

DEPARTMENT OF COMMUNITY HEALTH

DIRECTOR'S OFFICE

EMERGENCY MEDICAL SERVICES PERSONNEL LICENSING

Filed with the Secretary of State on May 12, 2004

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of community health by section 20901 of 1978 PA 368, MCL 333.20901 et seq. and Executive Reorganization Order Nos. 1996-1, 1996-2, and 2003-18, being MCL 330.3101, 445.2001, and 445.2011)

R 325.23101, R 325.23102, R 325.23103, R 325.23104, R 325.23105,
R 325.23106, R 325.23107, R 325.23201, R 325.23202, R 325.23203,
R 325.23301, R 325.23302, R 325.23303, R 325.23304, R 325.23401,
R 325.23402, R 325.23403, R 325.23404, R 325.23405, R 325.23406,
R 325.23407, R 325.23501, R 325.23502, R 325.23503, R 325.23504,
R 325.23505, R 325.23506, R 325.23507, R 325.23601, R 325.23602,
R 325.23603, R 325.23701, R 325.23702, R 325.23703, R 325.23704,
R 325.23705, R 325.23706, R 325.23707, R 325.23801, R 325.23802,
R 325.23803, R 325.23804, R 325.23805, R 325.23806, R 325.23807,
R 325.23808, R 325.23901, R 325.23902, R 325.23903, R 325.23904,
R 325.23905, R 325.23906, R 325.24001, R 325.24002, R 325.24003,
R 325.24005, R 325.24006, R 325.24007, R 325.24008, R 325.24009,
R 325.24010, R 325.24011, R 325.24012, R 325.24013, R 325.24014,
R 325.24015, R 325.24016, R 325.24017, R 325.24018, R 325.24020,
R 325.24101, R 325.24102, R 325.24103, R 325.24104, R 325.24105,
R 325.24106, R 325.24107, R 325.24108, R 325.24109, R 325.24110,
R 325.24111, R 325.24112, R 325.24113, R 325.24114, R 325.24115,
R 325.24116, R 325.24117, R 325.24118 of the Michigan Administrative Code are
rescinded and R 325.22301, R 325.22302, R 325.22311, R 325.22312,
R 325.22313, R 325.22314, R 325.22315, R 325.22316, R 325.22321,
R 325.22322, R 325.22323, R 325.22324, R 325.22325, R 325.22326,
R 325.22327, R 325.22331, R 325.22332, R 325.22333, R 325.22334,
R 325.22335, R 325.22336, R 325.22337, R 325.22338, R 325.22339,
R 325.22340, R 325.22341, R 325.22342, R 325.22343, R 325.22344,
R 325.22345, R 325.22346, R 325.22347, R 325.22348, R 325.22349,
R 325.22350, R 325.22351, R 325.22352, R 325.22353, R 325.22354,

February 5, 2004

R 325.22355, R 325.22356, R 325.22357, R 325.22358, R 325.22359, R 325.22360, R 325.22361, R 325.22362, and R 325.22363 are added to the Michigan Administrative Code as follows:

PART 1. GENERAL PROVISIONS

R 325.22301 Definitions.

Rule 22301. As used in these rules:

- (a) "Code" means 1978 PA 368, MCL 333.1101 et seq.
- (b) "Continuing education" means programs of education or training approved by the department for use by licensees to meet requirements for renewal or relicensure.
- (c) "CPR credential" means a department-approved cardiac pulmonary resuscitation (cpr) program for a health care provider or highest equivalent level of training.
- (d) "Department" means the department of community health.
- (e) "EMS" means emergency medical services.
- (f) "Endorsement" means the recognition of the licensing authority of one state by another state.
- (g) "NREMT" means the national registry of emergency medical technicians.
- (h) "Ongoing education" means education or training sessions, refresher courses, and other learning activities approved by the department and designed to assist individuals who are seeking licensure, or to assist personnel in maintaining and upgrading their knowledge and skills on an ongoing basis throughout the term of their licensure.
- (i) "Ongoing education" is also referred to as continuing education.
- (j) "Ongoing education credits" means the unit of measure, equal to 50 to 60 minutes of instruction, which is assigned to a specific ongoing education topic.
- (k) "On-site program sponsor approval" means compliance with the state-approved program criteria by which an educational program is reviewed to determine its compliance with preset educational goals, expectations and equipment requirements.
- (l) "Physician" means a doctor of medicine or doctor of osteopathy who possesses a valid license to practice medicine in Michigan.
- (m) "Physician director" means a physician who serves as the medical advisor for an education program and who is responsible for establishing the standards for emergency medical care instruction utilized in the program.
- (n) "Relicensure" means the granting of a license to a person whose license has lapsed for failure to renew the license within 60 days after the expiration date.
- (o) "Renewal" means continuation of a license based on completion of requirements and payment of any fees within the time limits established.

R 325.22302 Terms defined in the code.

Rule 22302. Terms defined in the code have the same meanings when used in these rules.

PART 2. EMERGENCY MEDICAL SERVICES PERSONNEL LICENSING

R 325.22311 Examination application.

