

Annual Regulatory Plan 2020-2021

**Department of Health and Human Services
Bureau of Epidemiology and Population Health**

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021. [Give brief description.]

Mich Admin Code R 325.9031-Definition of Infectious Agents- (**RULE PROMULGATION IN PROCESS: ARD No. 2020-41 HS**). The purpose of this rule is to assist physicians and other medical personnel with the most up-to-date listing of infectious disease agents that must be reported to a funeral director /funeral home personnel. See MCL 333.2843b.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

There is only one rule and the rule is important to the mission and function of the agency in ensure physicians are reporting from the most up-to-date listing of infectious diseases that may be transmitted to funeral home personnel.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The agency has not failed to promulgate and statutorily required rules.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

This rule does not pose any problems to an industry. Medical personnel are provided the most up-to-date listings of any infectious diseases and use this information to provide notice to funeral home staff for their safety.

- A. Whether there is a continued need for the rules.

There is a continued need for the rule.

- B. A summary of any complaints or comments received from the public concerning the rules.

Recommendations were received from the Michigan Funeral Directors Association and incorporated into this amendment. There have been complaints or recommendations.

- C. The complexity of complying with the rules.

The rules are not complex.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rules do not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

May 2020. There are currently emergency rules in place. Permanent rule promulgation is ongoing.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

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https://dtmb.state.mi.us/ARS_Public/AdminCode/DeptBureauAdminCode?Department=Health%20and%20Human%20Services&Bureau=All

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

This rule set was not listed in the 2020 ARP.

**Department of Health and Human Services
Bureau of Health and Wellness**

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021. [Give brief description.]

Protection of Youth from Nicotine Product Addiction-(**RULE PROMULGATION IN PROCESS: ARD No. 2019-107 HS**). These rules proscribe the prohibitions on sellers and vendors of the sale of vape products and flavored nicotine tobacco, in addition to marketing prohibitions, to end the current vaping crisis affecting youth and young adults.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

This is a new rule set.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The agency has not failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Several alternative rules were considered by the MDHHS staff and the Governor's Office. The proposed ruleset contains the most health-protective yet least restrictive rules to protect the health of Michigan youth and prevent a lifetime of nicotine addiction.

- A. Whether there is a continued need for the rules.

This is a new rule set. The restrictions on the sale of vaping products and flavored nicotine outweighs the benefit afforded to Michigan youth and young adults in preventing the use of these products and end the potential of lifelong addiction to nicotine tobacco use.

- B. A summary of any complaints or comments received from the public concerning the rules.

Medical professionals have identified concerns involving the increased use of vaping among minors, with increased use in middle school and high school. Depending on the vape product, concerns have been escalated given the deaths of hundreds by use of vapes with additives. On the opposite end, sellers, distributors and users of the products have voiced concerns over the removal of vaping products and nicotine-flavored tobacco.

- C. The complexity of complying with the rules.

The rules are not complex.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rules do not conflict with or duplicate similar rules or regulations adopted by the federal or local units of the government.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

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This is a new rule set.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://dtmb.state.mi.us/ARS_Public/AdminCode/DeptBureauAdminCode?Department=Health%20and%20Human%20Services&Bureau=All

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

These rules were not part of the 2020 ARP

**Department of Department of Health and Human Services
Children's Services Agency**

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021. [Give brief description.]

Mich Admin Code R 400.4101- 400.4666-Child Caring Institutions (**RULE PROMULGATION IN PROCESS: ARD No. 2020-039 HS**). These rules provide the framework of licensing child caring institutions in the State of Michigan.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

Those rules for rescission will be identified during ad hoc committee review. The majority of the rules are crucial to the department's mission and function regarding the licensing of foster parents, child placing agencies and contracted and state facilities for placement.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The agency has not failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The rules are not problematic to the industry. They are currently being reviewed for clarity and consistency to ensure child caring institutions are providing the crucial services needed for Michigan youth and families.

- A. Whether there is a continued need for the rules.

There is a continued need for the rules. The rules provide the licensing requirements for those institutions that house either DHHS/court ordered children or private placements.

- B. A summary of any complaints or comments received from the public concerning the rules.

Public comment from town hall meetings regionally in Michigan yielded several issues involving consistency with the rules and application of the rules to the institutions to ensure compliance with the rules.

- C. The complexity of complying with the rules.

The rules are not complex.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rules are currently being reviewed for conflicts and duplication adopted by the federal government or local units of government.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The rules were last reviewed in 2015. In addition to the statutory mandated review required under MCL 722.112, comments for the streamlining of the current rules were taken into effect and an ad hoc committee is in place to review the current rules.

