

DEPARTMENT OF COMMUNITY HEALTH

DIRECTOR'S OFFICE

OSTEOPATHIC MEDICINE AND SURGERY - GENERAL RULES

(By authority conferred on the director of the department of community health by section 17501 of 1978 PA 368, MCL 333.17501 et seq. and Executive Order Nos. 1996-1, 1996-2 and 2003-18 MCL 330.3101, 445.2001 and 445.2011)

PART 1. GENERAL PROVISIONS

R 338.101 Definitions.

Rule 1. As used in these rules:

- (a) "Board" means the board of osteopathic medicine and surgery.
- (b) "Code" means Act No. 368 of the Public Acts of 1978, as amended, being S333.1101 et seq. of the Michigan Compiled Laws.
- (c) "Department" means the department of licensing and regulation.

History: 1944 ACS 16; 1954 AC; 1954 ACS 14, Eff. May 14, 1958; 1954 ACS 67, Eff. May 1, 1971; 1954 ACS 88, Eff. July 20, 1976; 1979 AC; 1989 MR 4, Eff. May 13, 1989.

R 338.102 Licensure by examination.

Rule 2. (1) An applicant for licensure by examination 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 pursuant thereto, an applicant for licensure by examination shall meet all the requirements of this rule.

(2) The applicant shall have completed the requirements for a degree in osteopathic medicine from a school of osteopathic medicine approved by the board.

(3) The applicant shall have satisfactorily completed 1 year of postgraduate clinical training in an internship program approved by the board in a board-approved hospital or institution. Certification of satisfactory completion of postgraduate clinical training shall be accepted by the board not more than 15 days before completion of the training.

(4) The applicant shall have passed all 3 parts of the examination conducted and scored by the national board of osteopathic medical examiners, inc.

History: 1944 ACS 16; 1954 AC; 1954 ACS 14, Eff. May 14, 1958; 1954 ACS 67, Eff. May 1, 1971; 1979 AC; 1989 MR 4, Eff. May 13, 1989; 1991 MR 6, Eff. July 13, 1991.

R 338.103 Examination; required passing score.

Rule 3. The board approves and adopts the examination developed and scored by the national board of osteopathic medical examiners, inc. A passing score on the examination shall be a converted score of not less than 75 on each part of the examination.

History: 1944 ACS 16; 1954 AC; 1954 ACS 67, Eff. May 1, 1971; 1979 AC; 1989 MR 4, Eff. May 13, 1989; 1991 MR 6, Eff. July 13, 1991.

R 338.104 Rescinded.

History: 1944 ACS 16; 1954 AC; rescinded 1954 ACS 71, Eff. June 16, 1972.

R 338.105 Licensure by endorsement.

Rule 5. (1) An applicant for licensure by endorsement 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 pursuant thereto, an applicant for licensure by endorsement who satisfies all of the requirements of this rule shall be deemed to meet the requirements of section 16186(1)(a) and (d) of the code.

(2) An applicant shall have completed the requirements for a degree in osteopathic medicine from a school of osteopathic medicine approved by the board.

(3) An applicant shall have satisfactorily completed 1 year of postgraduate clinical training in an internship program approved by the board in a board-approved hospital or institution.

(4) An applicant shall either have been licensed in another state and engaged in the practice of osteopathic medicine for a minimum of 5 years before the date of filing an application for Michigan licensure or the applicant shall have been licensed in another state after passing an examination which tested the applicant on subjects substantially equivalent to subjects tested in this state in the same year.

History: 1944 ACS 16; 1954 AC; 1954 ACS 67, Eff. May 1, 1971; 1979 AC; 1989 MR 4, Eff. May 13, 1989; 1991 MR 6, Eff. July 13, 1991.

R 338.106 Standards for approving schools of osteopathic medicine, postgraduate clinical training programs, and hospitals and institutions; adoption by reference.

