

State Budget Office
Office of Regulatory Reinvention
 111 S. Capitol Avenue; 8th Floor, Romney Building,
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REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Office of Regulatory Reinvention (ORR) before initiating any changes or additions to the rules. Submit copy to the ORR at orr@michigan.gov.

1. Agency Information

Agency name:	Licensing and Regulatory Affairs
Division/Bureau/Office:	Bureau of Professional Licensing
Agency contact person name, e-mail, and phone:	Weston J. MacIntosh macintoshw1@michigan.gov (517) 241-9269

2. Rule Set Information

Title of proposed rule set:	Psychology – General Rules
Rule number(s) or range of numbers:	R 338.2501 – R 338.2585
Included in agency’s annual regulatory plan as rule to be processed in current year?	Yes

3. Estimated timetable for completion, or statutory deadline, if applicable:

One year.

4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

<p>The general purpose of these rules provides educational, licensure, and continuing education requirements.</p> <p>The proposed substantive changes to the rules will amend the rules to:</p> <ul style="list-style-type: none"> - Provide additional and clarifying definitions, including the meaning of the term “extreme hardship” and what types of entities qualify as an “organized health care setting.” - Revise the human trafficking rule to include a date of promulgation. - Rescind the rule related to prohibited conduct, as it is duplicative of statute. - Provide updated accreditation standards. - Provide updated psychological training program standards. - Provide criteria for consideration by Board of Psychology of a possible variance for a postdoctoral internship. - Revise and provide clarifying criteria regarding licensing via endorsement. - Provide criteria for board consideration of a possible supervision variance for postdoctoral experience.
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- Add criteria related to good moral character and fingerprinting as conditions for relicensure as a fully licensed psychologist.
- Provide criteria for board consideration of a possible variance for post-degree practicum.
- Update the requirements for a temporary limited license, including the necessary changes related to recent passage of legislation that modified MCL 333.18223.
- Provide criteria for board consideration of a possible alternative supervision variance for a temporary limited licensee.
- Provide criteria for board consideration of a possible alternative supervision variance for a limited license psychologist in private practice.
- Add criteria related to good moral character and fingerprinting as conditions for relicensure as a limited license psychologist.
- Update the continuing education documentation retention requirement from 3 to 4 years.
- Include clarification as to the number of continuing education credit hours that may be obtained online.
- Provide an updated list of acceptable continuing education providers.
- Include additional clarifying information related to qualifying continuing education activities.
- Add a new rule that allows other potential continuing education providers to petition the board for approval of a program that they offer on a case-by-case basis, in the event that they are not one of the approved continuing education providers listed in the rules.

5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

MCL 333.16145, MCL 333.16148, MCL 333.18201, MCL 333.18223, and MCL 333.18233, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1 and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.

6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

R 338.2527, the prohibited conduct rule, will be rescinded, as the conduct is already regulated by law elsewhere, namely MCL 333.16221. The remainder of the proposed rules do not duplicate or conflict with other federal or state regulations.

7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

No, the subject matter of the rules is not currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo.

8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

These rules will be promulgated under the full rule-making process.

9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.

No, the rules do not incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5.

10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.

Yes, please see attached minutes from the December 15, 2016 board meeting.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Liz Arasim
Department of Licensing and Regulatory Affairs

↓ To be completed by the ORR ↓

Date RFR received: 12-5-2018

Based on the information in this RFR, the ORR concludes that there are sufficient policy and legal bases for approving the RFR.

ORR assigned rule set number:	2018-107 LR
Date of approval:	1/10/19

Based on the information in this RFR, the ORR is not approving the RFR at this time.

Date of disapproval:	
Explanation:	