

Michigan Office of Administrative Hearings and Rules

611 West Ottawa Street; 2nd Floor, Ottawa Building

Lansing, MI 48933

Phone: (517) 335-8658 FAX: (517) 335-9512

REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file an RFR with the Michigan Office of Administrative Hearings and Rules (MOAHR) before initiating any changes or additions to the rules. Please submit the RFR to orr@michigan.gov.

1. Agency Information:

Agency name:	Department of Health and Human Services
Division/Bureau/Office:	Division of Child Welfare Licensing
Name, title, phone number, and e-mail of <u>person completing this form</u> :	Patricia Neitman, Director, 517-284-9740, NeitmanP@michigan.gov

2. Rule Set Information:

Title of proposed rule set:	Child Caring Institutions
Rule number(s) or range of numbers:	R 400.4101 - 400.4666
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes

3. Estimated timetable for completion, or statutory deadline, if applicable:

One year

4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

These rules address the licensing requirements for child caring institutions in the state. They provide the minimal standards for staff qualifications, facility requirements, licensing, and fire safety. The rules were last updated in 2015. Since that time, federal law requirements have changed, and new issues have evolved that require a review of the entire rule set to address such current issues involving LGBT youth, vaccinations, and variance requirements. Further, there are conflicts within the child caring institution, child placing agencies, and foster family and group home rules that need to be amended for consistency for the contracted agencies providing services.

5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

By authority conferred on the Director of Health and Human Services by section 2, 1973 PA 116, MCL 722.112, and E.O. No. 2015-4, MCL 400.227.

6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

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

7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

A Technical Advisor handbook was created as an explanation for the rules. This handbook will need amendment.
--

8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

Full rulemaking process.

9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.

The rules do not incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5.

10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.

There is no applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Mary E Brennan

 ↓ To be completed by MOAHR ↓

Date RFR received: 7-24-2019

Based on the information in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR.

MOAHR assigned rule set number:	2019-064 HS
Date of approval:	8/1/19

Based on the information in this RFR, MOAHR is not approving the RFR at this time.

Date of disapproval:	
Explanation:	