

Annual Regulatory Plan 2024-2025

Department of Health and Human Services
Bureau Of Epidemiology And Population Health_

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

R 330.101 - R 330.120, Amyotrophic Lateral Sclerosis (ALS) Reporting. This new rule set addresses the reporting requirements from health professionals and facilities regarding patients who present with and are diagnosed with ALS. **Rulemaking in progress: MOAHR Rule No. 2022-13 HS.**

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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 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 draft rules have been reviewed and present as the most business-friendly method of regulation.

- A. Describe whether there is a continued need for the rules.

This is a new rule set.

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

There are no known complaints or comments from the public concerning the rules.

- C. Describe the complexity of complying with the rules.

There is not complexity of complying with these rules.

- D. Describe 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. 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 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/AdminCode/DeptBureauAdminCode?](https://ars.apps.lara.state.mi.us/AdminCode/DeptBureauAdminCode?Department=Health%20and%20Human%20Services&Bureau=All)
[Department=Health%20and%20Human%20Services&Bureau=All](https://ars.apps.lara.state.mi.us/AdminCode/DeptBureauAdminCode?Department=Health%20and%20Human%20Services&Bureau=All)

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

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Finishing Regulatory Impact Statement.

Department of Health and Human Services Public Health Administration

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give brief description.]

Body Art Facilities. This is a new rule set. The rules will describe the requirements for applicants and licensees of body art facilities regarding sanitation, registration, safety to customers, and following public health guidelines for enforcement by local health inspectors. **Rulemaking in progress: MOAHR Rule No. 2023-59 HS**

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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.

There are no rules that are obsolete or superseded. 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 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 draft rules have been reviewed and present as the most business-friendly method of regulation.

- A. Describe whether there is a continued need for the rules.

This is a new rule set. There is a need for the rules.

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

There have been complaints from currently licensed artists of non-licensed and unsafe/unsanitary services of tattoos and body art being done in the State.

- C. Describe the complexity of complying with the rules.

There is not complexity of complying with these rules.

- D. Describe 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. 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 regulatory activity covered by the rules.

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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/AdminCode/DeptBureauAdminCode?
Department=Health%20and%20Human%20Services&Bureau=All](https://ars.apps.lara.state.mi.us/AdminCode/DeptBureauAdminCode?Department=Health%20and%20Human%20Services&Bureau=All)

6. Please provide a list of the items identified for action in the 2023 ARP that have been completed and those that remain outstanding.

Draft rules submitted to ARD.

Department of Health and Human Services Children's Services Administration

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

R 400.2001 to 400.2049 Child Care Fund. These rules provide the process of reimbursement for state and county juvenile services. **Rulemaking in progress: MOAHR Rule No. 2024-16 HS**

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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 were identified as obsolete or superseded. 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.

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 draft rules have been reviewed and present as the most business-friendly method of regulation.

A. Describe whether there is a continued need for the rules.

There is a continued need for the rules.

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

No comments have been received from the public.

C. Describe the complexity of complying with the rules.

Compliance with the rules is not complex.

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

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The rules do not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

- E. 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 regulatory activity covered by the rules.

The rules were last updated in 2020. Rule amendments are taking place due to recommendations made by a juvenile justice workgroup regarding funding for in-home services for at-risk youth.

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?Department=Health%20and%20Human%20Services&Bureau=All>

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

Rules were not listed on the 2024 ARP.

Department of Health and Human Services Economic Stability Administration

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give brief description.]

R 400.3001 to 400.3015, Food Assistance Program. These rules provide the eligibility requirements for participants in the food assistance program or FAP. **Rulemaking currently in progress: MOAHR Rule No. 2023-41 HS.**

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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 400.3010 has been identified for rescission.

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.

R 400.3009 and R 400.3010.

- A. Describe whether there is a continued need for the rules.

There is a continued need for the rules.

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

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Michigan is only one of six states/territories that require child support and paternity compliance for food assistance. This requirement creates an unnecessary hardship for families seeking food assistance.