Rule 22311. For an applicant to take the appropriate examination, an application for examination shall be completed and submitted to the department or state-designated representative within 2 years of the course completion date. An applicant who submits an application more than 2 years after the course completion date shall meet any additional requirements established for acceptance into the examination.

R 325.22312 Licensure by examination.

Rule 22312. 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 administrative rules, an applicant for licensure by examination shall meet all of the following requirements:

(a) Completion of an appropriate education program at the level applied for, as approved under section 20912 of the code, and the proof of completion sent directly from the education program to the department.

(b) A first-time applicant shall attain a passing score on the appropriate department-prescribed examination. The passing scores shall be submitted directly to the department by the testing agency.

(c) An individual applying to the department for licensure by having passed the department-prescribed examinations shall have completed an initial education course within 2 years of application.

(d) The fees paid by an applicant who has not completed all requirements for licensure by examination within 2 years of the department's receiving the application shall be forfeited to the department and the application shall be void.

(e) An individual who is guilty of fraud or deceit in procuring or attempting to procure licensure, including using falsified documents to gain admittance to a department-prescribed licensure examination, shall be denied licensure for at least 2 years.

(f) An individual shall not represent himself or herself as, function as, or perform the duties of, a licensed medical first responder, emergency medical technician, emergency medical technician specialist or paramedic until licensed by the department in accordance with the code and these rules.

R 325.22313 Licensure at lower levels.

Rule 22313. A current ems licensee who applies for a lower level license shall meet all of the following requirements:

(a) A paramedic, who holds an active license, may apply for a license as an emergency medical technician specialist, emergency medical technician or medical first responder by submitting a new application for the lower level license along with the fee and proof of having earned the required continuing education at the emergency medical technician specialist, emergency medical technician, or medical first responder level.

(b) An emergency medical technician specialist, who holds an active license, may apply for a license as an emergency medical technician or medical first responder by submitting a new application for the lower level along with the fee and proof of having earned the required continuing education at the emergency medical technician or medical first responder level.

(c) An emergency medical technician, who holds an active license, may apply for a license as a medical first responder by submitting a new application for the lower level along with the fee and proof of having earned the required continuing education at the medical first responder level.

R 325.22314 Licensure by endorsement.

Rule 22314. An applicant for licensure by endorsement shall submit a completed application on a form provided by the department together with the requisite fee, and all of the following documentation:

(1) Verification of current licensure/certification/registration in any state which granted permission to practice.

(2) Examination scores for a department-prescribed examination which shall be submitted to department and which verify passage of examinations or nremt status, or both.

(3) Sanctions or grounds for sanctions by another state that may exist at time of application which shall disqualify the applicant until the other state certifies that those sanctions or grounds for sanctions no longer exist for the applicant.

R 325.22315 Licensure by national registry status only.

Rule 22315. An applicant for licensure who has active nremt status only and who has not been licensed in any other state shall submit a completed application on the form provided by the department, together with the requisite fee, and shall meet both of the following requirements:

(1) Request nremt to send verification of scores or nremt status, or both.

(2) Provide proof of training that is substantially equivalent to the state-prescribed curriculum and proof of continuing education or training in areas determined deficient by the department.

R 325.22316 License renewal.

Rule 22316. Not more than 60 days before the date of license expiration, the department shall transmit to the last known address of the licensee an application for license renewal. Failure of the licensee to receive notice for renewal shall not relieve the licensee of the responsibility for renewing his or her license.

PART 3. CONTINUING EDUCATION REQUIREMENTS

R 325.22321 License renewal or relicensure for medical first responders; continuing education.

Rule 22321. (1) An applicant for license renewal as a medical first responder who has been licensed for the 3-year period immediately preceding the expiration date of the license or an applicant for relicensure as a medical first responder shall

accumulate at least 15 continuing education credit hours that are approved by the department under these rules during the 3 years preceding an application for renewal or relicensure.

(2) An applicant for license renewal or for relicensure under section 20954 of the code, in addition to the requirements of subrule (1) of this rule, shall have an appropriate and current cpr credential as determined by the department. Continuing education credit for a cpr credential may be part of the medical continuing education category requirement.

(3) The categories of approved continuing education activities for medical first responders shall include, but are not limited to, all of the following topics:

- (a) Preparatory.
- (b) Airway management and ventilation.
- (c) Patient assessment.
- (d) Trauma.
- (e) Medical.
- (f) Special considerations.
- (g) Operations.

R 325.22322 License renewal or relicensure for emergency medical technicians; continuing education.

Rule 22322. (1) An applicant for license renewal as an emergency medical technician who has been licensed for the 3-year period immediately preceding the expiration date of the license or an applicant for relicensure as an emergency medical technician shall accumulate at least 30 continuing education credit hours that are approved by the department under these rules during the 3 years preceding an application for renewal or relicensure.

(2) An applicant for license renewal or relicensure pursuant to section 20954 of the code, in addition to the requirements of subrule (1) of this rule, shall have an appropriate and current cpr credential as determined by the department. Continuing education credit for a cpr credential may be part of the medical continuing education category requirement.

