

Improving Equity in the Delivery of Health Care in Michigan



Marlon I. Brown,
Michigan Department of Licensing and Regulatory Affairs

What is CLEAR?

CLEAR promotes regulatory excellence through conferences, educational programs, webinars, seminars and symposia. The organization provides networking opportunities, publications, and research services for those involved with, or affected by, professional and occupational regulation. As a neutral forum to encourage and provide for the sharing of best practices, CLEAR serves and supports the international regulatory community and its vital contribution to public protection.



Membership

CLEAR's membership benefits from:

- discounted conference rates at the premier regulatory conference
- free subscription to *CLEAR Exam Review*
- discounts on CLEAR publications
- access to our clearinghouse information and referral service
- eligibility to serve on CLEAR's committees and thereby shape the regulatory agenda for coming years

Much of CLEAR's work, from the Communities by CLEAR discussion forum to the development of the organization's important training programs, is funded by membership dues. You are cordially invited to consider membership and deepen your involvement with this extraordinary organization.



Upcoming CLEAR Programs

- February 24/25, 2021 - CLEAR Webinar: Evolution of Contact Hours and COVID19
- March 25/26, 2021 - CLEAR Free Information-Sharing Webinar: Measuring strategic performance in regulation – using data to demonstrate our value

Introduction to Regulatory Governance webinar series

- February 25 – Foundations of Occupational and Professional Regulation
- March 18 – Roles and Responsibilities of a Board Member
- April 22 – Administrative Rulemaking
- May 20 – Professional Discipline
- June 17 – Assessing Competence

Online National Certified Investigator & Inspector Training (NCIT) Basic Programming

- May 2021 offering begins May 17 – US content
- July 2021 offering begins July 12 – Canadian content

Online National Certified Investigator & Inspector Training (NCIT) Specialized Programming

- May 2021 offering begins May 3





PROTECT PEOPLE &
PROMOTE BUSINESS

Improving Equity in the Delivery of Health Care

Council on Licensure, Enforcement and Regulation
Monday, February 1, 2021

Marlon I. Brown, Presenter



About LARA

- Our mission is to protect people and promote business in Michigan through transparent and accessible regulatory solutions
- LARA licenses and regulates nearly 2 million individuals and entities on an annual basis
 - This includes health professionals and facilities, occupational licenses, and liquor licenses.
- 1,500+ employees
- Annual budget is \$484.4 million
 - Majority is restricted revenue (licensing / registration fees)



PROTECT PEOPLE &
PROMOTE BUSINESS

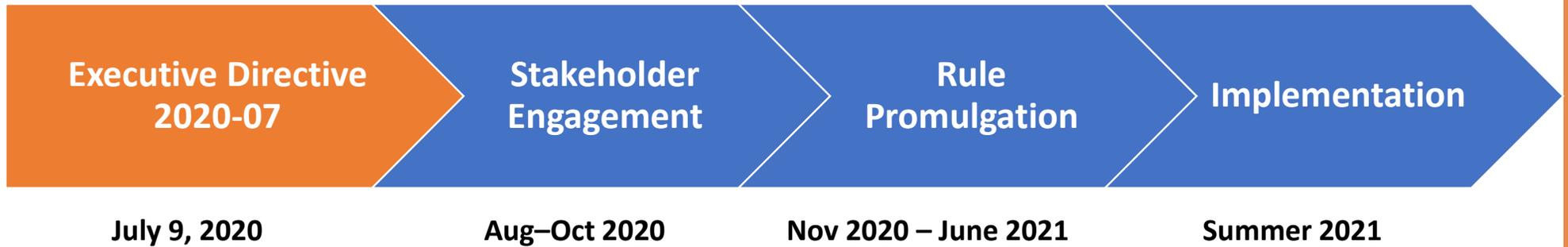
About LARA

- Five Bureaus:
 - Community & Health Systems
 - Construction Codes
 - Corporations, Securities & Commercial Licensing
 - Fire Services
 - Professional Licensing
- Six Independent Agencies:
 - Liquor Control Commission
 - Marijuana Regulatory Agency
 - Michigan Office of Administrative Hearings and Rules
 - Michigan Public Service Commission
 - Michigan Unarmed Combat Commission
 - Michigan Indigent Defense Commission