C. Describe the complexity of complying with the rules.

The amended proposed rules would remove the complex procedural requirement of a FAP recipient from complying with mandatory child support services as a condition for receiving FAP. Child support services will continue to be available to any participant who desires those services.

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

No conflict exists. Per Supplemental Nutrition Assistance Program (SNAP) federal regulations child support cooperation requirements are a state option and are not federally required.

E. 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 regulatory activity covered by the rules.

The rules were last reviewed in 2023. Economic factors for changes to the rules prompted regulatory activity covered by these rules.

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

[MDHHS Admin Rules - ESA](#)

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

Rules with JCAR.

Department of Health and Human Services Public Health Administration

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

This is a new rule set. R 330.301 – R 330.319, Universal Blood Lead Testing. The purpose of these rules is to follow the mandate of 2023 PA 146, MCL 333.5474d, to promulgate rules for implementation that requires physicians to test, or order a test, for children for exposure to lead at age 12 and 24 months, or, if no record of a previous test, between 24 and 72 months of age. **Rulemaking currently in progress:**
MOAHR Rule No 2023-63 HS

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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 failed to utilize any statutorily required rules.

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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 draft rules have been reviewed and present as the most business-friendly method of regulation in compliance with the statutory mandate.

- A. Describe whether there is a continued need for the rules.

The rules are statutorily mandated; there is a need for the rules.

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

This is a statutorily required rule set. No known complaints or comments from the public have been made concerning these proposed rules.

- C. Describe the complexity of complying with the rules.

Compliance with the rules should not be complex.

- D. Describe 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. 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 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/AdminCode/DeptBureauAdminCode?
Department=Health%20and%20Human%20Services&Bureau=All](https://ars.apps.lara.state.mi.us/AdminCode/DeptBureauAdminCode?Department=Health%20and%20Human%20Services&Bureau=All)

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

These rules were not identified in the 2024 ARP.

Department of Health and Human Services Public Health Administration

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

R 325.3201 to R 325.3221, Completion, Filing, and Registration of Vital Records Documents. These rules establish requirements for completion, filing, and registration of vital records, including birth, death, fetal death, marriage, and divorce records. **Rulemaking in progress: MOAHR No. 2024-9 HS**

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2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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 are being rescinded in this rule promulgation. The rule set is 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.

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.

Changes are primarily to address processes that have changed in transition from paper to electronic vital records.

- A. Describe whether there is a continued need for the rules.

There is a continued need for the rules.

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

There have been no relevant complaints, recommendations, or feedback received from the public regarding these rules.

- C. Describe the complexity of complying with the rules.

There is no complexity in complying with the rules.

- D. Describe 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. 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 regulatory activity covered by the rules.

The last evaluation of the rules was in 2023. Several of the requested changes are due to the ways technology has changed the processing of vital records from paper to electronic.

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?Department=Health%20and%20Human%20Services&Bureau=All>

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

Public Hearing scheduled for July 15, 2024.

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Department of Health and Human Services
Public Health Administration

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

R 325.3251 to R 325.3267, Amendments to Vital Statistic Records. The general purpose of these rules is to establish definitions, requirements, and processes needed to amend or change birth and death certificates, and other vital records after they are filed. **Rulemaking in progress: MOAHR No. 2024-08 HS**

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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 325.3264 has been identified for rescission. The remainder of 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.

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.

Several of the requested amendments are due to the ways technology has changed the processing of vital records from paper to electronic.

- A. Describe whether there is a continued need for the rules.

There is a continued need for the rules.

- B. Provide 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. Describe the complexity of complying with the rules.

There is no complexity of complying with the rules.

- D. Describe 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. 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 regulatory activity covered by the rules.

The last evaluation of the rules was in 2023. Several of the requested changes are due to the ways technology has changed the processing of vital records from paper to electronic.

