

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF PROFESSIONAL LICENSING

GENERAL RULES – PUBLIC HEALTH CODE

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16194, 16201, and 16221(e)(iv)(B) of 1978 PA 368, MCL 333.16145, 333.16194, 333.16201, and 333.16221(e)(iv)(B) and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2011-4, MCL 330.3101, 445.2001, 445.2011, and 445.2030)

R 338.7001 Definitions.

Rule 1. As used in these rules:

- (a) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211.
- (b) "Department" means the department of licensing and regulatory affairs.
- (c) "Stark Law" means section 1877 of part d of title XVIII of the social security act, 42 U.S. code 1395nn.

History: 1979 AC; 2009 AACs; 2014 AACs; 2017 MR 4, Eff. Feb. 23, 2017.

R 338.7001a Biennial renewal; authorized boards; license renewal content.

Rule 1a. (1) The license or registration renewals issued for the following professions are valid for a period of 2 years commencing on the following dates and shall be renewed every 2 years upon receipt of payment and compliance with renewal requirements, if appropriate:

Acupuncture	10/1
Audiology	1/1
Chiropractic	12/1
Marriage and family therapy	2/1
Nursing	4/1
Nursing home administrators	11/1
Occupational therapy	6/1
Optometry	7/1
Pharmacy	7/1
Physical therapy	8/1
Physician's assistants	9/1
Psychology	9/1
Respiratory care	1/1
Sanitarians	12/1
Speech-language pathology	10/1

(2) A license or registration having a limitation may be renewed for a term less than the biennial cycle.

History: 2009 AACCS; 2014 AACCS; 2017 MR 4, Eff. Feb. 23, 2017.

R 338.7002 Triennial renewal; authorized boards; license renewal content.

Rule 2. (1) The license renewals issued for the following professions are valid for a period of 3 years commencing on the following dates and shall be renewed every 3 years upon receipt of payment and compliance with renewal requirements, if appropriate:

Athletic trainer	10/1
Counseling	6/1
Dentistry	9/1
Massage therapy	11/1
Medicine	2/1
Osteopathic medicine and surgery	1/1
Podiatric medicine and surgery	3/2
Social work	5/1
Veterinary medicine	1/1

(2) A license having a limitation may be renewed for a term less than the triennial cycle.

History: 1979 AC; 2009 AACCS; 2014 AACCS; 2017 MR 4, Eff. Feb. 23, 2017.

R 338.7003 "Stark Law" revision; adoption by reference.

Rule 3. (1) Under section 16221(e)(iv)(B) of the code, MCL 333.16221(e)(iv)(B), the department has taken notice that the Stark Law was revised effective December 30, 2010. The department also takes notice the regulations promulgated under the Stark Law, 42 CFR 411.350 to 411.389, were revised effective November 16, 2015. The department finds that the revisions to both the Stark Law and regulations under the Stark Law pertain to referrals by physicians for designated health services and continues to protect the public from inappropriate referrals by physicians. Therefore, the department adopts by reference the Stark Law, as revised December 30, 2010, and 42 CFR 411.350 to 411.389, as revised November 16, 2015.

(2) All federal regulations noted in subrule (1) of this rule are available at no cost at www.access.gpo.gov. These regulations also are available for inspection and distribution at cost from the Bureau of Professional Licensing, Michigan Department Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

History: 2009 AACCS; 2017 MR 4, Eff. Feb. 23, 2017.

R 338.7005 Assessment of fines.

Rule 5. When a fine is designated as an available sanction for a violation of section 16221 to 16226 of the code, MCL 333.16221 to 333.16226, in the course of assessing a fine, the disciplinary subcommittee 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 disciplinary subcommittee.

(b) The willfulness of the conduct found to be part of the violation determined by the disciplinary subcommittee.

(c) The public harm, actual or potential, caused by the violation found by the disciplinary subcommittee.

(d) The cost incurred in investigating and proceeding against the licensee.

History: 2014 AACCS.