PROTECT PEOPLE &
PROMOTE BUSINESS

Michigan's Process



PROTECT PEOPLE &
PROMOTE BUSINESS

Laying the Foundation

COVID-19 has had a disproportionate impact on Michigan's communities of color

Black Michiganders represent 14% of the state population, but over 35% of confirmed COVID-19 cases where the race of the patient was known

Black and Latino people have been nearly twice as likely to die from the virus as white people, according to CDC data

Disparities in health outcomes are associated with many demographic factors

Women are more likely to experience delayed diagnosis of heart disease compared to men, as well as inferior heart attack treatment

The National Healthcare Disparities Report concluded that white patients received care of a higher quality than did Black, Hispanic, Indigenous, and Asian Americans

Health care disparities can unintentionally arise due to implicit bias

Defined as “thoughts and feelings that often exist outside of conscious awareness, and thus are difficult to consciously acknowledge and control”

Eliminating unconscious biases, misconceptions, and stereotypes can help reduce health care disparities



PROTECT PEOPLE &
PROMOTE BUSINESS

Laying the Foundation

Executive Directive 2020-07

Requires LARA, in consultation with relevant boards and task forces, to promulgate rules to establish implicit bias training standards as part of the knowledge and skills necessary for licensure, registration, and renewal of licenses and registrations.

Applies to occupations under Article 15 of the Public Health Code, except for persons practicing under Part 188 (veterinary medicine).

Stakeholders must be consulted with by November 1, 2020.