Rule 6. (1) The board approves and adopts by reference the standards for accrediting schools of osteopathic medicine adopted by the American osteopathic association in July, 1987, entitled "Accreditation Policies and Procedures for Osteopathic Medicine." The board shall consider any school of osteopathic medicine that is accredited by the American osteopathic association as a school approved by the board. A school of osteopathic medicine that is not accredited by the American osteopathic association, but that has standards which are substantially equivalent to the standards adopted by the American osteopathic association in July, 1987, shall be designated by the board as an approved school of osteopathic medicine.

(2) The board approves and adopts by reference the standards for approving postgraduate clinical training programs adopted by the committee on colleges of the American osteopathic association in July, 1987, entitled "Manual of Policies and Procedures for Intern Training Programs." The board shall consider any postgraduate clinical training program that is approved by the American osteopathic association as a school approved by the board. A postgraduate clinical training program that is not approved by the American osteopathic association, but that has standards which are substantially equivalent to the standards adopted by the American osteopathic association in July, 1987, shall be designated by the board as an approved postgraduate clinical training program.

(3) The board approves and adopts by reference the standards for accrediting hospitals and institutions adopted by the American osteopathic association, effective January 1, 1988, entitled "Accreditation Requirements for Acute Care Hospitals." The board shall consider any hospital or institution that is accredited by the American osteopathic association as a hospital or institution approved by the board. A hospital or institution that is not accredited by the American osteopathic association, but that has standards which are substantially equivalent to the standards adopted by the American osteopathic association effective January 1, 1988, shall be designated by the board as an approved hospital or institution.

(4) Notwithstanding the provisions of subrules (1) to (3) of this rule, the board shall deny approval of a school of osteopathic medicine that is accredited by the American osteopathic association, shall deny approval of a postgraduate clinical training program that is approved by the American osteopathic association, or shall deny approval of a hospital or institution that is accredited by the American osteopathic association if the board finds that the school of osteopathic medicine, postgraduate clinical training program, or hospital or institution so approved fails to demonstrate an intent to further educate persons in the practice of osteopathic medicine.

History: 1954 ACS 67, Eff. May 1, 1971; 1979 AC; 1989 MR 4, Eff. May 13, 1989.

R 338.107 Availability of standards.

Rule 7. The standards for accrediting schools of osteopathic medicine entitled "Accreditation Policies and Procedures for Colleges of Osteopathic Medicine," the standards for accrediting hospitals and institutions entitled "Accreditation Requirements of the American Osteopathic Association," and the standards for approving postgraduate clinical training programs entitled "Manual of Policies and Procedures for Intern Training Programs," which were adopted by the American osteopathic association in July, 1987, are available for inspection at the offices of the board. Copies of the standards may be obtained upon request from the Board of Osteopathic Medicine and Surgery, 611 W. Ottawa, Lansing, Michigan 48933, or from the American Osteopathic Association, 212 East Ohio Street, Chicago, Illinois 60611, at no cost.

History: 1954 ACS 67, Eff. May 1, 1971; 1979 AC; 1989 MR 4, Eff. May 13, 1989.

R 338.107a Educational limited licenses.

Rule 7a. (1) An educational limited license authorizes the holder thereof to engage in the practice of osteopathic medicine as part of a postgraduate educational training program.

(2) An applicant for an educational limited license shall submit a completed application on a form provided by the department, together with the requisite fee.

(3) In addition to meeting the requirements of the code and the administrative rules promulgated pursuant thereto, an applicant for an educational limited license shall meet both of the following requirements:

(a) The applicant shall have completed the requirements for a degree in osteopathic medicine from a school of osteopathic medicine approved by the board.

(b) The applicant shall have been admitted to or completed a 1-year training program approved by the board that is offered at a board-approved hospital or institution.

History: 1989 MR 4, Eff. May 13, 1989.

R 338.108 Sympathomimetic amine drugs including amphetamines; standards of practice.

