Michigan Office of Administrative Hearings and Rules
611 West Ottawa Street; 2nd Floor, Ottawa Building
Lansing, MI 48933
Phone: (517) 335-8658 FAX: (517) 335-9512

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 Michigan Office of Administrative Hearings and Rules (MOAHR) before initiating any changes or additions to the rules. Submit copy to the MOAHR at **o'berryd@michigan.gov**.

1. Agency Information

Agency name:	Michigan Department of Health and Human Services
Division/Bureau/Office:	Policy and Innovation Division
Name, title, phone number, and e-mail of person **completing this form:**	Jared Welehodsky, Department Analyst, 517-284-4761, welehodskyj@michigan.gov

2. Rule Set Information

Title of proposed rule set:	Nonopioid Directive
Rule number(s) or range of numbers:	R 333.1001 through R 333.1004
Included in agency's annual regulatory plan as rule to be processed in current year?	No

3. Estimated timetable for completion, or statutory deadline, if applicable:

One year

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

Legislative mandate for rule promulgation to develop procedures for recording, disclosure, or distribution of data relating to a nonopioid directive form or the transmission of a nonopioid directive form that complies with state and federal confidentiality and consent laws, rules, and regulations.

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.

By authority conferred on the Department of Health and Human Services by sections 2226, 2233, and 9145 of the public health code, 1978 PA 368, MCL 333.2226, 333.2233, and 333.9145.

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.

The proposed rules will follow the current legislative mandate to promulgate rules to address the creation of a Nonopioid Directive. There are no known conflicts, duplications, or anything that exceeds current regulations, compliance requirements or other standards.

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

There are no current guidelines, manuals, handbooks, instructional bulletins, forms, or memos that address the subject matter of these proposed rules.

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

rulemaking process:

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.

These proposed rules do not incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5.

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.

There is no an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Mary E Brennan

↓ **To be completed by the MOAHR** ↓

Date RFR received:5-2-2019

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

MOAHR assigned rule set number:	**2019-045 HS**
Date of approval:	**5/7/19**

☐ **Based on the information in this RFR, the MOAHR is not approving the RFR at this time.**

Date of disapproval:	
Explanation:	