(3) The categories of approved continuing education activities for emergency medical technicians shall include, but are not limited to, all of the following topics:

- (a) Preparatory.
- (b) Airway management and ventilation.
- (c) Patient assessment.
- (d) Trauma.
- (e) Medical.
- (f) Special considerations.
- (g) Operations.

R 325.22323 License renewal or relicensure for emergency medical technician specialists; continuing education.

Rule 22323. (1) An applicant for license renewal as an emergency medical technician specialist who has been licensed for the 3-year period immediately preceding the expiration date of the license or an applicant for relicensure as an

emergency medical technician specialist shall accumulate at least 36 continuing education credit hours that are approved by the department under these rules during the 3 years preceding an application for renewal or relicensure.

(2) An applicant for license renewal or for relicensure under section 20954 of the code, in addition to the requirements of subrule (1) of this rule, shall have an appropriate and current cpr credential as determined by the department. Continuing education credit for a cpr credential may be part of the medical continuing education category requirement.

(3) The categories of approved continuing education activities for emergency medical technician specialists shall include, but are not limited to, each of the following topics:

- (a) Preparatory.
- (b) Airway management and ventilation.
- (c) Patient assessment.
- (d) Trauma.
- (e) Medical.
- (f) Special considerations.
- (g) Operations.

R 325.22324 License renewal or relicensure for paramedics; continuing education.

Rule 22324. (1) An applicant for license renewal or relicensure as a paramedic who has been licensed for the 3-year period immediately preceding the expiration date of the license or an applicant for relicensure as a paramedic shall accumulate at least 45 continuing education credit hours that are approved by the department under these rules during the 3 years preceding an application for renewal or relicensure.

(2) An applicant for license renewal or for relicensure under section 20954 of the code, in addition to the requirements of subrule (1) of this rule, shall have an appropriate and current cpr credential as determined by the department. Continuing education credit for cpr credential may be part of the medical continuing education category requirement.

(3) The categories of approved continuing education activities for paramedics shall include, but are not limited to, all of the following topics:

- (a) Preparatory.
- (b) Airway management and ventilation.
- (c) Patient assessment.
- (d) Trauma.
- (e) Medical.
- (f) Special considerations.
- (g) Operations.

R 325.22325 Certification of compliance; additional documentation.

Rule 22325. (1) Submission of an application for renewal or relicensure shall constitute the applicant's certification of compliance with the requirements of these rules.

(2) The department may require an applicant or licensee to submit documentation to demonstrate compliance with the continuing education requirement. The applicant or licensee shall maintain documentation of his or her compliance with the continuing education requirement for a period of 1 year after the expiration date of the license. Failure to provide such documentation creates a rebuttable presumption that the licensee has made a false and fraudulent statement in applying for a license to practice emergency medical services. As provided under section 20958 of the code, the department shall determine if failure to provide documentation of compliance with the continuing education requirement is a violation of section 20954 of the code.

(3) Acceptable documentation of continuing education shall include all of the following:

- (a) Name of licensee participating in program.
- (b) Name of sponsoring organization and instructor-coordinator number.
- (c) Title of program.
- (d) Hours of continuing education credit awarded per required category.
- (e) Date of program.
- (f) Signature of instructor-coordinator or designee.

R 325.22326 Continuing education courses and programs; standards for approval.

Rule 22326. (1) One continuing education credit hour may be earned for each 50 to 60 minutes of instruction at an approved education program that complies with this rule and R 325.22327.

(2) Initial education program sponsors shall be approved for up to 3 years for presentation of continuing education programs at the level consistent with education approval upon submission and approval of a continuing education sponsor application.

(3) The department approves and adopts, by reference, the standards and criteria of the continuing education coordinating board for emergency medical services (cecbems) that are in the publication entitled "CECBEMS Standards and Requirements for Organizational Accreditation". A copy of the publication is available for inspection and distribution to the public at cost from the Department of Community Health, Bureau of Health Professions, P.O. Box 30670, Lansing, MI 48909. A printed copy also is available at from CECBEMS 5111 Mill Run Road Dallas, TX 75244 or on-line at <http://www.cecbems.org/system.cfm> at no cost. Any program approved by cecbems shall be considered a Michigan-approved continuing education program.

(4) The department approves and accepts, by reference, the standards for credentialing in basic and advanced life support set forth by the American heart association in the guidelines for cardiopulmonary resuscitation and emergency cardiac care for professional providers and published in "Guidelines 2000 for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care" (70-2041). A copy of the guidelines for cardiopulmonary resuscitation and emergency cardiac care is available for inspection and distribution to the public at cost from the Department of Community Health, Bureau of Health Professions, P.O. Box 30670,

Lansing, MI 48909. A printed copy also is available from the American Heart Association, 7272 Greenville Avenue, Dallas, TX 75231 or <http://www.americanheart.org> at a cost of \$20 as of the adoption of these rules.

(5) Medical first responders completing an emergency medical technician course, or emergency medical technicians and emergency medical technician specialists completing a paramedic program may be awarded all the required ongoing education credit for the lower licensure level for the current renewal period.

(6) Continuing education credit may be awarded for continuing education programs approved by the Michigan boards of medicine, osteopathic medicine, nursing, or pharmacy toward the ems license if directly related to the emergency medical scope of practice issues, as determined by the department.

