

Annual Regulatory Plan 2021-2022

**Department of Health and Human Services
Division of Child Welfare Licensing**

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

Child Placing Agencies, Mich Admin Code R 400.12101-12808. (RULEMAKING CURRENTLY IN PROGRESS-2020-02 HS)

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. 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.

R 400.12707 has been identified for rescission. The remainder of the rules have been amended or no changes were identified. The remaining rules are important to the mission and function of the Department.

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 entire rule set was reviewed to determine the most business-friendly method of regulation.

- 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.

Comments included streamlining the foster home process to make it more efficient to license foster parents for care and custody of DHHS children.

- 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 or duplicate similar rules or regulations by the federal 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 2005. The rules are intended to be more user friendly in order to allow proposed foster parents to become licensed more efficiently.

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

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 2021 ARP that have been completed and those that remain outstanding.

RFR and rules are with ARD for review.

**Department of Health and Human Services
Division of Child Welfare Licensing**

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

Licensing Rules for Foster Family Homes and Foster Family Group Homes, Mich Admin Code R 400.9101 - 400.9506 (**RULEMAKING CURRENTLY IN PROGRESS-2020-03 HS**)

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. 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.

R 400.9307 has been identified for rescission. The remainder of the rules have been amended or no changes were identified. The remaining rules are important to the mission and function of the Department.

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 entire rule set was reviewed to determine the most business-friendly method of regulation.

- 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.

Comments included streamlining the foster home process to make it more efficient to license foster parents for care and custody of DHHS children.

- 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 or duplicate similar rules or regulations by the federal 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 2005. The rules are intended to be more user friendly in order to allow proposed foster parents to become licensed more efficiently.

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

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 2021 ARP that have been completed and those that remain outstanding.

RFR and rules are with ARD for review.

**Department of Health and Human Services
Division of Child Welfare Licensing**

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

Child Caring Institutions, Mich Admin Code R R 400.4101 to 400.4666. **(RULEMAKING CURRENTLY IN PROGRESS-2020-39 HS)**

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. 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.

R 400.4139, R 400.4141, R 400.4164, R 400.4420, R 400.4601, R 400.4602, R 400.4604, R 400.4605, R 400.4606, R 400.4608, R 400.4612, R 400.4613, R 400.4615, R 400.4617, R 400.4618, R 400.4620, R 400.4621, R 400.4623, R 400.4632, R 400.4635, R 400.4638, R 400.4639, R 400.4640, R 400.4643, R 400.4652, R 400.5657, R 400.4660, and R 400.4666 of the Michigan Administrative Code have been identified for rescission. The remainder of the rules have been amended or no changes were identified. The remaining rules are important to the mission and function of the Department.

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 entire rule set was reviewed to determine the most business-friendly method of regulation.

- 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.

Comments included a gradual use to prohibition of restraint and seclusion in child caring institutions and updating behavior management processes within these institutions for both DHHS and non-DHHS children.

- 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 or duplicate similar rules or regulations by the federal 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 2005. Issues regarding behavior management, including restraint and seclusion, and updating rules to follow recent federal laws were the catalyst.

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

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 2021 ARP that have been completed and those that remain outstanding.

Public Hearing ongoing.

**Department of Health and Human Services
Policy and Legislative Bureau**

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

Michigan Physician Orders for Scope of Treatment, R 325.81 to R 325.99 (**RULEMAKING CURRENTLY IN PROGRESS, 2021-31 HS**)

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. 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 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 mandated for the creation of a physician's form and instructions on how to complete the form, reauthorize, and/ or revoke the form. Michigan Physician's Orders for Scope of Treatment (MI POST) is an optional, 1 page, 2-sided medical order documenting a person's wish regarding his or her care in a health crisis

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

This rule is mandated by MCL 333.5676(1)(c)

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

Approximately 148 comments were received from and reviewed by the MI POST committee, established through statute, and were incorporated into the rules (as appropriate). Additionally, comments helped to revise the actual form and accompanying instructional sheet.

- 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 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.

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://ars.apps.lara.state.mi.us/Transaction/RFRTtransaction?TransactionID=1289>

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6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

These rules were not identified in the 2021 ARP.

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

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

EMS Life Support Agencies and Medical Control, R 325.22101 to 325.22217,
(RULEMAKING CURRENTLY IN PROGRESS, 2020-079 HS)

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. 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.

No rules have been identified for rescission. The rules are important to the mission and function of the EMS division regarding qualifications and requirements for Life Support Agencies.

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.

Since the introduction of these rules in 2004, there has not been a complete review of the rules to keep up with the changes that have occurred within the EMS system since that time. There were redundancies in some of the rules, and other advances in evidence-based EMS practice that have been implemented as a result of the previous rules set that needed additional clarification or modifications, for example the changes in technology that have occurred since 2004.

