

**Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)**

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Health and Human Services

2. Bureau:

Public Health Administration

3. Promulgation type:

MCL 24.244 (1)

4. Title of proposed rule set:

Universal Blood Lead Testing

5. Rule numbers or rule set range of numbers:

R 330.301 – R 330.319

6. Estimated time frame:

3 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 purpose of these rules is to follow the mandate of 2023 PA 146, MCL 333.5474d that includes the requirement that the Department 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.

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

Department Director

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

By authority conferred on the Director of the Department of Health and Human Services by sections 2233, 9227, 20910, and newly added 5474d of the public health code, 1978 PA 368, MCL 333.2233, 333.9227, and 333.5474d.

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

The rules are mandated under 2023 PA 146, MCL 333.5474d and 1978 PA 368, MCL 333.9227.

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.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

Currently, the Department provides guidelines for blood lead testing of children that do not include the mandates specified in 2023 PA 146 in Section 2 (a). These rules would provide those mandates.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

No. These rules are being promulgated because of the statutory requirements in 2023 PA 146, MCL 333.5474d.

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?

MCL 24.244 (1)

A. Explain why the rules are being promulgated under 24.244.

The Department is requesting the rules be promulgated under MCL 24.244(1) to make the rule conform to an amended or new statute. The legislation requires the Department to create rules under the new statute.

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.