

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

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Labor and Economic Opportunity

2. Bureau:

MIOSHA

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Ionizing Radiation Rules Governing the Use of Radiation Machines

5. Rule numbers or rule set range of numbers:

R 333.5001 – R 333.5721

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.

The general purpose of these proposed rules is to amend the Ionizing Radiation Rules Governing the Use of Radiation standard to establish qualification requirements for individuals engaged in medical x-radiation technology. The proposed rules are intended to address the improper performance of medical x-radiation technology and ensure that individuals and patients are not exposed to unnecessary radiation.

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

By authority conferred on the director of the Michigan department of labor and economic opportunity by sections 13515, 13521, 13522, and 13527 of the public health code, 1978 PA 368, MCL 333.13515, 333.13521, 333.13522, and 333.13527 and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2030, and 125.1998.

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

The Public Health Code, 1978 PA 368, Part 135, MCL 333.13515, MCL 333.13521, MCL 333.13522, and MCL 333.13527. Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2011-4, and 2019-3, MCL 330.3101, MCL 445.2001, MCL 445.2011, MCL 445.2030, and MCL 125.1998.

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

By authority conferred on the director of the Michigan department of labor and economic opportunity by sections 13515, 13521, 13522, and 13527 of the public health code, 1978 PA 368.

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.

MIOSHA is not aware of any rules that 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?

MIOSHA is not aware if the subject matter of the rules is currently contained in any guideline, 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 proposed rules do not exceed similar regulations, compliance requirements, or 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.

MIOSHA received recommendations from the American Registry of Radiologic Technologists.

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.

This is a new part in the existing rule set. The date of the last evaluation of the rules was 10/5/2020. The proposed rules are intended to address the improper performance of medical x-radiation technology and ensure that individuals and patients are not exposed to unnecessary radiation.

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.

No