(7) Five continuing education credit hours may be awarded for each semester credit earned for academic courses related to ems that are offered either in an educational program approved by the Michigan boards of medicine, osteopathic medicine, or nursing, or in an approved physician assistant program.

(8) Three continuing education credit hours may be awarded for each term credit earned for academic courses related to ems that are offered either in an educational program approved by the Michigan boards of medicine, osteopathic medicine, or nursing, or in an approved physician assistant program.

(9) Credit may be requested for programs offered by out-of-state or military-sponsored ems agencies before license renewal.

(10) The department or its designee shall publish a list of acceptable state or national programs sponsored by emergency medical organizations or other related organizations that do not meet any of the criteria listed in subrules (2) to (8) of this rule with pre-approved credits indicated in the publication.

R 325.22327 Continuing education program sponsors.

Rule 22327. (1) The department shall consider requests for approval of continuing education programs by instructor-coordinators, program sponsors, or other parties not covered in R 325.22326 who submit applications on a form provided by the department. The department or its designee shall evaluate applications for approval based on, but not limited to, the following criteria:

- (a) Educational goals or learning objectives.
- (b) Time schedule and continuing education credits to be awarded.
- (c) Sample certificate or documentation of attendance to be issued to attendees.
- (d) Documentation of qualifications of presenters.
- (e) Use of appropriate and adequate facilities for a program.
- (f) Program content that shall relate to the general subject of emergency medicine.

- (g) Evaluation tools to be used in a program.

(2) All applications for approval to conduct continuing education courses shall be submitted to the department or its designee on forms provided by the department at least 30 days before implementing the programs.

(3) Any individual attending out-of-state or military-sponsored ongoing education programs shall submit a request for approval of the program to the department or its designee if continuing education credits are to be awarded.

(4) Continuing education sponsor approval may be granted for up to 3 years.

(5) Independent study such as continuing education articles in professional journals, ongoing serial productions, or interactive computer programs shall be acceptable, if the program is developed by a professional group such as an educational institution, corporation, professional association, or other approved provider of continuing education and meets all of the following criteria:

- (a) Requires a participant to make an active and appropriate response to the educational materials presented.
- (b) Provides a test or evaluation tool.
- (c) Provides a record of completion as described in R 325.22325.

PART 4. INSTRUCTOR-COORDINATORS

R 325.22331 Licensure by examination; requirements.

Rule 22331. (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 other requirements of the code and the administrative rules, an applicant shall do all of the following:

- (a) Be a licensed emergency medical technician, emergency medical technician specialist, or paramedic.
 - (b) Demonstrate successful completion of an approved instructor-coordinator educational program.
 - (c) Have completed 3 years of full time, part time, on-call, or volunteer direct patient care with a licensed life support agency or other organization providing health care services as formally verified by a licensed physician or health care services agency director.
 - (d) Pass the examination set forth in R 325.22333.
- (2) The fees paid by an applicant who has not completed all requirements for licensure by examination within 2 years of the department's receiving the application shall be forfeited to the department and the application shall be void.
- (3) An individual who is guilty of fraud or deceit in procuring or attempting to procure licensure, including using falsified documents to gain admittance to a department-prescribed licensure examination, shall be denied licensure for a period of at least 2 years.
- (4) An individual shall not represent himself or herself as, function as, or perform the duties of, a licensed instructor-coordinator until licensed as such by the department in accordance with the code and these rules.

R 325.22332 Examination application for instructor-coordinator.

Rule 22332. An application for examination as an instructor-coordinator shall be completed and returned to the department within 2 calendar years of course completion. A candidate for examination whose application is received more than 2 calendar years after course completion shall successfully complete another instructor-coordinator course before being admitted into a subsequent examination.

R 325.22333 Instructor-coordinator examination.

Rule 22333. The department or its designee shall administer a written examination to graduates of an instructor-coordinator education course conducted by a department-approved education program.

R 325.22334 Failure to pass examination; education course required; reexamination.

Rule 22334. An applicant who fails to attain a passing score on the written examination in 3 attempts shall successfully complete an approved instructor-coordinator education course or refresher course before reapplying to the department for further examination.

R 325.22335 Licensure by endorsement.

Rule 22335. An applicant for licensure by endorsement shall submit a completed application on a form provided by the department together with the requisite fee, and submit documentation of all of the following:

(a) Verification of current licensure/certification/registration in any state which granted permission to practice.

(b) Examination scores for a department-prescribed examination which shall be submitted to the department and which verify passage of examinations and/or nremt status.

(c) Proof of training that is substantially equivalent to the state-prescribed curriculum and proof of continuing education or training in areas deemed deficient by the department.

(d) Sanctions or grounds for sanctions by another state that may exist at time of application, which shall disqualify the applicant until the other state certifies that those sanctions or grounds for sanctions no longer exist for the applicant.

R 325.22336 Continuing education for instructor-coordinators; requirements.

Rule 22336. (1) All licensed instructor-coordinators shall accrue 30 continuing education credits in ongoing education programs specified by the department as appropriate for licensed instructor-coordinators. The continuing education credits shall be accrued during the 3-year licensure period.