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

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Department=Health%20and%20Human%20Services&Bureau=All](https://ars.apps.lara.state.mi.us/AdminCode/DeptBureauAdminCode?Department=Health%20and%20Human%20Services&Bureau=All)

Annual Regulatory Plan 2024-2025

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

Public Hearing scheduled for June 15, 2024.

Department of Health and Human Services Economic Stability Administration

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

R 400.3101 to 400.3131, Family Independence Rules. These rules provide monetary assistance for those who are eligible for this assistance program in the State. **Rulemaking in progress: MOAHR No. 2024-27 HS**

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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 are being reviewed. This rule set is 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.

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 amendment to these rules will give a clear direction and efficiency for replacing cash assistance benefits that have been fraudulently taken from the recipient.

- A. Describe whether there is a continued need for the rules.

There is a continued need for the rules.

- B. Provide 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. Describe the complexity of complying with the rules.

There is no complexity of complying with the rules.

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

R 400.3104 is being amended to avoid conflict with federal government recommendations regarding replacement of benefits fraudulently taken from the recipient.

- E. 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 regulatory activity covered by the rules.

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The rules were last reviewed and amended in 2014. Changes are being made due to federal recommendations regarding states' current process for replacement of benefits lost to fraud.

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?Department=Health%20and%20Human%20Services&Bureau=All>

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

These rules were not identified in the 2024 ARP.

Department of Health and Human Services Economic Stability Administration

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

R 400.3151 to 400.3180, State Disability Assistance program. These rules provide monetary assistance for those who are eligible for this assistance program based upon an eligible disability in the State.
Rulemaking in progress: MOAHR No. 2024-26 HS

1. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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 are being reviewed. This rule set is important to the mission and function of the agency.

2. 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.

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

The amendment to these rules will give a clear direction and efficiency for replacing cash assistance benefits that have been fraudulently taken from the recipient.

- A. Describe whether there is a continued need for the rules.

There is a continued need for the rules.

- B. Provide 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. Describe the complexity of complying with the rules.

There is no complexity of complying with the rules.

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

R 400.3169 is being amended to avoid conflict with federal government recommendations regarding replacement of benefits fraudulently taken from the recipient.

- E.** 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 regulatory activity covered by the rules.

The rules were last reviewed and amended in 2014. Changes are being made due to federal recommendations regarding states' current process for replacement of benefits lost to fraud.

- 4.** 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?
Department=Health%20and%20Human%20Services&Bureau=All](https://ars.apps.lara.state.mi.us/AdminCode/DeptBureauAdminCode?Department=Health%20and%20Human%20Services&Bureau=All)

- 5.** Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

These rules were not identified in the 2024 ARP.

Department of Health and Human Services Children's Services Administration

- 1.** Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

R 400.4101 to R 400.4666, Child Caring Institutions. These rules describe the requirements a facility must follow in order to be licensed as a 24-hour care facility for youth.

- 2.** Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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 current rule set is open for review of any rules that may be obsolete or superseded and can be rescinded. The rule set is 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.

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 will be reviewed to determine if there are more business-friendly methods of regulation.

- A.** Describe whether there is a continued need for the rules.

There is a continued need for the rules to ensure the safety of youth in private and public child caring organizations.

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B. Provide 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. Describe the complexity of complying with the rules.

Compliance with the rules is not complex.

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

There are no conflicts or duplication with any similar rules or regulations adopted by the federal government or local units of government.

E. 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 regulatory activity covered by the rules.

Rules were last revised in 2022. Only a minimal number of rules were promulgated in 2022. The agency will be revising many of the rules due to factors involving placement, security, staff qualifications, and other pertinent factors in keeping youth safe in these child caring organizations.

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?
Department=Health%20and%20Human%20Services&Bureau=All](https://ars.apps.lara.state.mi.us/AdminCode/DeptBureauAdminCode?Department=Health%20and%20Human%20Services&Bureau=All)

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

The rules were not identified in the 2024 ARP.

