

State Budget Office
Office of Regulatory Reinvention
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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 a RFR with the Office of Regulatory Reinvention (ORR) before initiating any changes or additions to the rules. Submit copy to the ORR at orr@michigan.gov.

1. Agency Information

Agency name:	Licensing and Regulatory Affairs
Division/Bureau/Office:	Bureau of Professional Licensing
Agency contact person name, e-mail, and phone:	Dena Marks, Analyst MarksD1@michigan.gov 517-335-3679

2. Rule Set Information

Title of proposed rule set:	Optometry General Rules
Rule number(s) or range of numbers:	R 338.301 – R 338.323
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:

1 year.

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

<p>The Optometry General Rules pertain to the licensure, relicensure, and renewal for optometrists. The current rules include outdated information and do not comply with current statutory requirements.</p> <p>The current rules will be revised to include definitions for comprehensive informed consent and telehealth, and place defined terms in alphabetical order.</p> <p>Three new rules will be added: a rule requiring opioid and other controlled substances awareness training as required by MCL 333.7301; a rule requiring a foreign-trained applicant to demonstrate a working knowledge of the English language, pursuant to MCL 333.16174(1)(d); and a rule for providing telehealth services as required by MCL 333.16287.</p> <p>The proposed rules will revise the rule pertaining to training for identifying victims of human trafficking to include the effective dates when the training must be completed.</p> <p>The proposed rules will update examination information.</p> <p>The proposed revision to the relicensure rule will include the requirements that the applicant must be of good moral character and must submit fingerprints if his or her license has lapsed for 3 years or more.</p>

The proposed rules will amend the continuing education rules to include updated requirements and revise the activities approved for continuing education and the number of credits that may be earned for participating in an activity.

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.

MCL 333.16145, MCL 333.16148, MCL 333.16174; MCL 333.16287, MCL 333.17431, and Executive Reorganization Order No. 1991-1, MCL 338.3501, Executive Reorganization Order No. 1996-2, MCL 445.2001, Executive Reorganization Order No. 2003-1, MCL 445.2011, Executive Reorganization No. 2011-4, MCL 445.2030.

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.

Each state establishes its own requirements with respect to the licensing requirements of optometrists, so there is no federal rule or standard set by a national or state agency that the proposed rules can duplicate or be in conflict with.

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

The subject matter of the rules is not currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo.

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

These rules will be promulgated using the 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 proposed rules do not incorporate any recommendation of any Advisory Rules Committee.

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.

The Michigan Board of Optometry voted to open the rules at the regularly scheduled board meeting on May 24, 2017.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Liz Arasim
Department of Licensing and Regulatory Affairs

↓ To be completed by the ORR ↓

Date RFR received:5-24-2018

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

ORR assigned rule set number: 2018-037 LR

Date of approval:	6/18/18
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Based on the information in this RFR, the ORR is not approving the RFR at this time.

Date of disapproval:	
Explanation:	