(2) All continuing education courses shall be approved by the department or its designee before implementation if continuing education credits are to be awarded.

(3) Instructor-coordinators shall earn 30 continuing education hours in 1 of the following ways:

(a) Completion of a minimum 30-hour department-approved instructor-coordinator refresher course.

(b) Completion of the required 30 hours in department-approved professional development programs.

(c) Completion of a total of 30 hours in professional development and educational experience with a minimum of 20 hours in department-approved professional development programs and a minimum of 10 hours in educational experience as defined by the department.

R 325.22337 Instructor-coordinator license renewal or relicensure.

Rule 22337. (1) Not more than 60 days before the date of license expiration, the department shall transmit to the last known address of the licensee, an application for license renewal. Failure of the licensee to receive notice for renewal shall not relieve the licensee of the responsibility for renewing his or her license.

(2) An applicant for license renewal or relicensure as an instructor-coordinator who has been licensed for the 3-year period immediately before the expiration date of the license or an applicant for relicensure, in addition to holding a current license as an emergency medical technician, emergency medical technician specialist, or paramedic, shall accumulate during the 3 years before an application for renewal or relicensure at least 30 continuing education credit hours in department-approved programs.

R 325.22338 Certification of compliance; additional documentation.

Rule 22338. (1) Submission of an application for renewal or relicensure shall constitute an applicant's certification of compliance with the requirements of this rule.

(2) The department may require an applicant or licensee to submit documentation to demonstrate compliance with the continuing education requirement. An applicant or licensee is responsible for maintaining documentation of his or her compliance with the continuing education requirement for a period of 1 year from the expiration date of the license. Failure to provide such documentation creates a rebuttable presumption that the licensee has made a false and fraudulent statement in applying for a license to practice emergency medical services. As provided under section 20958 of the code, the department shall determine if failure to provide documentation of compliance with the continuing education requirement is a violation of section 20954 of the code.

(3) Acceptable documentation of continuing education shall include all of the following:

- (a) Name of the licensee participating in the program.
- (b) Name of sponsoring organization and instructor-coordinator number.
- (c) Title of program.
- (d) Hours of continuing education credit awarded per required category.
- (e) Date of program.
- (f) Signature of instructor-coordinator or designee.

PART 5. EDUCATION PROGRAM REQUIREMENTS**R 325.22339 Education programs; requirements.**

Rule 22339. A medical first responder, emergency medical technician, emergency medical technician specialist, or paramedic education program shall comply with all of the following requirements:

- (a) Be under the direction of a physician director, except for medical first responder education programs.

(b) Be coordinated by a licensed instructor-coordinator who shall ensure that an instructor-coordinator, qualified instructor, or subject matter expert is in attendance at all didactic and practical sessions.

(c) Qualified instructors and subject matter experts are subject to review and approval by the department through the program sponsor approval process.

(d) Apply to the department, on forms provided by the department or its designee, for educational program sponsor approval to conduct an education course at least 60 days before the start of the course, and be approved by the department through an on-site program sponsor approval process before implementation.

(e) Advise the students before or at the first class session that the education program and course are approved by the department.

(f) Conduct courses according to an on-site program sponsor approval process.

(g) Provide the department and its designee within 30 calendar days of course completion with a list of students who successfully completed the course, including at least each student's name and date of birth, and, if possible, social security number.

R 325.22340 Instructor-coordinator education program; requirements.

Rule 22340. (1) An instructor-coordinator education program shall comply with all of the following requirements:

(a) Be coordinated by a licensed instructor-coordinator who has coordinated at least 1 initial education program in the last 3 consecutive years.

(b) Utilize qualified instructional staff with appropriate expertise.

(c) Include classroom and supervised student teaching or internship experience in the curriculum.

(d) Apply to the department, on forms provided by the department or its designee, to conduct an education course at least 60 days before the start of the course, and be approved by the department through an on-site program sponsor approval before implementation.

(2) Conduct courses according to an on-site program sponsor approval process.

R 325.22341 Education program sponsor responsibilities.

Rule 22341. (1) An education program sponsor shall be responsible for the overall quality of the program and courses offered. The program sponsor, the instructor-coordinator, and the physician director shall be responsible for, but not limited to, all of the following:

(a) Establishing admission requirements and conducting entry assessments.

(b) Establishing standards for successful course completion.

(c) Establishing standards for instructors and approval of all instructors, ensuring that all instructors meet or exceed the standards established in R 325.22344.

(d) Ensuring that the medical control authority in the region is informed of the program.

(e) Establishing clinical contracts specific to the level of the program and expected activities.

(f) Monitoring the activities of the emergency medical services instructor-coordinator based on standards developed by the program sponsor.

(g) Establishing an equal opportunity policy that at a minimum complies with state and federal law.

(h) Providing an adequate and appropriate instructional facility including making available equipment that is functional, in good repair, and is of a similar type to that currently on the list of required minimum equipment for life support vehicles.

(i) Developing examinations based on approved curricula.