Department of Health and Human Services Children's Services Administration

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

R 400.12101 to 400.12808, Child Placing Agencies. These rules describe the requirements of contracted and licensed child placing agencies in the State for eligibility of foster care families and staffing requirements for those staff overseeing foster care and adoption cases.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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 current rule set is open for review of any rules that may be obsolete or superseded and can be rescinded. The rule set is 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.

The agency has not failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules.

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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 will be reviewed to determine if there are more business-friendly methods of regulation.

- A. Describe whether there is a continued need for the rules.

There is a continued need for the rules to ensure the safety of youth in foster homes and staff that oversee the child's foster care case and adoption case.

- B. Provide 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. Describe the complexity of complying with the rules.

Compliance with the rules is not complex.

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

There are no conflicts or duplication with any similar rules or regulations adopted by the federal government or local units of government.

- E. 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 regulatory activity covered by the rules.

Rules were last evaluated and promulgated in 2023. There have been no changes in technology or economic conditions. Business processes are being reviewed.

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?
Department=Health%20and%20Human%20Services&Bureau=All](https://ars.apps.lara.state.mi.us/AdminCode/DeptBureauAdminCode?Department=Health%20and%20Human%20Services&Bureau=All)

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

The rules were not identified in the 2024 ARP.

Department of Health and Human Services Children's Services Administration

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

R 400.9101 to 400.9506, Foster Family and Group Homes. These rules describe the requirements of for eligibility of foster care families and staffing requirements for those staff overseeing foster care cases.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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.

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The current rule set is open for review of any rules that may be obsolete or superseded and can be rescinded. The rule set is 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.

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 will be reviewed to determine if there are more business-friendly methods of regulation.

- A. Describe whether there is a continued need for the rules.

There is a continued need for the rules to ensure the safety of youth in foster homes and staff that oversee the child's foster care case.

- B. Provide 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. Describe the complexity of complying with the rules.

Compliance with the rules is not complex.

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

There are no conflicts or duplication with any similar rules or regulations adopted by the federal government or local units of government.

- E. 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 regulatory activity covered by the rules.

Rules were last evaluated and promulgated in 2023. There have been no changes in technology or economic conditions. Business processes are being reviewed.

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?
Department=Health%20and%20Human%20Services&Bureau=All](https://ars.apps.lara.state.mi.us/AdminCode/DeptBureauAdminCode?Department=Health%20and%20Human%20Services&Bureau=All)

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

The rules were not identified in the 2024 ARP.

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Department of Health and Human Services
Public Health Administration

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

Crime Victim Services, R 18.351 through R 18.367. These rules describe the procedures governing the crime victims compensation program as required under the Crime Victims Compensation Board, 1976 PA 223, MCL 18.351 through 18.368.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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 18.361 has been identified for rescission. The remaining 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.

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 rules are not problematic, and the entire rule set is being reviewed to determine the most business-friendly method of regulation.

- A. Describe whether there is a continued need for the rules.

There is a continued need for the rules.

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

No complaints or comments have been received from the public concerning the rules.

- C. Describe the complexity of complying with the rules.

Compliance with the rules is not complex.

- D. Describe 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. 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 regulatory activity covered by the rules.

In 2018, a cursory review was done and the rules were updated. Since then, the statute has changed as well as we have decided to do a thorough review of the rules to ensure that outdated language, policy, and incorrect statutory citations are removed and/or corrected.

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

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<https://www.michigan.gov/mdhhs/safety-injury-prev/publicsafety/crimevictims/crime-victim-compensation/what-is-crime-victim-compensation>

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

The rules were not identified for action in the 2024 ARP.

Department of Health and Human Services Public Health Administration

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

R325.3231-R325.3236—Vital Records Inspection and Disclosure. These rules describe the time and place, with procedures, of the local registrar in allowing the public to inspect vital statistic records.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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 are being reviewed for rules that can be rescinded. 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.

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 rules are being reviewed to determine those that may be most problematic to industry and determine the most business-friendly method of regulation.

A. Describe whether there is a continued need for the rules.

The rules are still needed to protect the privacy and confidentiality of vital records, while cancer and birth defects reporting rules govern the collection and use of sensitive health information for public health and research purposes.

