

BPL Clarification for Licensees
Revised: November 16, 2020

As of October 2, 2020, the Executive Orders that had been issued previously, in response to the COVID-19 pandemic, are no longer in effect. This clarification document is being provided to assist licensees in understanding what they may need to do to maintain their license as well as be aware of any other information related to orders issued by public health or other state agencies that may be in effect.

The Bureau of Professional Licensing (BPL) encourages licensees and registrants to stay up to date by reviewing the current Department of Health and Human Services (DHHS) Epidemic Orders that are in effect. To view updated **DHHS Epidemic Orders**, please visit the following link:

https://www.michigan.gov/coronavirus/0,9753,7-406-98178_98455-533660--,00.html

In addition, the Michigan Occupational Health and Safety Administration (MIOSHA) has issued guidance as well as new Emergency Rules that are in effect. To view updated **MIOSHA guidelines**, please visit the following link:

<https://www.michigan.gov/leo/0,5863,7-336-100207---,00.html>

ADDITIONAL IMPORTANT INFORMATION FOR LICENSEES AND REGISTRANTS:

Continuing Education Requirements

All health license renewal requirements and dates are currently in effect. Although previous Executive Orders allowed the Bureau to waive continuing education (CE) requirements for health professionals licensed under the Public Health Code, effective October 2, 2020, BPL no longer has this legal authority. Therefore, health licensees renewing after 11:59 pm October 1, 2020, are required to have completed all required CEs or request a waiver as permitted under the Michigan Public Health Code (see below MCL 333.16205).

Licensees experiencing difficulty with completing continuing education courses that have been canceled due to emergent issues with Coronavirus Disease 2019 (COVID-19) should make every effort to schedule alternative courses in order to meet any necessary continuing education requirements. In addition, pursuant to former EO 2020-82, health professionals can use hours worked responding to the pandemic prior to June 9, 2020, toward meeting CE requirements at their next license renewal. Please work with your health care provider (employer) and/or your respective professional association for further assistance and instructions.

[MCL 333.16205](#) of the Michigan Public Health Code also affords health licensees the ability to request a waiver of continuing education by their profession's board. Please note, requests

must be received before the expiration date of the license. However, approval of a waiver is not guaranteed and the final determination rests with the board. If requesting a waiver, a licensee is encouraged to provide documentation to support his or her written request.

If selected for a random audit by the Bureau:

- BPL will take into consideration whether the licensee or registrant found difficulty completing the required CE for a particular health profession between March 10, 2020, and 11:59 pm October 1, 2020.
- Health licensees claiming CEs for COVID-related health care services and activities will be required to provide reasonably sufficient evidence to show that the hours they worked during the time period in question were hours worked responding to the COVID-19 emergency. Examples of reasonably sufficient evidence include, but are not limited to, a written attestation by the licensee, a Human Resources Administrator, or a direct supervisor at work, to the timeframe such as date and time, including hours worked.

Continuing Education “Live” Course Requirements

Many health code professions require that a certain amount of continuing education (CE) be completed in “live” sessions. Since the beginning of the pandemic, BPL has provided clarification regarding the rules in the following way and will continue to do so:

- a. A rule that requires “in-person” attendance requires the attendee to be physically present at the program. The requirement does not allow attendance via virtual/internet or other electronic means. However, so long as the Department of Health and Human Services (DHHS) Epidemic Order(s) are in effect that are in place to help curb the further spread of COVID-19 such as doing everything possible remotely versus in-person, LARA will consider CE that is earned through technology solutions that allow for synchronously/real-time exchange or interaction with the program instructor and delivery of course materials such as a live webinar or live virtual session that allows for real-time interaction will count towards the “in-person” requirement. Pre-recorded webinars or pre-recorded e-learning opportunities will not be accepted to meet this requirement.
- b. A rule that requires “live” attendance only requires that the attendee participant see the program synchronously/in-real time, whether physically in-person or virtually.
- c. If a rule requires “live” and “in-person,” attendance requires physical presence at the program with real time interaction with the program instructor and delivery of the course materials. However, as noted under item “a.” in the above, the same will apply as being acceptable so long as the CE is earned through technology solutions that allow for synchronously/real-time exchange or interaction with the program instructor and delivery of courses materials such as a live webinar or virtual session that allows for real-time interaction will count towards “live” and “in-person”. Pre-recorded webinars or pre-recorded e-learning opportunities will not be accepted to meet this requirement.
- d. If a rule requires “in person using live, synchronous contact” (Social Workers) attendance only requires that the attendee participant see the program synchronously/in-real time,

whether physically in-person or virtually. A live webinar where participants can see the instructor and interact by asking questions, etc. is acceptable versus a pre-recorded webinar which would not be accepted.

Temporary Licenses During Declared State of Emergency

Health professionals that were granted exam waivers under previous Executive Orders were issued temporary licenses. Licensees who received these temporary licenses were informed that the license would only be valid for six (6) months from the date when the state of emergency declaration expired. Failure to meet all of the licensure requirements outlined in state law or rules, pertaining to the license, by the end of the six (6) months, will result in an issued temporary license being deemed null and void, despite the expiration date that is reflected on the license issued.

As a result of Michigan's state of emergency ending, licensees with temporary licenses will have six (6) months from October 2, 2020 to April 2, 2021 (11:59 pm) to meet all licensure requirements. This includes any exam requirements that were waived to receive this temporary license but now must be met. The requirements for licensure can be found in each profession's laws and rules available at www.michigan.gov/bpl.

Temporary Foreign Waiver Licenses

Executive Order 2020-61 allowed certain health professionals, who were licensed in good standing in another country, to obtain a temporary license. These licenses are no longer valid as the Executive Order provided that the licenses were only valid during Michigan's state of emergency, which ended on October 2, 2020. As a result, these licenses are now null and void effective October 2, 2020 despite the expiration date that is reflected on the license issued.

Telehealth/Telemedicine Services

General provisions in the Michigan Public Health Code (Code) allow a health professional, who is authorized under the Code, to provide a telehealth service after obtaining consent for treatment.

"Telehealth" means the use of electronic information and telecommunication technologies to support or promote long-distance clinical health care, patient and professional health-related education, public health, or health administration. Telehealth may include, but is not limited to, telemedicine. "Telemedicine" means that term as defined in section 3476 of the insurance code of 1956, 1956 PA 218, [MCL 500.3476](#).

Exemption from Licensure

Individuals may fall under the exemption from licensure, whether providing telemedicine or direct care services as provided in the Michigan Public Health Code [MCL 333.16171](#). In addition, BPL has issued further clarification around this this provision, specifically subsection (c), and posted online at www.michigan.gov/bpl.

Those with additional licensing questions are encouraged to email BPL at BPLHelp@michigan.gov.