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

There is a continued need for the rules. However, as the rules were carefully reviewed, it was discovered that some of the rules were redundant with the only language being different was the level of service. The various committees that worked on these rules were able to consolidate language that was repetitive into one comprehensive rule in many places. In addition, if the statute was particularly clear and definitive and then repeated word for word in a rule, these rules were deleted.

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

This rule set has gone through an extensive and transparent review process over the past two years with the State appointed Emergency Medical Services Coordination Committee (EMSCC) which consists of stakeholders from all levels of the EMS system and associated professional organizations, and their various subcommittees. The EMSCC and subcommittees consist of a broad range of stakeholders within the EMS System. The full EMSCC was provided with the final sets of recommended rules at the July 2020 meeting. The EMSCC unanimously voted to approve moving these rules forward as written.

- C. The complexity of complying with the rules.

The rules are not complex regarding compliance.

- 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

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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.

While there have been a few changes over the years, there has not been a complete evaluation of the rule set since 2004. Since that time, there have been many advancements in technology, science, and economic conditions that warrant a fresh look at the regulations for the EMS System in Michigan. In 2016 EMS personnel licensure was automated, currently in 2020 EMS agency licensure is being implemented with one more quarter left in calendar year 2020. By January 1, 2021 all EMS agency licensure will be completed electronically. Medical Control Authority approvals are completed on-line, EMS protocols are now available to all EMS personnel online, and complaint investigation are now incorporated into the licensing modules making it easier to track and report data. In addition, 100% of the EMS agencies in MI are now able to submit data into the Michigan Emergency Medical Services Information System (MI EMSIS). Data submitted is critical to development of evidence-based protocols to guide clinical care and for professional standards review organization activities. The COVID-19 pandemic has forced the department to look at some regulatory activities through a new lens. This has resulted in utilizing technology such as Teams, Zoom, FaceTime to conduct remote life support vehicle inspections, and much of the policy and procedural inspections are also now done through the ImageTrend licensing system.

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/Transaction/RFRTtransaction?TransactionID=207>

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Rules have been completed and with ARD for review and edit.

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

7. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

EMS Personnel Licensing and Education, R 325.22301 through 325.22345. **(RULEMAKING CURRENTLY IN PROGRESS, 2020-081 HS)**

8. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. 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.

No rules have been identified for rescission. The rules are important to the mission and function of the EMS Personnel Licensing and Education section and its agencies.

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

The agency hasn't failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules.

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

Since the introduction of these rules in 2004, there has not been a review of the rules to keep up with the changes that have occurred within the EMS system since that time. There were redundancies in some of the rules, and other advances in evidence-based EMS practice that have been implemented as a result of the previous rules set that needed additional clarification or modifications, for example the changes in technology that have occurred since 2004. The titles of personnel licenses were adjusted to meet national scope of practice language. The new rules clarify the complaint and compliance processes for the EMS system. We also aligned continuing education requirements with the National Registry of Emergency Medical Technician (NREMT) process.

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

There is a continued need for the rules. However, as the rules were carefully reviewed, it was discovered that some of the rules were redundant with the only language being different was the level of service. The various committees that worked on these rules were able to consolidate language that was repetitive into one comprehensive rule in many places. In addition, if the statute was particularly clear and definitive and then repeated word for word in a rule, these rules were deleted. Previous rule set had reference to specific dated standards. References to specific dated versions of standards were removed.

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

This rule set has gone through an extensive and transparent review process over the past two years with the State appointed Emergency Medical Services Coordination Committee (EMSCC) which consists of stakeholders from all levels of the EMS system and associated professional organizations, and their various subcommittees. The EMSCC and subcommittees consist of a broad range of stakeholders within the EMS System. The full EMSCC was provided with the final sets of recommended rules at the July 2020 meeting.

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The EMSCC unanimously voted to approve moving these rules forward as written.

C. The complexity of complying with the rules.

The rules are not complex regarding compliance.

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.

These Rules have not been revised since their introduction in 2004. Since that time, there have been many advancements in technology, science, and economic conditions that warrant a fresh look at the regulations for the EMS System in Michigan. In 2016 EMS personnel licensure was automated to an online licensing system.

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

<https://ars.apps.lara.state.mi.us/Transaction/RFRTtransaction?TransactionID=1207>

12. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Rules have been completed and with ARD for review and edit.

**Department of Health and Human Services
Policy and Legislative Division**

13. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

NEW RULE SET-2021-42 HS. The proposed rules establish a schedule of monetary civil penalties for violations of Michigan Department of Health and Human Services (MDHHS) orders and rules, consistent with MCL 333.2262(1). In the absence of such a rule, enforcement of MDHHS orders and rules is primarily carried out through the criminal justice system per MCL 333.2261. Misdemeanor charges are rarely brought and are often not the most effective or efficient means to enforce MDHHS orders and rules.

14. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. 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.

15. 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.

16. 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 only become problematic if an industry fails to abide the executive orders issued by MDHHS. Because it is within the authority of MDHHS to allow fines for violation of its orders for the public welfare and safety, proper communication regarding executive orders must be done.

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

This is a new rule set.

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

There have been no complaints or comments received from the public concerning these proposed rules.

C. The complexity of complying with the rules.

The rules are not complex. The rules lay out the what the legal expectations are regarding compliance with issued executive orders.

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

The proposed 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.

This is a new rule set.

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

The current URL for the proposed rules can be found at : <https://ars.apps.lara.state.mi.us/>

- 18.** Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

The proposed rules were not identified on the 2021 ARP.

**Department of Health and Human Service
Public Health Administration**

1. Rule(s) to be processed between July 1, 2021 and June 30, 2022. [Give brief description.]

NEW RULE SET: Body Art Facilities; Tentative-Mich Admin Code R 333.13101 through 333.13118. These rules address the requirements of businesses for safety, health, and welfare of the public in receiving body art and piercing services.

2. Rules that are obsolete or superseded and can be rescinded between July 1, 2019 and June 30, 2020. 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. The rules are important to the mission and function of the agency.

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

No. These rules are not statutorily required, and the agency has not 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 have been in the making since 2012. Stakeholders, including business owners and local health departments, have assisted with the development of these rules. The rules as presented offer the most business-friendly method of regulation. The last public hearing regarding this rule set involved a series of questions and issues from local health departments and the rules were pulled pending the best way to approach the local health department procedures.

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

There is a need for the rules.

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

The complaints and comments received from the public have to do with lack of enforcement of those unlicensed artists performing tattoos and piercings in an unsterile environment and the public health issues that can arise.

- C. The complexity of complying with the rules.

The rules provide a straightforward process of licensing, health requirements and facility requirements and 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 or duplicate rules or regulations adopted by federal or local 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 introduced and removed in 2017. They were reintroduced in 2018 and removed in 2019.

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

No URL.

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 rules were included in the 2020 ARP. Meetings were held with the local health departments and the rules are anticipated to be introduced during the 2021-2022 rulemaking period.

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

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

Financial Liability for Mental Health Services- R 330.8005 330.8284. The administrative rules that apply to the determination of an ability to pay (ATP) for individuals receiving services through the CMH system. Potentially Rules – 8239, 8240, 8241, and 8242 will require revision.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. 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 process outlined for establishing the ATP in a CMH is not consistent with Federal guidelines for determining ATP and as a result, CMHSPs are not able to be accredited by HRSA to enter into their loan forgiveness program for medical professionals. A review of the current rule set will determine what rules will be rescinded, if any.

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.

Rules – 8239, 8240, 8241, and 8242 will require revision.

- 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.

The rules as written are preventing the CMHSPs from being able to be accredited by HRSA to enter into their loan forgiveness program. HRSA requires that ATP be based on federal standards and MI ATP is not.

- C. The complexity of complying with the rules.

The rules are not complex for purposes of compliance.

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

The current rules are not consistent with federal standards for determining ATP.

- 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 1997. Changes to federal standards are requiring regulatory activity to bring the rules into sync with federal requirements.

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

https://www.michigan.gov/documents/mdhhs/Administrative_Rules_687772_7.pdf

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6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

These rules were not identified in the 2021 ARP.

**Department of Health and Human Services
Division of Child Welfare Licensing**

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

Juvenile Court-Operated Facilities- R 400.10101 to 400.10639. These rules set the health, welfare, and safety standards of facilities operated by the courts for juvenile offenders.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. 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 will be reviewed 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 statutorily required rules or 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.

These rules will be identified upon meeting with stakeholders and partners and determinations made of moving forward with the rules in the best interests of the children the facilities servc.

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

There is a continued need for the rules. The rules set the standards for health and safety of children within the court-operated facilities.

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

There have been no complaints or comments received from the public concerning the 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 but provide consistency with the three other current rules sets for licensing and caring of children in out of home placements: Foster Family and Group Homes; Child Placing Agencies; Child Caring Institutions. As these three rule sets are currently being amended, the Juvenile Court-Operated Facilities rules will need to become consistent with the other three rule sets.

- 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. Changes to federal law, state laws, and policy requires a review and amendment of the current Juvenile Court-Operated Facilities 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?>

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Department=Health%20and%20Human%20Services&Bureau=Childrens%20Services%20Agency

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

These rules were not identified in the 2021 ARP.

