

DATE: Oct. 23, 2020

TO: Michigan Hospitals

FROM: Michigan Health & Hospital Association

RE: MHA Guidance on Exemption of Michigan Licensure Time of Disaster Update

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Back in March during the first COVID-19 surge, the Bureau of Professional Licensing within the Department of Licensing and Regulatory Affairs (LARA) for the State of Michigan released a guidance document which discussed licensure exemptions during a time of disaster/State of Emergency. While the extended state of emergency has been rescinded, LARA strongly believes the COVID-19 pandemic qualifies as a disaster. Therefore, LARA is using their authority provided in Michigan law under MCL 333.16171 to still allow out-of-state, Canadian and health providers who have been retired within the last five years to continue to assist during a time of disaster. An updated guidance document entitled “BPL Clarification: Exemptions of Michigan Licensure Time of Disaster/Emergency Revised: 10/22/2020)” was released yesterday to provide clarification that these exemptions are in fact in place.

Just like hospitals have been doing since March, members must track these providers. To ensure compliance with the clarification documents, the Michigan Health & Hospital Association is still recommending the following additional, clarifying guidance:

- Individuals providing health care under MCL 333.16171 do not need to apply for or be granted an exemption by the Department.
- A hospital or health system that employs or utilizes individuals under MCL 333.16171 does not need to apply or be granted an exemption by the Department.
- Hospitals and health systems in Michigan that employ or utilize individuals under MCL 333.16171 must keep documentation on those occurrences. This documentation is not required by the Department, but must be made available in the event the Department receives an official complaint about the individual. The following information should be retained by hospitals or health systems for the next seven years:
  - Name and personnel information of the individual.
  - Education, training, experience, or certifications that substantially meet the requirements of licensure under Article 15 of the Public Health Code.
  - The dates that the individual provided health care under the direction of the hospital or health system.
  - If the individual was formerly licensed, the date when the professional license expired, confirmation that the license was in good standing when it expired, and which state the individual was licensed in.
  - If the individual has a valid license professional license from another state, which state the license is from.

Please do not hesitate to reach out to Adam Carlson ([acarlson@mha.org](mailto:acarlson@mha.org)) or Paige Fults ([pfalts@mha.org](mailto:pfalts@mha.org)) if you have any questions.

**Brian Peters**, Chief Executive Officer