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

No complaints or comments have been received by DHHS from the public concerning the rules.

C. Describe the complexity of complying with the rules.

Compliance with the rules is not complex.

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

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The rules do not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

- E. 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 regulatory activity covered by the rules.

The rules were last reviewed in 2019. Updates to technology may change the inspection and disclosure process.

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?Department=Health%20and%20Human%20Services&Bureau=All>

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

The rules were not listed on the 2024 ARP.

Department of Health and Human Services Public Health Administration

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

R325-9050-R325.9056—Cancer Reporting. These rules provide the process of reporting cancer diagnoses to the Department of Health and Human Services (DHHS).

2. Rules that are obsolete or superseded and can be rescinded between July 1, 2024 and June 30, 2025. 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 are being reviewed for rules that can be rescinded. 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.

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 rules are being reviewed by a volunteer scientific advisory board before data may be released for research. This requirement stems from a time when there was not a formal compliance infrastructure or Institutional Review Board (IRB) in DHHS, and results in lengthy delays for researchers to obtain cancer and birth defects data.

- A. Describe whether there is a continued need for the rules.

There is a continued need for the rules.

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

No complaints or comments have been received by DHHS from the public concerning the rules.

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C. Describe the complexity of complying with the rules.

The requirement for a volunteer scientific advisory board is cumbersome. One staff person spends a great deal of time recruiting academic researchers from Michigan universities to serve in this capacity. As volunteers, reviewing and providing feedback on research requests is not a priority and it often takes several months to get required approvals from board members. These delays impact researchers who are working against deadlines imposed by their federal or other research funders. The purpose of the board has largely been replaced by a robust compliance infrastructure and IRB at DHHS.

D. Describe 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. 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 regulatory activity covered by the rules.

The rules were last reviewed prior to 2019. As stated in Answer 4D, delays in getting feedback on research requests are interfering with deadlines imposed by federal or other research funders and a new compliance infrastructure should be the replacement.

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?
Department=Health%20and%20Human%20Services&Bureau=All](https://ars.apps.lara.state.mi.us/AdminCode/DeptBureauAdminCode?Department=Health%20and%20Human%20Services&Bureau=All)

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

The rules were not listed on the 2024 ARP.

Department of Health and Human Services Public Health Administration

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

R325.9070-R325.9077—Birth Defects Reporting. These rules provide the requirements of reporting birth defects to DHHS.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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 are being reviewed for rules that can be rescinded. 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.

The agency has not failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules.

Annual Regulatory Plan 2024-2025

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 being reviewed by a volunteer scientific advisory board before data may be released for research. This requirement stems from a time when there was not a formal compliance infrastructure or Institutional Review Board (IRB) in DHHS, and results in lengthy delays for researchers to obtain cancer and birth defects data.

- A. Describe whether there is a continued need for the rules.

There is a continued need for the rules.

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

No complaints or comments have been received from the public concerning the rules.

- C. Describe the complexity of complying with the rules.

The requirement for a volunteer scientific advisory board is cumbersome. One staff person spends a great deal of time recruiting academic researchers from Michigan universities to serve in this capacity. As volunteers, reviewing and providing feedback on research requests is not a priority and it often takes several months to get required approvals from board members. These delays impact researchers who are working against deadlines imposed by their federal or other research funders. The purpose of the board has largely been replaced by a robust compliance infrastructure and IRB at DHHS.

- D. Describe 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. 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 regulatory activity covered by the rules.

The rules were last reviewed prior to 2019. As stated in Answer 4D, delays in getting feedback on research requests are interfering with deadlines imposed by federal or other research funders and a new compliance infrastructure should be the replacement.

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?
Department=Health%20and%20Human%20Services&Bureau=All](https://ars.apps.lara.state.mi.us/AdminCode/DeptBureauAdminCode?Department=Health%20and%20Human%20Services&Bureau=All)

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

The rules were not listed on the 2024 ARP.