**Department of Health and Human Services
Lifecourse Epidemiology and Genomics Division in partnership with
Division of Environmental Health and Division of Chronic Disease and Injury Control**

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

Develop rules to include chronic conditions as a reportable condition, including stroke, hypertension, ALS and fetal alcohol spectrum disorder. Establishing this requirement is necessary for MDHHS to leverage ADT data that is already flowing between Michigan health systems and health information exchanges (stroke, hypertension, and ALS) and passive surveillance through the Michigan Birth Defects Registry (fetal alcohol spectrum disorder). The ADT messages will populate the ‘Chronic Disease Registry Leveraging Electronic Health Record Data’ (CHRONICLE) housed within MDSS.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. 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.

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

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. Whether there is a continued need for the rules.

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

C. The complexity of complying with the rules.

D. Whether the rules 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.

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

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6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Department of Health and Human Services
Vital Records and Health Statistics Division

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

325.3201-325.3221, 325.3251-325.3267, 325.3231-325.3236 . These three rule sets are for registration, amending, and disclosure of vital records and contain numerous instances of obsolete and dated language that are inconsistent with modern electronic processes. We would like to modify these rules in the coming year.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. 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.

None

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

None

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

None.

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

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

C. The complexity of complying with the rules.

D. Whether the rules 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.

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

None

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Unknown

**Department of Health and Human Services
Environmental Health Division**

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

Lead Hazard Controls, R 325.99101 through R 325.99409. These rules provide for the training, certification, work practice standards and pre renovation education involved with lead hazard controls in the State with accompanying notification and enforcement action provisions for violations.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. 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.

R 325.99205 Core Lead Basics and R 325.99210 Clearance Technician are considered for rescission. The remaining rules are critical to the mission and function of MDHHS.

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

The United States Environmental Protection Agency provides authorization and funding to MDHHS. EPA requested MDHHS on multiple occasions to change MDHHS legislation and rules. Specifically amending the first level of penalty from \$2,000 to \$5,000 as found in MCL 333.5476 (1)(a) add definitions including child occupied facility, in which MI is currently less protective than EPA and adoption of EPA Renovation, Repair and Painting.

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

Fee Schedule – adjust fee schedule to the Rules and align fees with the Consumer Price Index.
RRP Implementation – Add technical guidance to align with EPA RRP requirements.
Porch Floors – Detail porch testing requirements for risk assessments and clearances as suggested by MDHHS Legal.
Worker Course Requirements – would like to allow them to take the Supervisor Refresher course over taking the whole initial course to prevent repetitive information.

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

There is a continued need for these rule amendments.

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

The draft copy has not been released for public comment. Prior to public comment for this draft the Department has received comments on the need to reflect industry concerns include the requirement for the use of an X-Ray Fluorescence Analyzer (XRF) as the acceptable instrumentation for performing lead inspection and risk assessments (325.99403 (2) and 325.99403 (4) and clarification of the time between training and renewal of a certification 325.99304 (6).

- C. The complexity of complying with the rules.

These proposed changes reduce complexity to comply with the rules. In general, the rule changes are to clarify existing language. Definition changes are to comply with EPA requests which standardize language across states.

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

No, proposed changes will mirror federal regulations regarding lead-based paint abatement

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and renovation projects. MDHHS is authorized by the EPA to administer the lead abatement program in Michigan. A change was made to rescind a more protective definition back to the federal definition: "child age 6 years and under" to "under 6 years of age."

- 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 previous change to the lead hazard control rules were in 2007. Since 2007 the federal government has adopted the EPA Renovation, Repair and Painting (RRP) Rules 40 CFR Part 745 Section 402 (C) (3). The proposed changes incorporate the changes in the federal rules per the request of the EPA and is necessary to seek authorization.

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

https://www.michigan.gov/documents/lead/Lead_Hazard_Control_Rules_625582_7.pdf

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

N/A no rules were amended during ARP 2020.

**Department of Health and Human Services
Lifecourse Epidemiology and Genomics Division in partnership with
Division of Environmental Health and Division of Chronic Disease and Injury Control**

1. Rule(s) to be **processed** between July 1, 2021 and June 30, 2022. [Give brief description.]

Develop rules to include chronic conditions as a reportable condition, including stroke, hypertension, ALS and fetal alcohol spectrum disorder. Establishing this requirement is necessary for MDHHS to leverage ADT data that is already flowing between Michigan health systems and health information exchanges (stroke, hypertension, and ALS) and passive surveillance through the Michigan Birth Defects Registry (fetal alcohol spectrum disorder). The ADT messages will populate the ‘Chronic Disease Registry Leveraging Electronic Health Record Data’ (CHRONICLE) housed within MDSS.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2021 and June 30, 2022. 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.

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

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. Whether there is a continued need for the rules.

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

C. The complexity of complying with the rules.

D. Whether the rules 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.

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

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

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