

**Michigan Office of Administrative Hearings and Rules**  
**Administrative Rules Division (ARD)**

611 W. Ottawa Street  
Lansing, MI 48909  
Phone: 517-335-8658 Fax: 517-335-9512

**REQUEST FOR RULEMAKING (RFR)**

**1. Department:**

Licensing and Regulatory Affairs

**2. Bureau:**

Bureau of Professional Licensing

**3. Promulgation type:**

Full Process

**4. Title of proposed rule set:**

Behavior Analysts - General Rules

**5. Rule numbers or rule set range of numbers:**

R 338.1801 - R 338.1835

**6. Estimated time frame:**

12 months

**Name of person filling out RFR:**

Weston MacIntosh

**E-mail of person filling out RFR:**

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**Phone number of person filling out RFR:**

517-241-9269

**Address of person filling out RFR:**

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**7. Describe the general purpose of these rules, including any problems the changes are intended to address.**

The Behavior Analysts – General Rules pertain to definitions, training, licenses, certification, and ethical standards for behavior analysts and assistant behavior analysts.

Amendment of the rules will take place to supply clarity regarding definitions, telehealth, human trafficking training, licensure, and standards of practice.

**8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).**

The department director in consultation with the Board.

**A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).**

MCL 333.16145, MCL 333.16148, MCL 333.18257, and MCL 333.18259, 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.

**B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.**

Under MCL 333.18257 and MCL 333.18259, the department, in consultation with the board, shall promulgate rules that establish the minimum standards for licensure as a behavior analyst and an assistant behavior analyst.

**9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.**

The proposed rules do not duplicate or conflict with other federal or state regulations.

**10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?**

No guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo covers the subject matter of the rules.

**11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?**

Yes.

**12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?**

Full Process

**13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.**

The proposed rules do not exceed other federal or state regulations.

**14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.**

No.

**15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.**

Amendment of the rules last took place in 2019. No technological factors, economic conditions, or other factors make amendment of the rules necessary.

**16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?**

No.

**17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.**

Yes