

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

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Professional Licensing

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Respiratory Care – General Rules

5. Rule numbers or rule set range of numbers:

R 338.2201 – R 338.2207

6. Estimated time frame:

12 months

Name of person filling out RFR:

Dena Marks

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The Respiratory Care General Rules pertain to the education, licensure, and relicensure of respiratory therapists.

The rules will be amended to review the impact of the amendment to MCL 333.16186 on applicants applying for licensure by endorsement. All rules will be reviewed and revised as needed for clarity and to provide up-to-date information.

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

The department in consultation with the board.

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

MCL 333.16145, MCL 333.16148, MCL 333.16174, MCL 333.16287, MCL 333.18709, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.

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

MCL 333.16145 requires the board to promulgate rules to specify the requirements for licensure. MCL 333.16287 requires the department in consultation with the board to promulgate telehealth rules. MCL 333.18709 requires the department to promulgate rules to establish the requirements for licensure.

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?

The subject matter of the rules is not currently contained in any guidance, 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?

Yes.

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 rules do not exceed similar regulations, compliance requirements, or other 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.

The rules do not incorporate the recommendations received from the public regarding any complaints or comments regarding the rules.

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.

The rules were last amended October 28, 2021. MCL 333.16186 was amended effective March 24, 2021. The endorsement rule will be reviewed and amended as needed in light of the statutory change.

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?

There are no changes or developments since implementation that demonstrate that there is no continued need for the rules.

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.

Yes