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

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

New Rule Set-Community Integrated Paramedicine. These rules will outline the criteria for EMS agencies and clinicians who desire to establish and operate a voluntary paramedicine EMS program.

2. Rules that are obsolete or superseded and can be rescinded between July 1, 2024 and June 30, 2025. 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 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.

This is a new rule set.

- A. Describe whether there is a continued need for the rules.

This is a new rule set. Currently all CIP programs are operated under special study, or field study, status. This is a temporary status. The rules need to be promulgated in order to establish CIP as a defined part of the EMS System.

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

No complaints or comments have been received from the public. This is a new rule set.

- C. Describe the complexity of complying with the rules.

This is a new rule set. Agencies that hold themselves out to be CIP agencies will have to comply with education, training, and equipment standards, similar to all other levels of life support. The programs are provided voluntarily and are community based, so the burden and complexity varies according to the type and volume of the program.

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

This is a new rule set.

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E. 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 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.

This is a new rule set.

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

These proposed rules were listed on the 2024 ARP but have not yet begun rule promulgation.

Department of Health and Human Services Public Health Administration

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

R 325.22101 325.22217, Emergency Medical Services – Life Support Agencies and Medical Control Rules. These rules provide for the requirements and processes for transporting patients to health care facilities.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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 were identified for rescission and 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.

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.

R325.22112(d) The current rules related to patient destination and EMS transport to Free Standing Emergency Departments rely heavily on provider status defined by Federal Medicare rules. The intention of review is to provide a more robust definition of the criteria that will allow a freestanding emergency department to receive patients by ambulance.

A. Describe whether there is a continued need for the rules.

There is a continued need for the rules. There are currently approximately 14 freestanding emergency departments in Michigan. The rules remain relevant and necessary in order to provide clarity related to patient destination decisions for EMS personnel, and the healthcare system's responsibilities related to freestanding emergency departments.

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- B.** Provide a summary of any complaints or comments received from the public concerning the rules.

The Division has received feedback from agencies that the Federal process is long and cumbersome to navigate. From the Federal perspective, having free standing emergency departments within a health system is optional. This has resulted in minimal resources and a lengthy process. Life Support Agencies have requested clarity related to free standing emergency departments' requirements and capacity to accept ambulance traffic. No known complaints or comments from the public.

- C.** Describe the complexity of complying with the rules.

The rules established for Life Support Agencies and Medical Control Authorities summarize the necessary components to participate in the EMS system in a safe and effective manner. There are tasks that are complex and cumbersome, but they are in line with the tasks that an Emergency Department needs to do for both CMS and LARA in order to facilitate patient care.

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

These rules do not conflict with or duplicate similar rules or regulations currently adopted by federal or local units of government.

- E.** 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 regulatory activity covered by the rules.

This ruleset was last evaluated in 2022. The regulatory activity has changed due to the cumbersome federal process which prompted review and modification of the 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/AdminCode/DeptBureauAdminCode?Department=Health%20and%20Human%20Services&Bureau=Public%20Health%20Administration>

- 6.** Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

The rules were not identified on the 2024 ARP.

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

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

New Rule Set-The Oral Health Section is looking to promulgate rules pursuant to MCL 333.21615 regarding mobile dentistry. The rules would describe the regulatory process for the application, infection control procedures, referral process, reporting requirements, monitoring procedures, and disciplinary action.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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 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.

This is a new rule set.

- A. Describe whether there is a continued need for the rules.

This is a new rule set.

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

Any complaints or comments from the public is unknown.

- C. Describe the complexity of complying with the rules.

This is a new rule set.

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

This is a new rule set.

- E. 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 regulatory activity covered by the rules.

This is a new rule set.

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

No URL at this time.

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

These rules were not identified in the 2024 ARP.

Department of Health and Human Services Public Health Administration

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

Lead Hazard Controls, R 325.99101 through R 325.99409. Rules define general provisions, training program requirements, certification of individuals and firms including work practice standards lead abatement activities.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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 and R 325.99210 are considered for rescission. The remaining 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.

