

MICHIGAN DEPARTMENT OF STATE POLICE

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

LAW ENFORCEMENT STANDARDS AND TRAINING

Filed with the Secretary of State on

These rules becomes effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State

R 28.14204 is amended in the Michigan Administrative Code as follows:

(By authority conferred on the Michigan commission on law enforcement standards by section 9 of 1965 PA 203, MCL 28.609, by section 9 of 1965 PA 380, MCL 16.109, and by Executive Reorganization Order 2001-2, MCL 28.621.)

R 28.14204 Medical selection qualifications.

Rule 204. A person selected to become a law enforcement officer pursuant to the provisions of the act shall meet all of the medical requirements in subdivisions (a) to (e) of this rule. A determination of compliance with the medical standards in this rule shall be made by a licensed physician, with the exception that a determination of compliance with subdivisions (a), (b), (c) and (e)(iii) of this rule shall be made as provided in each of the following:

(a) Possess normal visual functions at a level necessary to perform the job of a law enforcement officer as determined by complying with the provisions of this subdivision. All vision testing shall comply with the test manufacturer's specifications and protocols. The following determinations of compliance with this standard may be made by a licensed optometrist.

(i) Far visual acuity complying with 1 of the following:

(A) Acuity in each eye uncorrected of 20/20 or better.

(B) Acuity in each eye corrected to 20/20 or better.

(ii) Near visual acuity at a range of 10 to 20 inches complying with 1 of the following:

(A) Acuity in each eye uncorrected of 20/20 or better, reduced Snellen equivalent.

(B) Acuity in each eye corrected to 20/20, reduced Snellen equivalent.

(iii) Normal color vision as determined by testing and passing either of the following color vision tests. The use of refractive correction is permitted; however, the use of an x-chrom lens, or any other lens purported to enhance color perception, is prohibited.

(A) Pseudoisochromatic plates that have been approved by the commission.

(B) The Farnsworth dichotomous d-15 panel test.

(iv) The pseudoisochromatic plates shall be administered first, before the panel test. If an applicant passes the plates, no further color vision testing is required.

(v) Peripheral vision in each eye of 90° vertically and 120° horizontally.

(vi) Normal binocular vision as determined by testing and passing a stereopsis test to 80 seconds of stereoacuity, or better. Failure on the stereopsis test requires further testing to determine that diplopia is not present.

(b) Hear at a level necessary to perform the job of a law enforcement officer as determined by complying with subdivision (c) of this subrule. Throughout the testing specified in subdivision (c) of this subrule, the intensity of auditory stimuli shall be expressed in decibels relative to a normal hearing level as defined by the American national standards institute (ANSI) S3.6-1996, or more current ANSI standard. This standard is adopted by reference and is available from the acoustical society of America at [www.asa.aip.org](http://www.asa.aip.org) for purchase at the time of the adoption of these rules at \$100 and are available for inspection at the commission offices at 106 West Allegan, Suite 600, Lansing, Michigan. The testing shall be performed by the following persons, as applicable:

(i) An audiologist at a hearing clinic accredited by the professional services board of the American speech-language-hearing association may do all testing in R 28.14204(c).

(ii) An audiologist who has a certificate of clinical competence from the American speech-language-hearing association or an audiologist who holds fellowship status in the American academy of audiology may do all of the testing in R 28.14204(c). The audiologist shall be licensed, if applicable.

(iii) A hearing conservationist certified by the council for accreditation in occupational hearing shall do only the testing in R 28.14204(c)(i).

(iv) A hearing aid specialist licensed by the Michigan department of licensing and regulatory affairs shall do only the testing in R 28.14204(c)(i).

(c) Comply with 1 of the following standards: Testing shall be done in the order listed. If an applicant passes 1 of the standards, then further testing is not required.

(i) Unaided audiometric testing on each ear that results in pure tone air conduction thresholds for each ear, as shown on the pure tone audiogram, of not poorer than a hearing level of 25 decibels at any of the following frequencies: 500, 1,000, 2,000, and 3,000 Hertz; and 45 decibels at 4,000 Hertz.

(ii) Unaided audiometric testing on each ear that results in all of the following:

(A) An unaided 4-frequency average pure tone threshold for each ear, as derived from the pure tone air conduction audiogram at 500, 1,000, 2,000, and 3,000 Hertz, of not poorer than a hearing level of 25 decibels, and a hearing threshold level at any single frequency of not poorer than 35 decibels.

(B) Unaided speech recognition scores of 90% or better in each ear, measured under audiometric earphones at 50 decibels in quiet, and using full lists of recorded phonetically balanced words that are age-appropriate.

(C) An unaided speech recognition score of 70% or better, measured for both ears at the same time in an audiometric sound field at a plus 5 decibel signal-to-noise ratio. For this measurement, speech stimuli and competing speech noise shall be presented through the same loudspeaker, or 2 loudspeakers stacked vertically, at zero degree azimuth. Speech stimuli shall be presented at 50 decibels using a full list of recorded phonetically balanced words that are age-appropriate.

(iii) Audiometric testing with 1 or both ears aided that results in all of the following:

(A) An aided 4-frequency average threshold for each ear, as derived from the sound field aided audiogram at 500, 1,000, 2,000, and 3,000 Hertz of not poorer than a hearing level of 25 decibels, and a hearing threshold level at any single frequency of not poorer than 35 decibels. Measurements shall be made monaurally in an audiometric sound field with the unaided (non-test) ear plugged or, when necessary, effectively masked. Test signals shall

consist of either frequency-specific modulated tones or narrow band noise presented through a loudspeaker at zero degree azimuth, and results shall be expressed as aided hearing levels.

(B) Aided speech recognition scores of 90% or better in each ear measured at 50 decibels in quiet, and using full lists of recorded phonetically balanced words that are age appropriate. Measurements shall be made monaurally in an audiometric sound field with the loudspeaker at zero degree azimuth and the unaided (non-test) ear plugged or, when necessary, effectively masked.

(C) An aided speech recognition score of 70% or better, measured for both ears at the same time in an audiometric sound field at a plus 5 decibel signal-to-noise ratio. For this measurement, either 1 or both ears shall be fitted with a hearing aid, and, where only 1 ear has been fitted with a hearing aid, the unaided ear shall not be plugged or masked. For this measurement, speech stimuli and competing speech noise shall be presented through the same loudspeaker, or 2 loudspeakers stacked vertically, at zero degree azimuth. Speech stimuli shall be presented at 50 decibels using a full list of recorded phonetically balanced words that are age-appropriate.

(d) Be free from any of the following, which may impair the performance of the essential job functions of a law enforcement officer or which may endanger the lives of others or the law enforcement officer:

(i) Physical defects.

(ii) Chronic diseases.

(iii) Mental and emotional instabilities. The commission permits and may require the determination of compliance with this requirement be made by a board certified psychiatrist or a licensed psychologist.

(e) The commission may establish specific tests, procedures, and qualifications for use in determining compliance with the medical standards in R 28.14204 (a) to (e).

(f) If an initial examination indicates that a person may not comply with R 28.14204 (a) to (e), then the person may request a reexamination. The reexamination shall be done at the direction of the commission. The cost of the reexamination shall be the responsibility of the person or the employing agency.

(g) Except where specified otherwise, the results of any examination or test performed under this rule shall remain valid for not more than 180 days from the date of the examination.

(h) The commission may, after giving due consideration to the needs of agencies, academies, and potential recruits, establish and require the utilization of a list of approved health care providers to make a determination of compliance with this rule.

(i) The commission may establish time frames during which compliance with this rule shall be valid.