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5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

6. https://dtmb.state.mi.us/ARS_Public/AdminCode/DeptBureauAdminCode?Department=Health%20and%20Human%20Services&Bureau=All

7. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

The Request for Rulemaking identified on the 2020 ARP was rescinded and reissued in 2020. Federal laws required piecemeal changes to the rule set under MCL 24.2444.

**Department of Health and Human Services
Children's Services Agency**

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021. [Give brief description.]

Child Placing Agencies, Mich Admin Code R 400.12101 through 400.12808. (RULE PROMULGATION IN PROCESS: ARD No. 2020-002 HS). These rules provide for process and procedures for the facilities tasked with the placement of children in foster homes or child caring institutions.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

The ruleset is being reviewed in its entirety to determine what rules, if any, should be rescinded.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The agency has not failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The rules are not problematic to the industry. They are currently being reviewed for clarity and consistency to ensure the placing agencies are providing the crucial services needed for selection and placement of Michigan youth while they are placed outside the home.

- A. Whether there is a continued need for the rules.

There is a continued need for the rules. The rules provide the licensing requirements for the licensing requirements for placing agencies of selection of and placement of either DHHS/court ordered children or private placements.

- B. A summary of any complaints or comments received from the public concerning the rules.

Public comment from town hall meetings regionally in Michigan yielded several issues involving consistency with the rules and application of the rules to foster parents to ensure compliance with the rules.

- C. The complexity of complying with the rules.

The rules are not complex.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rules do not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The rules were last reviewed in 2015. In addition to the statutory mandated review required under MCL 722.112, comments for the streamlining of the current rules were taken into effect and an ad hoc committee is in place to review the current rules.

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5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

<https://ars.apps.lara.state.mi.us/AdminCode/DeptBureauAdminCode?Department=Health%20and%20Human%20Services&Bureau=Childrens%20Services%20Agency>

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

The Request for Rulemaking has been filed and approved.

**Department of Health and Human Services
Children's Services Agency**

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021. [Give brief description.]

Mich Admin Code R 400.9101-400.9506, Foster Family and Group Homes ((**RULE PROMULGATION IN PROCESS: ARD No. 2020-003 HS**)). These rules provide for the licensing requirements of foster homes that house children that are in DHHS care and control.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

The rules are being reviewed in their entirety. Identification will be made to those rules that are obsolete and can be rescinded.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The agency has not failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The current rules are being reviewed to streamline the licensing process for DHHS staff and private agency workers to make it more efficient moving forward.

- A. Whether there is a continued need for the rules.

The rules are needed to provide the eligibility standards and ongoing requirements for foster family and group homes housing children under DHHS care and control.

- B. A summary of any complaints or comments received from the public concerning the rules.

Several townhall meetings were held statewide in late 2019 to identify public concerns regarding the current rules and how to improve the process. There is currently a workgroup in place represented by all stakeholders in the licensing process to streamline and improve delivery of services to foster parents.

- C. The complexity of complying with the rules.

While the current rules are not complex to the extent they cannot be followed, there is the ability to streamline and simplify the rule process to remove any ambiguity in following the rules for licensing.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rules do not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The rules were last updated in 2015. DHHS is statutorily required to review the rules with mandatory participants from state agencies and other stakeholders every five years.

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5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://dtmb.state.mi.us/ARS_Public/AdminCode/DeptBureauAdminCode?Department=Health%20and%20Human%20Services&Bureau=All

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

Request for rulemaking filed and approved in 2020.

**Department of Health and Human Services
Behavioral Health and Developmental Disabilities Division**

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021. [Give brief description.]

Mich Admin Code R 330.2005 - 330.2814, Community Health Programs. These rules provide the minimum requirements for mental health and disability services to the Michigan population, including emergency intervention, inpatient and outpatient services, and public information regarding services offered in the community.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

A review will be made of the entire rule set to determine what rules, if any, are obsolete or superseded and can be rescinded.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The agency has not failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

A review of the rules will determine what rules, if any, are problematic to the industry and should be amended or rescinded as part of a business-friendly regulatory scheme.

- A. Whether there is a continued need for the rules.

There is a continued need for the rules.

- B. A summary of any complaints or comments received from the public concerning the rules.

There are no known complaints or comments received from the public concerning these rules.

- C. The complexity of complying with the rules.

Compliance with the rules is not complex.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rules do not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The rules were last reviewed in 2018. Current issues involving COVID-19, stay at home issues and contacts for emergency intervention services in light of the pandemic will be reviewed for the most efficient way to communicate with Michigan citizens.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

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https://dtmb.state.mi.us/ARS_Public/AdminCode/DeptBureauAdminCode?Department=Health%20and%20Human%20Services&Bureau=All

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

These rules were not identified on the 2020 ARP.

**Department of Health and Human Services
Children's Services Agency**

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021. [Give brief description.]

