

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 Professional Licensing

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Occupational Code -- Disciplinary Rules

5. Rule numbers or rule set range of numbers:

R 339.1701 - R 339.1771

6. Estimated time frame:

12 months

Name of person filling out RFR:

Dena Marks

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Address of person filling out RFR:

Ottawa Bldg

7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The general purpose of these rules is to provide rules applicable to disciplinary matters for all professions regulated under the Occupational Code.

The proposed updates will add new definitions, revise, reorganize, and clarify current rules, and rescind current rules that are duplicative of statute.

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

Department

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

MCL 24.233, MCL 339.205, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.

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

MCL 339.205 requires the department to promulgate rules to implement articles 1 to 6 of the occupational code and those necessary and appropriate to enable the department to fulfill its role under the occupational code. The rules are not required by constitutional provision.

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 rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

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

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

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.

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.

The rules do not incorporate the recommendations received from the public regarding any complaint or comment regarding the rules.

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 amended in 2015. There has been no change to technology, economic conditions, or other factors that changed the regulatory activity covered by the rules since the last evaluation.

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?

There has been no change or development since the implementation of the rules that demonstrates that there is no continued need for the 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