Rule 8. (1) The board of osteopathic medicine and surgery has determined that any of the sympathomimetic amine drugs, except amphetamine and its salts, designated in schedule 2 under the code or the rules promulgated by Michigan's board of pharmacy, have negligible therapeutic value, have a high potential for physical and psychological addiction, have serious detrimental health effects when abused, are widely abused through intentional or misinformed acts in the medical and lay communities, and pose a health hazard and risk of improper medical treatment vastly disproportionate to any legitimate use of such drugs. The board has further determined that there are alternative treatment modalities to such drugs of at least comparable therapeutic value that do not pose similar risks. In accordance with these determinations, and except as provided in subrules (4), (5), and (6) of this rule on the prescribing of amphetamine and its salts, and except as provided in subrule (7) of this rule, the giving, selling, prescribing, or administering of any of the sympathomimetic amine drugs designated in schedule 2 under the code or the rules promulgated by Michigan's board of pharmacy constitutes a departure from, or failure to conform to, minimal standards of acceptable and prevailing medical practice.

(2) Except as provided in subrules (4), (5), and (6) of this rule on the prescribing of amphetamine and its salts, and except as provided in April 2, 2004 subrule (7) of this rule, the giving, selling, prescribing, or administering of any of the sympathomimetic amine drugs designated in schedule 2 under the code or the rules promulgated by Michigan's board of pharmacy is prohibited.

(3) A violation of this rule constitutes a violation of section 16221(a),

(b)(i), (c)(iv), and (g) of the code.

(4) Recognizing that amphetamine and its salts are therapeutically effective in the treatment of hyperkinetic children, an osteopathic physician may, by issuance of a written order for amphetamine

and its salts, prescribe amphetamine and its salts for a hyperkinetic child, if the physician, before writing a prescription for amphetamine and its salts, has done all of the following:

- (a) Taken a complete history.
- (b) If the child is attending school, secured a report from the child's school regarding the child's current and past behavior.
- (c) Completed a physical examination, including a neurological examination. A prescription for amphetamine and its salts ordered for a hyperkinetic child shall indicate on the prescription order, in the physician's own handwriting, the purpose for which the drug is being prescribed.

(5) Recognizing that amphetamine and its salts are therapeutically effective in the treatment of narcolepsy, an osteopathic physician, may, by issuance of a written order for amphetamine and its salts, prescribe amphetamine and its salts for narcolepsy, if the physician, before writing the prescription for a patient, has taken a complete history and physical examination, with appropriate studies of the patient, which establish that the patient suffers from narcolepsy. A prescription for amphetamine and its salts ordered to treat narcolepsy shall indicate on the prescription order, in the physician's own handwriting, the purpose for which the drug is being prescribed.

(6) Recognizing that amphetamine and its salts are therapeutically effective in the treatment in adult forms of attention-deficit/hyperactivity disorder (ADHD), a physician may, by issuance of a written order for amphetamine and its salts, prescribe amphetamine and its salts for adult forms of ADHD, if the physician, before writing a prescription for amphetamine and its salts, has taken a complete history and physical examination, with appropriate studies of the patient, which establish that the patient suffers from adult forms of ADHD. A prescription for amphetamine and its salts ordered to treat adult forms of ADHD shall indicate on the prescription order, in the physician's own handwriting, the purpose for which the drug is being prescribed.

(7) Recognizing the need for innovative medical practices and the unpredictability of scientific developments, an osteopathic physician may apply for a written waiver of the requirements of this rule by submitting a written request to the board. The request shall include all information necessary for a comprehensive evaluation of its merit. If the osteopathic physician requesting the waiver demonstrates, to the satisfaction of the board, that a waiver would further legitimate medical purposes without undermining the purposes of this rule, the board may issue a written waiver with such terms and conditions as may be deemed appropriate.

History: 1979 ACS 9, Eff. Jan. 26, 1982; 1985 MR 5, Eff. June 7, 1985; 2005 MR 1, Eff. Jan. 20, 2005.

R 338.108a Delegation of prescribing of controlled substances to physician's assistants; limitation.

Rule 8a. (1) A physician who supervises a physician's assistant under sections 17548 and 17549 of the code may delegate the prescription of controlled substances listed in schedules 3 to 5 to a physician's assistant if the delegating physician establishes a written authorization that contains all of the following information:

- (a) The name, license number, and signature of the supervising physician.
 - (b) The name, license number, and signature of the physician's assistant.
 - (c) The limitations or exceptions to the delegation.
 - (d) The effective date of the delegation.
- (2) A delegating physician shall review and update a written authorization on an annual basis from the original date or the date of amendment, if amended. A delegating physician shall note the review date on the written authorization.