(j) Developing a process for students to appeal decisions made by the staff or sponsor relative to their performance in the course. This process shall be made available, in writing, to each student.

R 325.22342 Instructor-coordinator responsibilities.

Rule 22342. (1) An instructor-coordinator for all emergency medical educational training courses shall possess a current ems license that shall be commensurate with the level of the training course being taught. Only an instructor-coordinator with a paramedic license may be responsible for a paramedic course.

(2) The instructor-coordinator responsibilities shall include, but not be limited to, all of the following:

(a) Complying with instructor-coordinator performance standards indicated in instructor-coordinator curriculum.

(b) Being responsible for course development, evaluation, and coordination of curricular elements, including those of a clinical nature, and assisting in the selection and evaluation of instructors, with the approval of the program sponsor and physician director.

(c) Planning the course content and ensuring that it complies with the department's requirements.

(d) Assisting in the evaluation and selection of students.

(e) Evaluating and maintaining records of student performance.

(f) Maintaining and assuring the availability of equipment and training aids.

(g) Coordinating and maintaining records of clinical experience.

(h) Counseling and assisting students, as appropriate.

(i) Providing the department, within 30 calendar days of course completion, with a list of students who successfully completed the course, including at least each student's name and date of birth and, if possible, social security number.

R 325.22343 Education program physician director; responsibilities.

Rule 22343. (1) The education program physician director responsibilities shall include, but are not limited to, all of the following:

(a) Conducting a periodic review of the organization and content of a course to ensure that current standards of emergency medical care are being utilized throughout the course.

(b) Working with the education sponsor and the instructor-coordinator in carrying out the responsibilities of course development, evaluation, and coordination of curricular elements, including those of a clinical nature, and selecting and evaluating instructors.

- (c) Having clinical experience and current expertise in providing emergency care.

R 325.22344 Education program course instructor; requirements.

Rule 22344. (1) An education program course instructor shall meet, at a minimum, both of the following requirements:

- (a) Have a working and practical knowledge of the objectives and components of the education course relevant to his or her area of instruction.
- (b) Be a licensed health professional with relevant and current clinical experience, or possess educational expertise that is appropriate to his or her specific topic of instruction.

R 325.22345 Department evaluation of education programs.

R 22345. (1) The department may evaluate an emergency medical services program at any time. An evaluation shall commence when any of the following occurs:

- (a) A request for a new program is submitted.
 - (b) The failure rate on the required licensure examination for 1 calendar year of compiled statistics is more than 10% below the threshold established by the department.
 - (c) Complaints regarding the conduct of the program are received and it is necessary to validate the complaints.
- (2) Evaluation processes may include any of the following:
- (a) A site visit.
 - (b) A follow-up study of graduates and employers.
 - (c) A review of available statistical information available regarding the program.

PART 6. HEARING PROCEDURES

R 325.22346 Applicability.

Rule 22346. (1) The procedures set forth in this part apply to hearings required by sections 20162(5), 20165, 20166, and 20168 of part 201 of the code as they relate to advanced mobile emergency care services, limited advanced mobile emergency care services, ambulances, and ambulance operations and as they relate to sections 20739, 20766, and 20767 of part 207 of the code.

(2) Unless otherwise provided by the code, the procedures for a hearing shall comply with chapters 4 and 5 of 1969 PA 306, MCL 24.271 to 24.292.

R 325.22347 Compliance orders; opportunity to show compliance.

Rule 22347. (1) When the department issues a compliance order to an ambulance operation, limited advanced mobile emergency care service, or advanced mobile emergency care service under the provision of section 20162(5) of the code, the compliance order shall comply with all of the following requirements:

- (a) Describe the violation and the statute or rule violated.
- (b) Specify the corrective action to be taken and the period of time in

which corrective action is to be completed.

(c) Inform the licensee that he or she has a right to a hearing within 5 days from the time of service and that, if he or she wishes to be heard, the department will have a hearing officer present at the time or place specified in the compliance order.

(2) Failure to raise a defense on or before the hearing, or to appear at the hearing, shall be deemed an admission of the matters asserted in the compliance order. If the respondent fails to make an appearance or to contest the notice, the compliance order shall be final without any further proceeding.

(3) Before commencing the proceedings for denial, limitation, revocation, or suspension of a license, authorization, approval, or certification for an ambulance operation, advanced mobile emergency care service, limited advanced mobile emergency care service, or emergency personnel required to be licensed, authorized, approved, or certified by the code and these rules, the department shall give notice to the applicant or holder of the license, authorization, approval, or certification, personally or by certified mail, of the facts or conduct which warrants the intended action and shall provide the applicant or holder of the license, authorization, approval, or certification with an opportunity to show compliance with the code and these rules at a compliance conference.

(4) If the applicant or holder of the license, authorization, approval, or certification is unable to demonstrate compliance with all lawful requirements for licensure, authorization, approval, or certification to the satisfaction of the department at the compliance conference, the department may issue a notice of hearing which shall state the grounds for the amendment, denial, suspension, or revocation or grounds for the department's intent to amend, deny, limit, suspend, or revoke the license, authorization, approval, or certification.

R 325.22348 Hearing; initiation; content of notice; conduct.

