

State Budget Office
Office of Regulatory Reinvention
 111 S. Capitol Avenue; 8th Floor, Romney Building
 Lansing, MI 48933
 Phone: (517) 335-8658 FAX: (517) 335-9512

**AGENCY REPORT TO THE
 JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate the rules must complete and submit this form electronically to the Office of Regulatory Reinvention (ORR) at orr@michigan.gov.

1. Agency Information:

Agency name:	Department of Licensing and Regulatory Affairs		
Division/Bureau/Office:	Bureau of Professional Licensing		
Name, title, phone number, and e-mail of person completing this form:	Dena Marks, Board Analyst 517-335-3679 marksD1@michigan.gov		
Name of Departmental Regulatory Affairs Officer reviewing this form:	Liz Arasim, Department of Licensing and Regulatory Affairs		

2. Rule Set Information:

ORR assigned rule set number:	2018-041-LR
Title of proposed rule set:	Respiratory Care – General Rules

3. Purpose for the proposed rules and background:

The current rules regulate the licensure, renewals, and relicensure of respiratory therapists. The proposed rules reorganize the rule set into 4 parts for clarity; revise definitions; clarify licensure requirements; rescind obsolete rules pertaining to temporary licensing and full licensure based on credentials conferred by a national organization; update accreditation information; and reorganize and update licensure by endorsement and relicensure requirements.

4. Summary of proposed rules:

R 338.2201 The proposed rule will revise definitions to include updated information identifying the department as the department of Licensing and Regulatory Affairs and adding a statutory citation for the Public Health Code.

R 338.2201a The current rule on training for identifying victims of human trafficking will be revised to advise an applicant for renewal or initial licensure of the date that he or she must have completed this training.

R 338.2202 The proposed rule will be revised to clarify the requirements for licensure.

R 338.2202a This rule will be added to advise an applicant trained outside of the United States or Canada that he or she must have his or her education evaluated by the National Association of Credential Evaluation Services to determine if his or her education meets the requirements for licensure.

R 338.2202b The proposed rule advises a foreign-trained applicant that he or she must demonstrate a working knowledge of the English language by achieving a score of 80 or more on the Test of English as a Foreign Language Internet-Based Test.

R 338.2203 The current rule pertains to temporary licensing. The period of time to apply for this license ended July 1, 2005, so this rule will be rescinded.

R 338.2204 This rule pertains to licensure and permits the department to issue a license to an individual who had credentials as a registered respiratory therapist or certified respiratory therapist conferred by a national organization on or before July 1, 2004. The period of time to make application ended July 1, 2005, MCL 333.18709(2). This rule will be rescinded in the proposed rules.

R 338.2205 The current rule pertains to licensure by endorsement and will be revised to require an applicant to have his or her license verified by each jurisdiction where the applicant is licensed. The proposed rule will require an applicant who has been licensed in another jurisdiction for less than 5 years to submit his or her educational requirements, submit examination and certification information, and be of good moral character. The rules are designed to inform an applicant for licensure by endorsement of the requirements that he or she must meet to be licensed in Michigan.

R 338.2206 The current rule contains outdated accreditation standards. The proposed rule revision updates the information and revises the rule for clarity

R 338.2207 The current rule contains outdated relicensure information. The proposed rule revision updates the information and revises the rule for clarity.

5. List names of newspapers in which the notice of public hearing was published and publication dates (attach copies of affidavits from each newspaper as proof of publication).

The Mining Journal, January 10, 2019
The Flint Journal, January 20, 2019
The Grand Rapids Press, January 20, 2019

6. Date of publication of rules and notice of public hearing in *Michigan Register*:

Issue No. 1 – 2019, February 1, 2019

7. Time, date, location, and duration of public hearing:

9:00 a.m., February 19, 2019, G. Mennen Williams Bldg., 525 Ottawa Street, Lansing, Michigan

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

http://dmbinternet.state.mi.us/DMB/ORRDocs/RIS/1824_2018-041LR_ris.pdf

9. List of the name and title of agency representative(s) attending public hearing:

Kimmy Catlin
Weston MacIntosh
Dena Marks
Rick Roselle

10. Persons submitting comments of support:

None.

11. Persons submitting comments of opposition:

None.

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12. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments Made at Public Hearing	Written Comments	Agency Rationale for Change	Rule Number & Citation Changed
1.				The word “shall” had been stricken in error. The stricken word has been restored.	R 338.2201a(3)
2.					
3.					
4.					

