

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

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Labor and Economic Opportunity

2. Bureau:

Workers' Compensation Agency

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Workers' Disability Compensation Appeals Commission General Rules

5. Rule numbers or rule set range of numbers:

Currently R 792.11314 – R 792.11321 under LARA/MOHR. New rule numbers to be Assigned

6. Estimated time frame:

6 months

Name of person filling out RFR:

Dave Campbell

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Phone number 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 rules apply to the practice and procedures before the Workers' Disability Compensation Appeals Commission under the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941. This RFR specifically references Part 13, Subpart B (R 792.11314 – R 792.11321) of the Michigan Administrative Hearing System, Administrative Hearing Rules, currently located within Licensing and Regulatory Affairs - Michigan Office Of Administrative Hearings and Rules. As a result of Executive Order 2019-13, Part 13, Subpart B will be rescinded by MOHR, and promulgated by LEO, Workers' Disability Compensation Agency. Some of the specific rules in Part 13, Subpart B will be updated to reflect changes in process and procedure.

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

By authority conferred on the chair of the workers' disability compensation appeals commission

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

Section 274 of 1969 PA 317, MCL 418.274; and Executive Reorganization Order Nos. 1996-2, 1999-3, 2002-1, 2003-1, and 2019-3, MCL 445.2001, 418.3, 445.2004, 445.2011, and 125.1998.

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

No

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 proposed rules do not conflict with or duplicate any state or federal regulations.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

No

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 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.

No

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 evaluated/updated in 2015. Technology has and will influence regulatory activity especially with future enhancements and requests for electronic processing of documents.

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, there continues to be a need for these 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.

No