

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 Community and Health Systems

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Nurse Aide, Trainer and Training Program Rules

5. Rule numbers or rule set range of numbers:

R 400.301 – R 400.399

6. Estimated time frame:

12 months

Name 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.

Note: The full title of this rule set is Nurse Aide, Nurse Aide Trainer, and Nurse Aide Training Program, Certificate of Registration and Permit Program. It has been abbreviated to Nurse Aide, Trainer and Training Program Rules to fit above title field.

This is a new rule set. Its purpose is to implement Part 219 of the Public Health Code, the Nurse Aide Training and Registration Program, MCL 333.21901 to 333.21925.

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

MCL 333.21923. (1) The department may promulgate and enforce rules to implement this part. The rules may include, but not be limited to, rules establishing requirements for surveying a nurse aide training program, investigating allegations against a nurse aide in a health facility or agency or another setting where a nurse aide engages in the practice as a nurse aide, investigating allegations against a nurse aide trainer or nurse aide training program, and enforcing this part. The rules may also establish eligibility requirements to renew a registration or permit under this part, competency requirements, and examination requirements for registration.

(2) Rules promulgated under this part that are applicable to health facilities or agencies must be uniform insofar as is reasonable.

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

Section 21923 of 1978 PA 368, Part 219 of the Public Health Code (MCL 333.21923).

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

Section 21907 of the Public Health Code (MCL 333.21907) directs the department to administer a nurse aide training and registration program in this state in conformance with this part, 42 USC 1396r, and 42 CFR parts 483 and 488. In order to do that, this rule set is needed.

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.

There are no other existing administrative rules covering these topics.

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?

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.

This new rule set does 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.

This new rule set was developed in cooperation with many stakeholders in multiple meetings.

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.

Not applicable as this will be a new rule set.

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?

Not applicable as this will be a new rule set.

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