The agency has not failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules. The U.S. Environmental Protection Agency (EPA) provides authorization and funding to MDHHS to implement lead abatement program requirements for certification, training, and enforcement. The EPA is further requesting Michigan receive authorization for the Renovation, Repair and Painting certification, training, and enforcement program. House Bill 4532 is placed on third reading within the Health Policy Committee and amends MCL 333.5451 – MCL 333.5478 to allow authorization for a Renovation, Repair and Painting Program, which will require rule promulgation.

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

R 325.99101 – R25.99104 – General Provisions:

- * Renovation, Repair and Painting General requirements added to include additions to definitions and record keeping requirements.

R 325.99201 – R 325.99212 – Training Programs

- * Add Initial Renovator & Dust Sampling Technician course requirements.
- * Clarify instructor requirements for instructing courses.
- * Clarify guest instructor requirements.
- * Add course examination score requirements.
- * Clarify course failure requirements and missed course time.
- * Clarify training certificate requirements.
- * Further define quality control requirements for trainers to lessen confusion.

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- * Allow worker courses to be trained in conjunction with supervisor courses.

R 325.99301 – R 325.99304 – Certified Individuals and Firms

- * Add Initial Renovator and Dust Sampling Technician certification requirements.
- * Clarify risk assessor examination costs.
- * Clarify state examination failure expectations.
- * Further define reciprocity requirements.
- * Add clarification to the certification experience requirements to lessen barriers.
- * Clarify recertification requirements to lessen confusion.

R 325.99401 – R 325.99409 – Work Practice Standards

- * Add renovation, repair and painting requirements.
- * Further clarify weather requirements when performing activities and access to rooms for inspection purposes.
- * Add porch to clearance requirements.
- * Add/Clarify requirements for inspections, risk assessments, EBL investigations, lead hazard control activities and clearances.
- * Add renovation project clearance expectations.
- * Add EPA requirements to Pre-Renovation Education.
- * Add requirements for lead hazard control screens and dust level requirements for hazard screens.

A. Describe whether there is a continued need for the rules.

There is a continued need for the rules.

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

Comments heard throughout the years involve the confusion surrounding the rules in general due to terminology alignment between the lead abatement act and rules with the Lead Abatement Act. A need was expressed to require utilizing an X-Ray Fluorescence Analyzer (XRF) as the acceptable device for performing lead inspection and risk assessments (R 325.99403(2) and R 325.99403(4)) and clarification of the time between training and renewal of a certification R 325.99304(6). Training providers have expressed the need to allow the worker course to be taught in conjunction with the lead supervisor course. Having the courses taught separate has increased time requirements for trainers as the worker course is 3 days and supervisor is 4 days, complicating travel to areas like the Upper Peninsula. Internal and external informal comments have been made regarding experience requirements for supervisor and risk assessor and barriers created within those requirements.

C. Describe the complexity of complying with the rules.

Currently the complexity is medium to high. Allowing the rules to be opened for change will allow clarification and lessen confusion.

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

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The proposed rule changes will either align or be more protective than federal regulations regarding renovation and abatement activities.

- E. 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 regulatory activity covered by the rules.

The previous change to the lead hazard control rules occurred in 2007. Since 2007 the federal government has adopted the EPA Renovation, Repair and Painting (RRP) Rules 40 CFR Part 745. 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/mileadsafe/-/media/Project/Websites/mileadsafe/Memos-laws-and-policies/Lead_Hazard_Control_Rules.pdf

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

The rules were identified for action in the 2024 ARP but promulgation activity has not yet taken place.

Department of Health and Human Services Public Health Administration

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

New Rule Set-Establish new language to mandate the reporting of the results from all negative HIV tests from private, commercial, and public health labs that test specimens from Michigan residents under MCL 333.5111.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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 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.

