

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:

Public Health Code – General Rules

5. Rule numbers or rule set range of numbers:

R 338.7001 - R 338.7005

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 Public Health Code General Rules are applicable to all professionals regulated under Article 15 of the Public Health Code.

The rule set establishes specific dates that a license or registration renewal period begins or ends for licensees and registrations regulated by the Public Health Code.

The renewal period for Marriage and Family Therapy, Midwifery, Physician's Assistants, Physical Therapy, Respiratory Care, and Sanitarians will be changed from a 2-year renewal period to a 3-year renewal period. The minimum English language standard rule will be reviewed to determine if additional tests should be added to the approved list. All rules will be reviewed and, if needed, revised to ensure they are up-to-date and for clarity.

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

The department has the authority to promulgate the rules.

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

MCL 333.16145, MCL 333.16194, MCL 333.16201, MCL 333.16221(e)(iv)(B), 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.

MCL 333.16194 requires the department to prescribe the expiration dates for licenses and registrations. The rules are not mandated by any constitutional provision.

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 rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level because there are no similar rules, compliance requirements or other standards adopted that 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.

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 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.

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.

The rules were last amended March 23, 2023.

Marriage and Family Therapy licensure is required under MCL 333.16909. Midwifery licensure is required under MCL 333.17105. Physical Therapy licensure is required under MCL 333.17820. Physician's Assistants licensure is required under MCL 333.17011. Respiratory Care Licensure is required under MCL 333.18707. Sanitarian registration is required under MCL 333.18411. These licensed and registered professionals, and the associations representing them, have requested that the renewal periods be changed from a 2- to a 3-year renewal period.

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.

No

Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.