

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



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August 5, 2021

Also Sent Via Email

Joint Committee on Administrative Rules
Boji Tower, 3rd Floor
124 West Allegan Street
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Lansing, MI 48909-7536

Dear Chairperson Meerman, Alternate Chairperson Bumstead, and Committee Members:

Subject: Waiver Request – 2021-34 AG

As the Regulatory Affairs Officer for the Department of Attorney General, I request that the Joint Committee on Administrative Rules (JCAR) waive any remaining session days under the authority provided in the Administrative Procedures Act of 1969, MCL 24.245a(1)(d), for the Financial Exploitation Prevention Act rule set 2021-34 AG.

The rule sets were submitted to JCAR on August 4, 2021.

In support of the request, the Department offers the following:

1. The rules were drafted cooperatively by a subcommittee of the Michigan Elder Abuse Task Force. The Michigan Elder Abuse Task Force was formed in March of 2019 and consists of over 100 members from more than 50 different organizations. The subcommittee which drafted the rules was composed of members of prosecutors, members of law enforcement, adult protective services, representatives from the Michigan Credit Union League, and representatives from the Michigan Credit Union League. Members of the subcommittee were given multiple opportunities to make comments and suggested changes to the rules sets. When possible, the Department incorporated those suggested changes into the rules sets.
2. No comments addressing the rules were received at the public hearing held July 7, 2021.
3. The rules dictate the manner of notifications to county prosecutor's offices under the Financial Exploitation Prevention Act. The Act requires financial institutions to report covered financial exploitation to adult protective services and law enforcement, permits financial institutions to report directly to county prosecutor's offices under certain circumstances, and requires adult protective services and law enforcement to notify the

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county prosecutor's office of receipt of these reports from financial institutions. The Act is effective on September 26, 2021. Once the rules are filed, all notifications to the county prosecutor's office will be required to be made in a standardized manner that ensures the necessary information will be transmitted to the prosecutor's office with each notification. This will enable county prosecutors to respond more quickly and effectively to reports of covered financial exploitation.

It is in the best interests of Michigan residents for covered acts of financial exploitation to be reported to county prosecutors' offices in a manner that is both effective and informative, so that prosecutors can act quickly against those who would steal from its most vulnerable residents. Thus, this request is respectfully made to the JCAR to waive any remaining session days.

Sincerely,

/s/ Bethany L. McCune

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