(3) A delegating physician shall maintain a written authorization in each separate location of the physician's office where the delegation occurs.

(4) A delegating physician shall ensure that an amendment to the written authorization is in compliance with subrule (1)(a) to (d) of this rule.

(5) A delegating physician may delegate the prescription of schedule 2 controlled substances only if all of the following conditions are met:

- (a) The supervising physician and physician's assistant are practicing within a health facility as defined in section 20106(d), (g), or (i) of the code; specifically, freestanding surgical outpatient facilities, hospitals, and hospices.

- (b) The patient is located within the facility described in subdivision (a) of this subrule.
- (c) The delegation is in compliance with this rule.
- (6) A delegating physician may not delegate the prescription of schedule 2 controlled substances issued for the discharge of a patient for a quantity for more than a 7-day period.
- (7) A delegating physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.

History: 1999 MR 11, Eff. Nov. 17, 1999.

R 338.108b Delegation of prescribing of controlled substances to nurse practitioners or nurse midwives; limitation.

Rule 8b. (1) A physician may delegate the prescription of controlled substances listed in schedules 3 to 5 to a registered nurse who holds specialty certification under section 17210 of the code, with the exception of a nurse anesthetist, if the delegating physician establishes a written authorization that contains all of the following information:

- (a) The name, license number, and signature of the delegating physician.
 - (b) The name, license number, and signature of the nurse practitioner or nurse midwife.
 - (c) The limitations or exceptions to the delegation.
 - (d) The effective date of the delegation.
- (2) A delegating physician shall review and update a written authorization on an annual basis from the original date or the date of amendment, if amended. A delegating physician shall note the review date on the written authorization.
- (3) A delegating physician shall maintain a written authorization in each separate location of the physician's office where the delegation occurs.
- (4) A delegating physician shall ensure that an amendment to the written authorization is in compliance with subrule (1)(a) to (d) of this rule.
- (5) A delegating physician may delegate the prescription of schedule 2 controlled substances only if all of the following conditions are met:
- (a) The delegating physician and nurse practitioner or nurse midwife are practicing within a health facility as defined in section 20106(d), (g), or (i) of the code; specifically, freestanding surgical outpatient facilities, hospitals, and hospices.
 - (b) The patient is located within the facility described in subdivision (a) of this subrule.
 - (c) The delegation is in compliance with this rule.
 - (6) A delegating physician may not delegate the prescription of schedule 2 controlled substances issued for the discharge of a patient for a quantity for more than a 7-day period.
 - (7) A delegating physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.

History: 1999 MR 11, Eff. Nov. 17, 1999

R 338.109a Assessment of fines.

Rule 9a. When a fine has been designated as an available sanction for a violation of sections 16221 to 16226 of the code, in the course of assessing a fine, the board shall take into consideration the following factors without limitation:

- (a) The extent to which the licensee obtained financial benefit from any conduct comprising part of the violation found by the board.
- (b) The willfulness of the conduct found to be part of the violation determined by the board.
- (c) The public harm, actual or potential, caused by the violation found by the board.
- (d) The cost incurred in investigating and proceeding against the licensee.

History: 1979 ACS 7, Eff. Sept. 1, 1981; 1990 MR 8, Eff. Sept. 6, 1990.

PART 2. ADMINISTRATIVE HEARINGS

R 338.110--R 338.120 Rescinded.

History: 1954 ACS 88, Eff. July 20, 1976; 1979 AC; rescinded 1979 ACS 4, Eff. Nov. 18, 1980.

R 338.121 Rescinded.

History: 1954 ACS 88, Eff. July 20, 1976; 1979 AC; 1979 ACS 4, Eff. Nov. 18, 1980; rescinded 1996 MR 11, Eff. Dec. 5, 1996.

R 338.122--R 338.134 Rescinded.

History: 1954 ACS 88, Eff. July 20, 1976; 1979 AC; rescinded 1979 ACS 4, Eff. Nov. 18, 1980.