PROTECT PEOPLE &
PROMOTE BUSINESS

Laying the Foundation

**E.D. 2020-07
Covers 26
Licensed
Health
Professions**

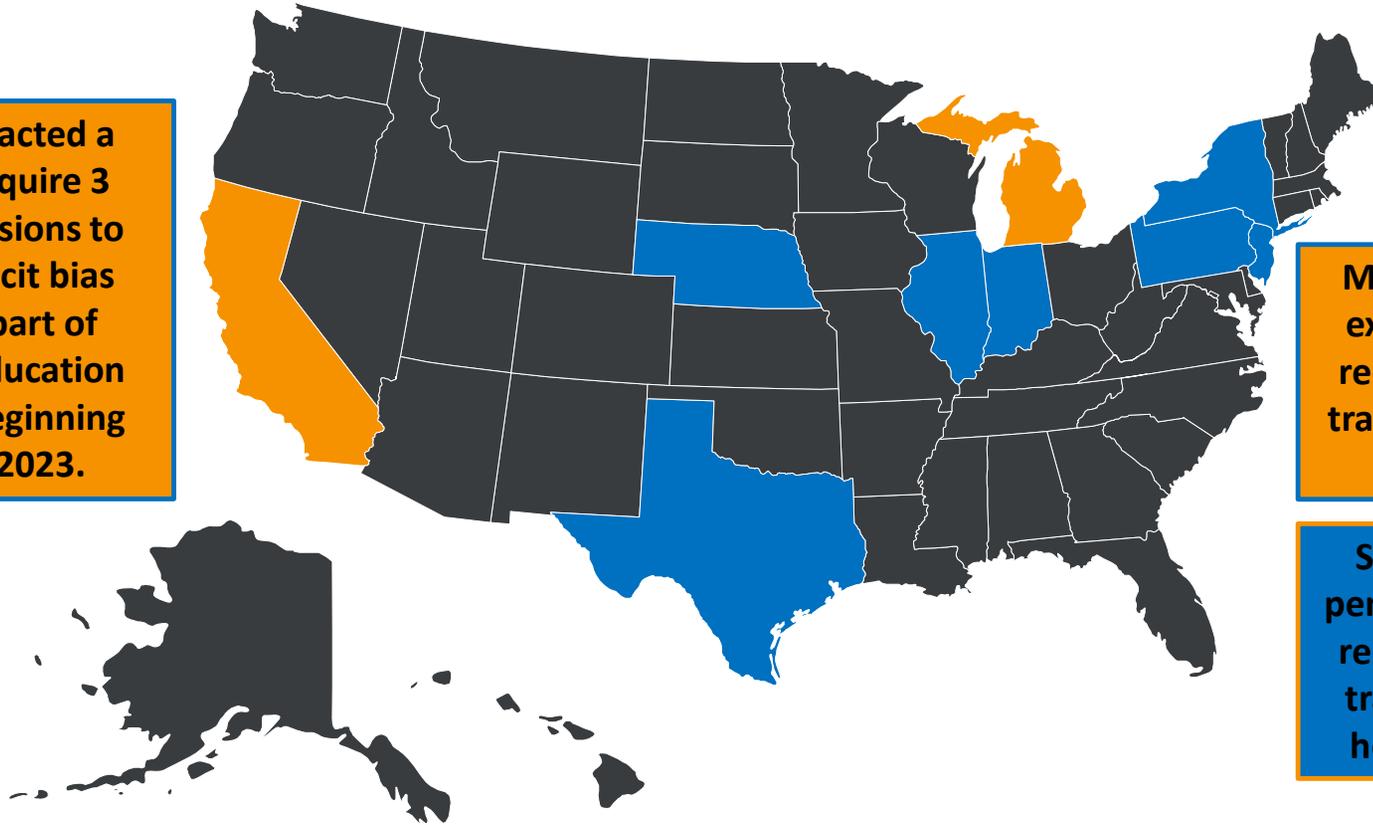
Acupuncture	Applied Behavior Analysis	Athletic Trainer	Audiology	Chiropractors	Counseling
Dentistry	Genetic Counseling	Marriage and Family Therapy	Massage Therapy	Medicine (MD)	Midwifery
Nursing	Nursing Home Administrator	Occupational Therapy	Optometry	Osteopathic Medicine & Surgery	Pharmacy
Physical Therapy	Physician's Assistant	Podiatric Medicine & Surgery	Psychology	Respiratory Care	Sanitarian
		Social Workers	Speech-Language Pathology		



PROTECT PEOPLE &
PROMOTE BUSINESS

Examples from Other States

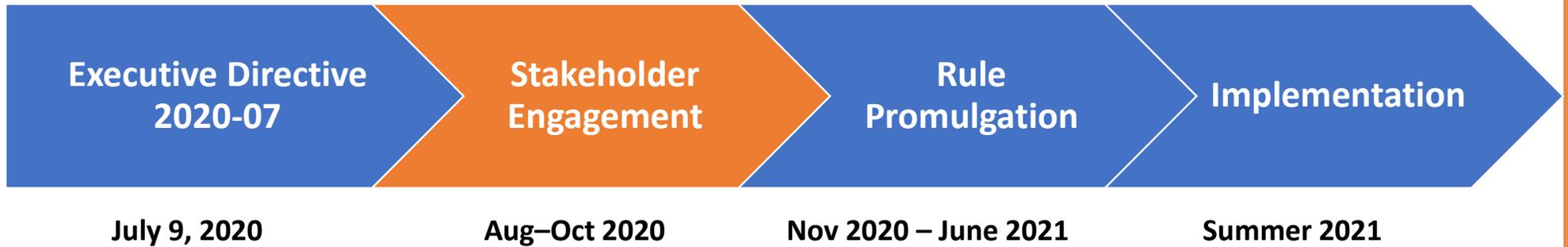
California enacted a statute to require 3 health professions to include implicit bias training as part of continuing education curriculum beginning January 1, 2023.