Rule 22348. (1) A hearing is initiated by the department by giving notice thereof to the respondent, either personally or by certified mail. Notice shall include all of the following information:

- (a) The time, date, place, and nature of the hearing.
- (b) The action intended by the department and a brief statement of the facts involved.
- (c) The legal authority and jurisdiction under which the hearing is to be held.
- (d) A reference to the applicable sections of the code and the rules involved.

(2) The hearing shall be conducted by the director or 1 or more hearing officers designated by the director.

R 325.22349 Service; proof of service.

Rule 22349. Unless otherwise specified, service of a document upon any party shall be made by personal delivery or by certified mail to the last known address of the party or the authorized representative of a party as indicated on the records of the department, and proof of service shall be filed with the department.

R 325.22350 Appearance.

Rule 22350. A party may appear in person, by an authorized representative, or by legal counsel.

R 325.22351 Pleadings and documents.

Rule 22351. (1) All pleadings shall contain the department's caption and docket number, if assigned, and shall include a clear and plain statement of facts alleged and the relief sought.

(2) A pleading, other than an exhibit, shall be typewritten, double spaced, and on letter-size opaque paper, approximately 8 1/2 inches by 11 inches. The left margin shall be 1 1/2 inches and the right margin 1 inch. A pleading and other documents shall be fastened in the upper left corner.

(3) A hearing shall be titled "In the matter of (name of respondent)." This caption shall appear at the upper left side of the first page of each filed pleading or document other than an exhibit.

(4) The first page of a pleading or document, other than an exhibit, shall show at its upper right side, opposite the caption, the docket number assigned by the department, if known.

R 325.22352 Extension of time; request.

Rule 22352. A request for an extension of time for the filing of a pleading or document shall be made in writing and served on the presiding officer and all parties not less than 5 days before the date on which the pleading or document is due to be filed.

R 325.22353 Answer.

Rule 22353. Within 15 days after service of a notice of hearing, a respondent may file a written answer with the department. The answer shall respond to all allegations in the notice of hearing which the party plans to contest and shall raise any affirmative defenses. All allegations not denied by written answer are deemed admitted.

R 325.22354 Consolidation; severance.

Rule 22354. (1) Cases may be consolidated, for good cause, on the motion of any party or the hearing officer's own motion, in such circumstances as justice and the administration of the code and these rules require. A motion for the consolidation of cases shall be filed within 20 days after service of the notice of hearing on each party to the cases which would be

consolidated. Within 10 days after service of the motion, the other parties may file a response thereto. Unless a request for oral argument is made and granted, the termination of the motion shall be made on the pleadings.

(2) Upon his or her own motion, or upon motion of any party, the hearing officer, for good cause, may order any case severed as to some or all issues or parties.

R 325.22355 Presiding officer; powers and duties; disqualification.

Rule 22355. (1) A presiding officer shall have all powers necessary or appropriate to conduct a fair, full, and impartial hearing, including the power to do all of the following:

- (a) Administer oaths and affirmations.
- (b) Rule upon offers of proof and receive relevant evidence.
- (c) Provide for the taking of testimony by deposition.
- (d) Regulate the course of the hearings, set the time and place for continued hearings, fix the time for filing of briefs and other documents, and issue subpoenas.
- (e) Consider and rule upon procedural requests.
- (f) Hold conferences for the settlement or simplification of the issues by consent of the parties.
- (g) Prepare proposed decisions, if required.

(2) When a hearing officer believes himself or herself disqualified to preside over a particular hearing, he or she shall withdraw therefrom by notice on the record directed to the director. A party who claims that a hearing officer should be disqualified to preside, or to continue to preside, over a particular hearing may file with the director a motion to disqualify. The motion shall be supported by affidavits setting forth the alleged grounds for disqualification. The director shall rule upon the motion, and the decision shall be determinative for purposes of the hearing.

R 325.22356 Prehearing conference.

Rule 22356. (1) The presiding officer, upon request of any party or on his or her own motion, may order a prehearing conference for the purpose of facilitating the disposition of a contested case.

- (2) The purposes of the prehearing conference are as follows:
 - (a) State and simplify the factual and legal issues to be litigated.
 - (b) Admit matters of fact and the authenticity of documents and resolve other evidentiary matters to avoid unnecessary proof.
 - (c) Exchange lists of witnesses and the nature of their testimony.
 - (d) Estimate the time required for the hearing.
 - (e) Resolve other matters that may aid in the disposition of the case.
- (3) At the prehearing conference, the presiding officer may make rulings on motions pertaining to evidence, law, and procedure, when practicable. A record shall be made of all motions and rulings and other matters deemed

appropriate at the presiding officer's discretion and shall become a part of the hearing record.

(4) The parties to a hearing are encouraged to voluntarily confer for the purpose of facilitating the disposition of a case.

R 325.22357 Adjournment.

Rule 22357. A party may request an adjournment of a scheduled hearing by motion to the presiding officer assigned to conduct the hearing. The presiding officer shall not rule on the request until opposing parties have had an opportunity to be heard on the request. However, if all parties agree to the adjournment, then the presiding officer may rule on the request immediately.