13. Date report completed:

February 20, 2019

The Mining Journal

Upper Michigan's Largest Daily Newspaper

249 W. Washington St., P.O. Box 430, Marquette, Michigan 49855. Phone (906)228-2500. Fax (906)228-3273.

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

AFFIDAVIT OF PUBLICATION

For the County of **MARQUETTE**

In the matter of: Notice of Public Hearing
February 19, 2019
Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Physical Therapy – General Rules
Task Force on Physician's Assistants – General Rules
Respiratory Care – General Rules

Size: 2 x 9

State of **MICHIGAN**, County of Marquette ss.

JAMES A. REEVS

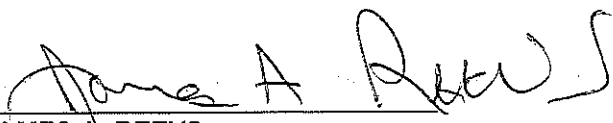
being duly sworn, says that he is

PUBLISHER

of **THE MINING JOURNAL**


a newspaper published and circulated in
said county and otherwise qualified
according to Supreme Court Rule; that
annexed hereto is a printed copy of a
notice which was published in said
newspaper on the following date, or
dates, to-wit

January 10, 2019



JAMES A. REEVS

Subscribed and sworn to before me this 11th day of January 2019.



HOLLY GASMAN
Notary Public for MARQUETTE County, Michigan
Acting in the County of Marquette
My commission expires: May 25, 2025

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Trump's focus now is squarely on his conservative base and its support for the wall that came to symbolize Trump's promise for a hard-line, unrelenting approach to immigration.

"He got elected because of that wall," said Trump confidant Jerry Falwell Jr., president of the evangelical Liberty University. Falwell said he has told Trump he's doing the right thing. "I don't think it'll help him at all if he backs down."

er department, though such

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Michigan Department of Treasury
430 W. Allegan
Lansing, MI 48922
Treas_BondFinance@michigan.gov
(517) 335-0994

Department of Licensing and Regulatory Affairs Bureau of Professional Licensing NOTICE OF PUBLIC HEARING February 19, 2019

9:00 a.m.

Location: G. Mennen Williams Building Auditorium
525 W. Ottawa Street, Lansing, Michigan

The hearing is held to receive public comments on the following administrative rules:

Physical Therapy – General Rules (ORR 2018-023 LR)

Authority: MCL 333.16141; MCL 333.16145; MCL 333.16148; MCL 333.16174; MCL 333.16201; MCL 333.16204; MCL 333.16205; MCL 333.16206; MCL 333.16215; MCL 333.16287; MCL 333.17823; MCL 338.3501; MCL 445.2001; MCL 445.2011; and MCL 445.2030.

Overview: The proposed revisions to the rules will amend the human trafficking rule to include a date of promulgation, update standards that are adopted by reference under the rules, rescind rules that are duplicative of statute, and update requirements pertaining to initial licensure, licensure by endorsement, license renewal, and relicensure.

Task Force on Physician's Assistants – General Rules (ORR 2018-050 LR)

Authority: MCL 333.16145; MCL 333.16148; MCL 333.17060; MCL 333.17068; MCL 338.3501; MCL 445.2001; MCL 445.2011; MCL 445.2030.

Overview: The proposed revisions to the rules will amend the human trafficking rule to include a date of promulgation, provide updated accreditation standards for physician's assistant educational programs, and require applicants for relicensure to provide fingerprints and establish good moral character.

Respiratory Care – General Rules (ORR 2018-041 LR)

Authority: MCL 333.16148; MCL 333.16174; MCL 333.18709; MCL 338.3501; MCL 445.2001; MCL 445.2011; MCL 445.2030.

Overview: The proposed revisions to the rules will clarify definitions, provide the dates by which a licensee or applicant must have completed training for identifying victims of human trafficking, amend and update licensure requirements, and update relicensure requirements. The proposed revisions will also rescind the rules pertaining to temporary respiratory therapist licensure and credentialled respiratory therapy licensure because an applicant must have applied for these licenses by no later than December 1, 2006. Lastly, the proposed revisions will require a foreign-trained applicant to have his or her credentials evaluated by the National Association of Credential Evaluation Services and demonstrate a working knowledge of the English language.