Michigan has taken executive action to require implicit bias training for 26 health professions

Seven states have pending legislation to require implicit bias training for various health professions

Michigan's Process



PROTECT PEOPLE &
PROMOTE BUSINESS

Stakeholder Engagement



Consider various perspectives, best practices, and existing implicit bias training efforts



Gather constructive feedback regarding the proposed implicit bias training requirements



Inform the rulemaking process in an advisory capacity



PROTECT PEOPLE &
PROMOTE BUSINESS

Stakeholder Engagement

Implementation

- Timeline to obtain training
- Putting rules into practice
- Recognize previous/ongoing training

Curriculum

- Scope of the training (race, gender, ability, etc.)
- Pre/Post-Assessment
- Levels (intro v. intermediate)

Partnerships

- Collaboration with vendors, nonprofits, academia, & other stakeholders
- Utilize research capacity
- Evaluate impact



PROTECT PEOPLE &
PROMOTE BUSINESS



Stakeholder Engagement



PROTECT PEOPLE &
PROMOTE BUSINESS

Stakeholder Meetings & Participation

- 2 full workgroup meetings on August 26 and September 16
 - Session #1 – (105)
 - Session #2 – (138)
- 15 subgroup meetings held from September 28 - October 16
 - Implementation (26)
 - Curriculum (52)
 - Partnerships (32)

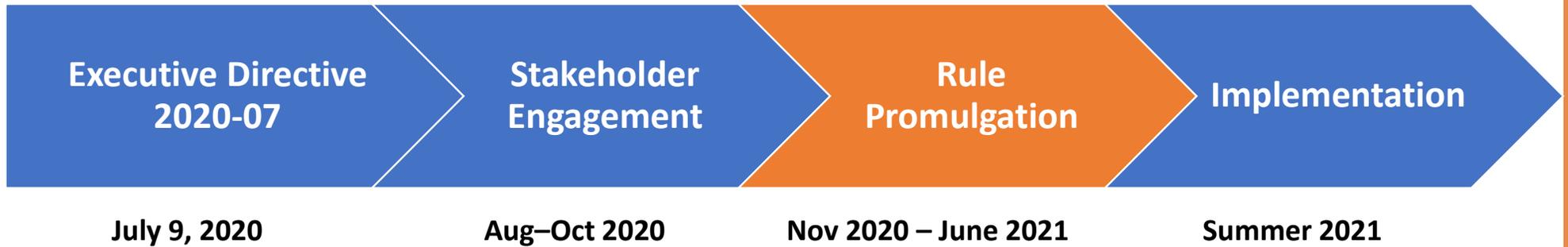
86 Organizations Represented

- Including insurance providers, hospitals, health care associations, legislators, state agencies, higher education, community and advocacy groups

Feedback Received

- Compiled a repository of more than 80 ideas
- Consulted implicit bias research and best practices
- Final recommendations submitted to LARA's Bureau of Professional Licensing

Michigan's Process



PROTECT PEOPLE &
PROMOTE BUSINESS

Michigan's Administrative Rulemaking Process

1

Request for Rulemaking

Officially begins the rulemaking process

2

Draft Rules

Formalizes the changes proposed in the ruleset

3

Regulatory Impact Statement

*Establish impact of rule changes on the agency and citizens;
Provide cost-benefit analysis*

4

Public Hearing

Receive public comment on the proposed changes

LARA
LICENSING AND REGULATORY AFFAIRS

PROTECT PEOPLE &
PROMOTE BUSINESS

5

Rules Package Report

Certify and submit final proposed rules to the legislature

6

Joint Committee on Administrative Rules

Provide legislative input on final proposed rules

7

Certificate of Adoption

Certify intent to adoption rules and file with Office of the Great Seal

Michigan's
Administrative
Rulemaking
Process



PROTECT PEOPLE &
PROMOTE BUSINESS



Rule Promulgation



PROTECT PEOPLE &
PROMOTE BUSINESS

Request for Rulemaking

- On November 5, LARA filed a request to officially begin the process of promulgating the implicit bias training rules (Ruleset 2020-109 LR)

Details on Training Requirements

- The draft rules and regulatory impact statement were approved on January 15 and are currently available for the public to review

Public Hearing and Public Comment

- The public hearing is scheduled for Tuesday, March 9, at 1:00PM and will be held virtually
- Written comments will be received from February 15 through March 9
- Email: BPL-BoardSupport@michigan.gov