Michigan already requires all labs indicative of HIV infection (including negative labs following any positive lab in order to complete a diagnostic algorithm) to be reported under MCL 333.5114 and many labs are already passively submitting all negative HIV labs. Labs indicate

that it is easier for them to report all HIV labs than parsing off only those negative labs that follow positive labs.

A. Describe whether there is a continued need for the rules.

This is a new rule set.

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

No complaints or comments have been received from the public. This is a new rule set.

C. Describe the complexity of complying with the rules.

Minimal as most labs are already voluntarily complying with reporting.

There is some precedence for reporting all test results as we already require reporting both positive and negative test results for Hepatitis B and C. But the legislature has not enacted similar reporting requirements specific to Hepatitis B and C like it has for HIV, which leaves more discretion to the department to determine what reporting will be required for other communicable diseases. A rule that relies exclusively on 5111(2)(c) may also be vulnerable to a challenge based on the vagueness of the statute. I could also see a court trying to avoid a vagueness argument by looking at the rest of this subsection as creating a limitation: “including, but not limited to, immunization and environmental controls.” These are examples of the “procedures” that might be used to control diseases and infections, so it may be hard to successfully argue that reporting requirements are another type of “procedure,” especially when 5111(2)(a) separately and expressly addresses reporting requirements.

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

This is a new rule set.

E. 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 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.

No URL at this time.

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

These new rules were not identified for action in the 2024 ARP.

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

1. Rule(s) to be processed between July 1, 2024 and June 30, 2025. [Give a brief description.]

R 325.171 to R 325.199, Communicable and Related Disease. These rules describe reporting requirements and processes for diseases, infections, and disabilities, including unusual occurrence, outbreak, or epidemic of any condition, including healthcare-associated infections, to the local health department and to DHHS.

2. Rules that are obsolete or superseded and can be rescinded between July 1, 2024 and June 30, 2025. 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 and 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.

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 R 325.172 to R 325.182 are being reviewed as most problematic to industry and for a more business-friendly method of regulation.

- A. Describe whether there is a continued need for the rules.

There is a continued need for the rules. They cover infectious disease detection, investigation, control, and prevention, which is an ongoing need.

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

No complaints or comments have been received by the public concerning the rules.

- C. Describe the complexity of complying with the rules.

Complexity is minimal for complying with the rules.

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

No conflicting or duplicative rules or regulations have been identified at the federal or local level.

- E. 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 regulatory activity covered by the rules.

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Various- 2010, 2014, and 2015. Technology relevant to electronic reporting and disease detection has advanced over the last decade to include much more accessible reporting through electronic means, as well as improved methods for disease detection.

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/DownloadAdminCodeFile?FileName=R 325.171 to R 325.199.pdf&ReturnHTML=True

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

These rules were not identified on the 2024 ARP.

Department of Health and Human Services Public Health Administration

1. Rule(s) to be processed between July 1, 2024 and June 30, 2025. [Give a brief description.]

This is a new rule set. Establish new language to mandate the reporting the results all HIV tests conducted by private or commercial plasma center facilities that test blood products from Michigan residents under MCL 333.5111.

2. Rules that are obsolete or superseded and can be rescinded between July 1, 2024 and June 30, 2025. 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 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.

Michigan already requires all labs indicative of HIV infection to be reported to MDHHS for public health purposes. Plasma centers test blood products for HIV and ultimately diagnose clients. At present, plasma centers are not required to follow the same rules that apply to all other private, commercial and public health facilities regarding labs diagnosing HIV. This new rule would now include this type of testing facility. Many other states have rules that designate special requirements for plasma centers and blood banks See, e.g. Iowa administrative rules, ARC 7371C.

- A. Describe whether there is a continued need for the rules.

This is a new rule set and the rule set is needed.

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

No complaints or comments have been received from the public concerning the new rules.

C. Describe the complexity of complying with the rules.

The complexity would be minimal. The facilities have already indicated the capacity to comply.

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

This is a new rule set.

E. 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 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.

No URL at this time.

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

These rules were not identified in the 2024 ARP.