R 325.22358 Agreement before final order.

Rule 22358. (1) At any time before a final order is issued, the parties may negotiate an agreement containing consent findings and an order disposing of the whole or a part of the case. This agreement shall be submitted to the presiding officer who shall rule upon it after considering the nature of the proceeding, the representations of the parties, and the probability that the agreement will result in a just disposition of the issues involved.

(2) The agreement containing consent findings and an order disposing of a proceeding shall contain all of the following provisions:

(a) That the consent finding and order shall have the same force and effect as if made after a full hearing.

(b) That the record on which an order may be based shall consist solely of the pleadings and the agreement.

(c) A waiver of any further proceedings before the hearing officer and the director.

(d) A waiver of any right to challenge or contest, in any forum, the validity of the consent findings and order made in accordance with the agreement.

R 325.22359 Discovery.

Rule 22359. (1) The same rights to discovery and depositions provided in the general court rules of this state applicable to civil cases shall apply to all hearings commenced and conducted pursuant to the code and these rules. The presiding officer shall rule on all motions relative to depositions and discovery.

(2) Discovery depositions and motions for discovery shall not be allowed by the presiding officer if they are likely to interfere with the efficient conduct of the hearing, unless serious prejudice would result therefrom.

R 325.22360 Preliminary motions.

Rule 22360. (1) Not less than 5 days before the date set for hearing in

the notice, all preliminary motions shall be filed, unless the presiding officer, for good cause shown, permits the filing of such motions at a later date. These motions shall include all of the following:

- (a) Motions for a more definite statement.
- (b) Motions to strike pleadings.
- (c) Motions to amend pleadings.
- (d) Motions for accelerated judgment.
- (e) Motions for summary judgment.
- (f) Discovery motions.
- (g) Motions relative to depositions.

(2) On the date set for hearing in the notice, the presiding officer shall first hear all pending preliminary motions. He or she shall decide them in the same manner as provided for in the general court rules of the state for civil cases. Thereafter, all motions are to be made and heard at the direction of the presiding officer.

(3) After hearing all pending preliminary motions, if any, the presiding officer may hold a prehearing conference as provided for in these rules.

R 325.22361 Direct testimony.

Rule 22361. When in any case it is deemed necessary or desirable, the presiding officer may direct that the direct testimony of any witness or witnesses be submitted in written form, together with any exhibits to be sponsored by the witness, before the hearing. Such direct testimony shall be submitted in typewritten form on 8 1/2-inch by 11-inch paper and shall be in question and answer form. The direct testimony of each witness so submitted shall be made a separate exhibit, and the name and address of the witness, together with the caption of the case, shall appear on a cover sheet. Each witness is required to be present at the hearing to introduce his or her written testimony as an exhibit and for cross-examination at such date, time, and place as directed by the presiding officer.

R 325.22362 Hearing record; transcripts.

Rule 22362. Hearings shall be recorded, but need not be transcribed unless requested by a party. The party requesting the transcript shall pay for the transcript.

R 325.22363 Proposal for decision.

Rule 22363. (1) Following the conclusion of a hearing, the hearing officer, if other than the director, shall deliver to the department the official case file and his or her proposal for decision. The department shall serve the proposal for decision upon the parties by registered or certified mail or personal service, and each party shall have 10 days from the date of service of the proposal for decision to file exceptions or present written arguments to the director.

(2) Following review of the record or the proposal for decision and exceptions thereto, if any, the director shall issue an order setting forth findings of fact,

conclusions of law, and his or her final order or an order for further proceedings. The department shall serve copies of the director's order upon all parties.

(3) If no exceptions are filed, the proposal for decision shall become the final order of the department, unless the director issues his or her order within 90 days from the date of service of the proposal for decision.

R 325.23101 Rescinded.

R 325.23102 Rescinded.

R 325.23103 Rescinded.

R 325.23104 Rescinded.

R 325.23105 Rescinded.

R 325.23106 Rescinded.

R 325.23107 Rescinded.

R 325.23201 Rescinded.

R 325.23202 Rescinded.

R 325.23203 Rescinded.

R 325.23301 Rescinded.

R 325.23302 Rescinded.

R 325.23303 Rescinded.

R 325.23304 Rescinded.

R 325.23401 Rescinded.

R 325.23402 Rescinded.

R 325.23403 Rescinded.

R 325.23404 Rescinded.

R 325.23405 Rescinded.

R 325.23406 Rescinded.

R 325.23407 Rescinded.

R 325.23501 Rescinded.

R 325.23502 Rescinded.

R 325.23503 Rescinded.

R 325.23504 Rescinded.

R 325.23505 Rescinded.

R 325.23506 Rescinded.

R 325.23507 Rescinded.

R 325.23601 Rescinded.

R 325.23602 Rescinded.

R 325.23603 Rescinded.

R 325.23701 Rescinded.

R 325.23702 Rescinded.

R 325.23703 Rescinded.

R 325.23704 Rescinded.

R 325.23705 Rescinded.

R 325.23706 Rescinded.

R 325.23707 Rescinded.

R 325.23801 Rescinded.

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R 325.24118 Rescinded.