Children's Trust Fund, Mich Admin Code R 722.751 through 722.756. These rules provide the guidelines of administering federal grants and donations for children in the foster care system.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

A review will be made of the entire rule set to determine what rules, if any, are obsolete or superseded and can be rescinded.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The agency has not failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The rules will be reviewed to determine those that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation, given the federal and state requirements of following procedures for receiving grants and processing donations with the Michigan Department of Treasury.

- A. Whether there is a continued need for the rules.

There is a continued need for the rules.

- B. A summary of any complaints or comments received from the public concerning the rules.

There are no known complaints or comments received from the public concerning the rules.

- C. The complexity of complying with the rules.

The rules are not complex.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rules do not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The rules were last reviewed in 2019. The review yielded changes needed to be made and rescissions needed to the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

<https://ars.apps.lara.state.mi.us/AdminCode/DeptBureauAdminCode?Department=Health%20and%20Human%20Services&Bureau=Childrens%20Services%20Agency>

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6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

No rulemaking activities have taken place.

**Department of Health and Human Services
Population Health Administration (nka Public Health Administration)**

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021. [Give brief description.]

All EMS rules including, but not limited to, EMS Personnel Licensure, EMS Life Support Agencies, EMS Life Support Vehicles, EMS Education, Medical Control Authorities, and Air Medical (325.22101 through 325.22217 and R 325.22301 thru 325.22345), are in the review and revision process as planned. Each of the Emergency Medical Services Coordination Committee (EMSCC) Subcommittees, consisting of a broad range of stakeholders are participating in the reviews and working closely with the Division of EMS and Trauma to make the best decisions that reflect system planning. Once this work is completed in the subcommittees, the proposed rule changes will go to the full EMSCC body for review and comment before submission.

Systems of Care Stroke and ST elevated myocardial infarction (STEMI) administrative rules are being worked on but are pending statutory authority before submission.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

At this point, we are removing redundancies as a part of the rule review and proposed revision process and will have rescissions as part of the complete rule package when submitted.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The agency has not failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

A complete rule review for all EMS Administrative Rules has not occurred since 2004, therefore, all of the EMS rules are being reviewed with a focus on being customer (business-friendly) and less rigid which is consistent with the Division mission of supporting the Michigan EMS System in protecting the public health and providing safe and effective patient care. Some of the rules will be eliminated due to redundancy and some may be eliminated and just become procedural to allow more flexibility, for example timelines for education program approval. We are addressing A-E below as we go through each of the rules.

- A. Whether there is a continued need for the rules.

The department needs to be able to grant continuing education, but the actual details are not all required in rule and could be division policy.

- B. A summary of any complaints or comments received from the public concerning the rules.

There have been complaints about current rules relating to, ambulances that serve a dual level of licensure in an agency that has the ability to have basic and advanced level vehicles, unfunded statutory mandates and EMS continuing education requirements for practical credits, Instructor Coordinator continuing education requirements, and what would happen with the CON for rotary air ambulances going away that have been considered during this rule review and revision process.

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C. The complexity of complying with the rules.

The rules were developed before the advent of automated systems for licensure, tracking educational and compliance requirements etc. and in an era when customer service and support was not a driving focus of the EMS section. They are outdated and do not provide the flexibility to provide excellent customer service in support of a very progressive and complex EMS and Trauma System. Some of the rules were not written in a clear manner and have led to a variety of interpretations such as rules that refer to agencies “holding themselves out to be a higher level than their licensure.”

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

There is conflict between the 9-1-1 enabling legislation and the EMS legislation for oversight of dispatch at the local MCA level.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The Trauma System rules were revised in 2017 (325.125-325.138) and there are no planned changes to those rules for this cycle. EMS Life Support Agency Rule 325.22181 Ground ambulance requirements. (2) and (4) that reference triple K standards were revised as planned in 2018, as previously noted. The EMS and Trauma System has evolved into a very complex system that needs to address safety, time dependent emergencies, data use and evidence-based practices and processes. In addition, customer service is at the forefront and some of the rules are contrary to these concepts. Additionally, the Certificate of Need (CON) for rotary air ambulances is being dissolved in response to the Airline Deregulation Act. Therefore, language that ensures medical requirements for rotary air ambulances will be included in the rule’s revision. We have met with CON leadership and they are in support of this occurring.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

EMS Agencies and Medical Control Authorities/EMS Personnel and Education Programs: https://www.michigan.gov/mdhhs/0,5885,7-339-73970_5093_28508_76839---,00.html

Trauma System Rules: https://www.michigan.gov/mdhhs/0,5885,7-339-71551_69345_69346---,00.html

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding. Please indicate if an item is the subject of an Advisory Rules Committee recommendation.

Upon amending Rule 325.22181 Ground ambulance requirements. (2) and (4) that reference triple K standards, no further rulemaking has been completed due to constraints and obligations regarding COVID-19.