

**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:

Optometry - General Rules

5. Rule numbers or rule set range of numbers:

R 338.301 - R 338.333

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.

This rule set pertains to the licensure, relicensure, and license renewals of optometrists.

The rules will be reviewed and amended as needed concerning the examination required for licensure. Additionally, continuing education rules will be reviewed and revised as needed to reflect the activities and continuing education providers and activities approved by the board. All rules will be reviewed and revised as needed to update rules and provide greater clarity.

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

The department in consultation with the board.

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

MCL 333.16145, 333.16148, 333.16174, 333.16287, 333.17431, 338.3501, 445.2001, 445.2011, and 445.2030.

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

MCL 333.16145 requires the board to promulgate rules to specify the requirements for licenses, renewals, examination, and required passing scores.

MCL 333.16287 requires the department, in consultation with the board, to promulgate rules to implement MCL 333.16284 and MCL 333.16285.

MCL 333.17431 requires the board to promulgate rules requiring continuing education, including pain and symptom management, for license renewal.

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 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?

The subject matter of the rules is not currently contained in any guidance, 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?

No.

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 rules do not incorporate recommendations received from the public regarding any complaints or comments regarding the 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 last amended May 19, 2023. The regulatory activity covered by the rules has not changed since the last evaluation. The board has been notified that there have been changes to the National Board of Examiners in Optometry examination for licensure, and the department has received a request from the Optometry Examining Board of Canada inquiring whether the Canadian licensing examination may be accepted as an alternative to the National Board of Examiners in Optometry examination for licensure. The board, therefore, voted to open the rules to evaluate examination requirements for licensure and to review all rules for to ensure they are up-to-date and for any needed revisions for clarity.

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

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.