

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

MOAHR-Rules@michigan.gov

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:

Board of Nursing-General Rules

5. Rule numbers or rule set range of numbers:

R 338.10101 – R 338.10705

6. Estimated time frame:

12 months

Name 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 purpose of the Board of Nursing Rules is to regulate the prelicensure education, licensure, specialty certification, licensure renewal, relicensure, continuing education for licensed nurses, and the nursing professional fund scholarship program.

The proposed rules are intended to address the requirements to take the NCLEX examination; clarify the nursing education program requirements; modify the nurse professional fund scholarship program requirements; clarify continuing education requirements; modify the nurse specialty certification requirements; and address licensure requirements.

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

MCL 333.16141 authorizes the Department to promulgate rules. MCL 333.16145 authorizes the Board to promulgate rules necessary or appropriate to fulfill its functions as prescribed in the Article 15 of the Public Health Code.

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

MCL 333.16141; MCL 333.16145; MCL 333.16148; MCL 333.16174; MCL 333.16178; MCL 333.16181; MCL 333.16182; MCL 333.16186; MCL 333.16201; MCL 333.16204; MCL 333.16205; MCL 333.16215; MCL 333.16287; MCL 333.17210; MCL 333.17213; MCL 333.17241; Executive Reorganization Order No. 1991-9, MCL 338.3501; Executive Reorganization Order No. 1996-2, MCL 445.2001; Executive Reorganization Order No. 2003-1, MCL 445.2011, and Executive Reorganization Order No. 2011-4, MCL 445.2030.

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

Yes. the Department in consultation with the Board is required to promulgate rules as follows: to include training standards for identifying victims of human trafficking, pursuant to MCL 333.16148; to complete continuing education (CE) hours in pain and symptom management for an applicant for licensure renewal, pursuant to MCL 333.16204 and MCL 333.17731; to implement sections 16284 and 18285 of the Code, regarding telehealth, pursuant to MCL 333.16287; and to establish the qualifications for the training and competency of the clinical nurse specialist pursuant to MCL 333.17210.

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.

Each state establishes its own requirements with respect to the licensing requirements of nursing, nursing educational programs, and nursing scholarships. The rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

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

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

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 rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

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

The Department will work with associations, related businesses, and lobbyists in preparing the proposed rules.

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.

The rules were promulgated on May 24, 2022. There have been no technological factors, economic conditions or other factors that would necessitate amendment of the rules.

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

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