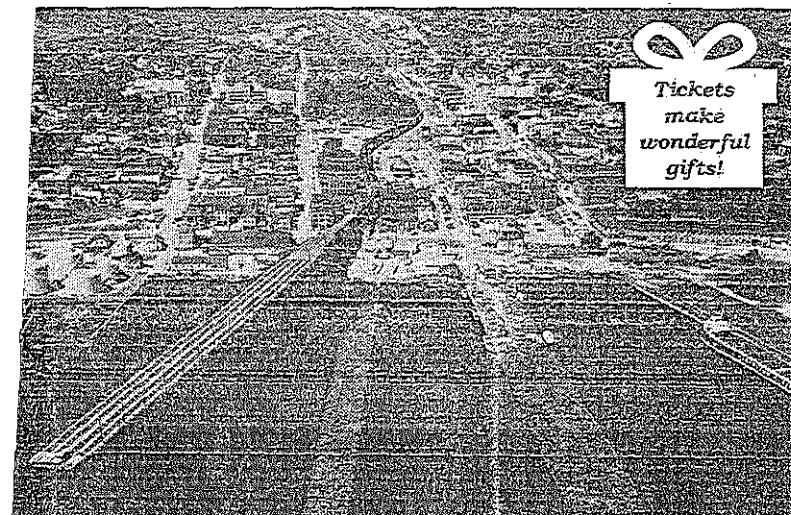
The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules. Comments on the proposed rules may be presented in person at the public hearing. Written comments will also be accepted from date of publication until 5:00 p.m. on February 19, 2019, at the following address or e-mail address:

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing— Boards and Committees Section
P.O. Box 30670
Lansing, MI 48909-8170
Attention: Policy Analyst. Email: BPL-BoardSupport@michigan.gov

A copy of the proposed rules may be obtained by contacting Board Support at (517) 241-7500 or the email address noted above. Electronic copies also may be obtained at the following link:

http://dmbinternet.state.mi.us/DMB/DTMBORR/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level_1=Bureau+of+Professional+Licensing

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WHAT'S UP
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A HISTORY
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JIM KOSKI & JACK DEO MARQUETTE REGIONAL HISTORY CENTER
January 24, 7:00 pm at Kaufman Auditorium

Enjoy this popular walking tour in the warm comfort of Kaufman. Jim Koski and Jack Deo pair up to tell you more about the docks and the show will feature a history of the docks, schooners and freighters, logging industry, shipwrecks and fires. See rare and never-before-seen photos from the Superior View and Longyear Library collections. Watch vintage movie footage of the ore docks and harbor, too.
This is a fundraiser for the Marquette Regional History Center.

Indoor floor seating/\$20 balcony seating in advance;
Outdoor floor seating/\$25 balcony seating at the door.
Purchase tickets online at marquettehistory.org or at the center, 145 W. Spring Street, downtown Marquette.

Marquette Regional
History Center
where the past is present.

STATE OF MICHIGAN)
County of Genesee

ss Jim Crowell

Being duly sworn deposes and say he/she is Principal Clerk of



THE FLINT JOURNAL
DAILY EDITION

RECEIVED

JAN 25 2019

LARA

a newspaper published and circulated in the County of Genesee and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(days)

JANUARY 20th A.D. 20 19

Sworn to and subscribed before me this 21st day of JANUARY 20 19

Janice M. Degraaf
JANICE M. DEGRAAF
NOTARY PUBLIC, STATE OF MI
COUNTY OF KENT
MY COMMISSION EXPIRES Oct 3, 2020
ACTING IN COUNTY OF Kent

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
NOTICE OF PUBLIC HEARING
February 19, 2019
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525 W. Ottawa Street, Lansing, Michigan

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P.O. Box 30670
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Attention: Policy Analyst Email: BPLBoardSupport@michigan.gov

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<http://w3.lara.state.mi.us/orr/AdminCode.aspx?AdminCode=Department&Dpt=L&&Level=1=Bureau+of+Professional+Licensing>

STATE OF MICHIGAN)

County of Kent
and County of Ottawa

ss Sean Suttrop

RECEIVED

JAN 24 2019

Being duly sworn deposes and say he/she is Principal Clerk of

LARA



THE GRAND RAPIDS PRESS

DAILY EDITION

a newspaper published and circulated in the County of Kent and the County of Ottawa and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(day(s))

January 20 A.D. 20 19

Sworn to and subscribed before me this 21 day of January 2019

Janice M. DeGraaf
JANICE M. DEGRAAF
NOTARY PUBLIC, STATE OF MI
COUNTY OF KENT
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ACTING IN COUNTY OF Kent

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JAN 24 2019
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BUREAU OF PROFESSIONAL LICENSING
LANSING, MICHIGAN