>

Sent: Monday, October 24, 2022 10:25 AM

To: BPL-BoardSupport <BPL-BoardSupport@michigan.gov>

Cc: Mollien, Charlie <Charlie.Mollien@meijer.com>

Subject: Public Comment for Pharmacy - Pharmacist Continuing Education Draft Rule

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Below are two comments for consideration to the draft rules for pharmacist continuing education.

1. Modify R 338.3042(1)(d) to reflect the actual practice of the Department to read:

The continuing education requirements apply to an applicant for license renewal, who has been licensed for the 2-year period immediately preceding the end of the license cycle. If a license cycle is extended more than 2 years by the Department, the additional time may be used to complete the continuing education requirements.

2. Modify R 338.3042(5) to make clear, and fair to all licensees, the Board does not intend to apply additional license renewal requirements during the license cycle a rule change takes effect. For example, if the Board were to require 1 hour of patient safety CPE in the future, the requirement to complete the 1 hour begins with the next full license cycle (not in the middle of a license cycle, which could have 1 day, 1 week, or 1.9 years left depending on when a licensee renews their license).

If additional continuing education requirements are needed to meet license renewal requirements, the new requirements take effect starting with the next full license cycle. ~~Except as~~ Otherwise unless as stated, this rule takes effect upon promulgation of the rules.

Charlie Mollien

Public Comment on Pharmacist Continuing Education Rules (MOAHR#2021-51LR)
Rose Baran PharmD
October 17, 2022

Rule 338.3042

The following paragraph in Rule 338.3042(2) is confusing **“(2) Except for the 1-time training in human trafficking, the 1-time training in opioid and controlled substances awareness, and the implicit bias training, which may be used to comply with both the training requirement and the continuing education requirement in the same renewal period, 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.”** In the current Public Health Code-General Rules, Rule 338.7004(2) states “Beginning June 1, 2022, and for every renewal cycle thereafter, in addition to completing any continuing education required for renewal, reregistration, or relicensure, an applicant for license or registration renewal, reregistration, or relicensure under article 15 of the code, MCL 333.16101 to 333.18838, except those licensed under part 188 of the code, MCL 333.18801 to 333.18838, shall have completed a minimum of 1 hour of implicit bias training for each year of the applicant’s license or registration cycle.” It appears Rule 338.3042(2) is in conflict with Rule 338.7004 as Rule 338.3042(2) would allow Implicit Bias Training to count for both Implicit Bias Training and continuing education credit in the same renewal period. Also the Implicit Bias Training FAQs at <https://www.michigan.gov/-/media/Project/Websites/lara/bpl/Shared-Files/Implicit-Bias-Training-FAQs.pdf?rev=3bc940b9f585408db605070baf61c83e> states “The rule also specifically states that this training is in addition to any continuing education requirements required for renewal.

Suggest changing Rule 338.3042(2) to read: *Except for the implicit bias training, the 1-time training in human trafficking, and the 1-time training in opioid and controlled substances awareness may be used to comply with both the training requirement and the continuing education requirement in the same renewal period. 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.*

Rule 338.3044

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.*” 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.

Archived: Tuesday, February 21, 2023 9:07:13 AM

From: [BPL-BoardSupport](#)

Sent: Mon, 17 Oct 2022 15:55:26

To: [Ditschman, Andria \(LARA\)](#)

Subject: FW: Public Comments on Pharmacist Continuing Education Rules (MOAHR #2021 - LR)

Importance: Normal

Sensitivity: None

Attachments:

[PublicCommentRPhCERules.docx](#) 

From: Rose M Baran <RoseBaran@ferris.edu>

Sent: Monday, October 17, 2022 11:52 AM

To: BPL-BoardSupport <BPL-BoardSupport@michigan.gov>

Subject: Public Comments on Pharmacist Continuing Education Rules (MOAHR #2021 - LR)

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To Whom It May Concern:

Please find attached public comments on the Pharmacist Continuing Education Rules (MOAHR #2021 - LR).

Sincerely,

Rose Baran PharmD

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