Proposed Implicit Bias Training Requirements

- New applicants for health care licensure or registration must complete a minimum of 2 hours of implicit bias training
 - Training will be accepted if completed within the 5 years immediately preceding issuance of the license or registration
- Applicants for renewal of health care licensure or registration must complete a minimum of 1 hour of implicit bias training for each year of the applicant's license or registration cycle
- Requirements will take effect one year after the rules have been promulgated

Proposed Implicit Bias Training Requirements

- Training must be related to reducing barriers and disparities in access to and delivery of health care services
- Training content must include 1 or more of the following topics:
 - Information on implicit bias, equitable access to medical care, serving a diverse population, diversity and inclusion initiatives, and cultural sensitivity
 - Strategies to remedy the negative impact of implicit bias by recognizing and understanding how it impacts perception, judgment, and actions that may result in inequitable decision making, failure to effectively communicate, and result in barriers and disparities in the access to and delivery of health care services
 - The historical basis and present consequences of implicit biases based on an individual's characteristics
 - Discussion of current research on implicit bias in the access to and delivery of health care services
- Training must include strategies to reduce disparities in access to and delivery of health care services and the administration of pre- and post-test implicit bias assessments



PROTECT PEOPLE &
PROMOTE BUSINESS

Proposed Implicit Bias Training Requirements

- Acceptable providers of this training include any of the following:
 - Training offered by a nationally-recognized or state-recognized health-related organization
 - Training offered by, or in conjunction with, a state or federal agency
 - Training obtained in an educational program that has been approved by any state licensing board for initial licensure or registration or for the accumulation of continuing education credits
 - Training offered by an accredited college or university
- Acceptable modalities of training include any of the following:
 - A teleconference or webinar that permits live synchronous interaction
 - A live presentation
 - Interactive online instruction

Proposed Implicit Bias Training Requirements

- Application for licensure, registration, or renewal constitutes an applicant's certificate of compliance with the training requirements
- Licensees or registrants must retain documentation of meeting the training requirements for 6 years
- LARA may select and audit a sample of licensees or registrants and request documentation of proof of compliance
- Proof of compliance may include either of the following:
 - A completion certificate issued by the training provider that includes the date of the training, the provider's name, the title of the training, and the licensee's or registrant's name
 - A self-attestation by the licensee or registrant that includes the date of the training, the provider's name, the title of the training, and the licensee's or registrant's name

Next Steps

- After the Public Hearing has occurred the Michigan Legislature will review the proposed rules and may take additional action including:
 - Holding a committee hearing on the proposed rules
 - Recommending changes to the proposed rules
 - Objecting to the proposed rules
 - Introduce legislation on the subject of the proposed rules
- LARA continues to update stakeholders about forthcoming opportunities to be engaged with this process



PROTECT PEOPLE &
PROMOTE BUSINESS

Follow the Process

The screenshot shows a web browser window with the URL <https://ars.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1235>. The page title is "ARS - Administrative Rulemaking System" and the page content is titled "Request for Rulemaking". The details are as follows:

- Pending rule set #:** 2020-109 LR
- Department:** Licensing and Regulatory Affairs
- Bureau:** Bureau of Professional Licensing
- Title of rule set:** Public Health Code - General Rules
- Rule number(s) or rule set range of numbers:** R 338.7001 - 338.7005
- Filing date:** Pending
- Effective date:** Pending

Below the details, there is a link to "RFR Form" and a note: "RFR Form updated on: 11/6/2020 7:36:06 PM".

Visit the online rulemaking portal at <https://ars.apps.lara.state.mi.us/>



PROTECT PEOPLE &
PROMOTE BUSINESS

Thank You!



Marlon I. Brown

Office of Policy and Legislative Affairs

Michigan Department of Licensing and Regulatory Affairs

Phone: 517.241.4580

Email: brownm55@michigan.gov



PROTECT PEOPLE &
PROMOTE BUSINESS