

Annual Regulatory Plan 2019-2020

Department of Licensing and Regulatory Affairs
Bureau of Community and Health Systems

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

MOAHR-2017-095 LR. Complaints. R 325.1213- 325.1217. Authority: MCL 333.21741. Rules set forth the procedures for filing a complaint on a licensed health facility. These rules will be rescinded in whole and replaced by a proposed single rule set for health facilities.

MOAHR-2017-096 LR. Public Inspection of License Records. R 325.1281- 325.1282. Authority: MCL 333.21741. Rules set forth the procedures for public inspection of licenses records. These rules will be rescinded in whole and replaced by a proposed single rule set for health facilities.

MOAHR-2017-097 LR. Hospice and Hospice Residences licensure rules. R 325.13101 – 325.13543 Authority: MCL 333.20171. These rules provide for the licensing regulations of hospice facilities, including establishing standards of quality care. These rules will be rescinded in whole and replaced by a proposed single rule set for health facilities.

MOAHR-2017-098- LR. Minimum Standards for Hospitals. R-325.1001 - 325.1101. Authority: MCL 333.20171. Rules set forth the minimum standards for a licensed hospital. These rules will be rescinded in whole and replaced by a proposed single rule set for health facilities.

MOAHR-2017-099 LR. Nursing Homes and Nursing Care Facilities. R-325.20101 – 325.22004. Authority: MCL 333.20171. These rules provide for the licensing regulations of nursing homes, including establishing the standard of quality care requirements for nursing homes, county medical care facilities, and hospital long term care units. These rules will be rescinded in whole and replaced by a proposed single rule set for health facilities.

MOAHR-2017-100 LR. Freestanding Surgical Outpatient Facilities. R 325.3801 – 325.3877. Authority: MCL 333.20171. These rules provide for the licensing regulations of freestanding surgical outpatient facilities, including establishing the standards of quality care. These rules will be rescinded in whole and replaced by a proposed single rule set for health facilities.

MOAHR-2017-101 LR. New Single Proposed Rule Set for Licensing Health Facilities or Agencies. R 325.45101 – 325.45499. This proposed administrative rule set will replace the current health facility rule sets that will be rescinded (listed above). Most of the rule sets listed above have undergone periodic review and revision. However, they **have not** undergone a comprehensive review and revision to comport with today’s practice standards; to harmonize with current federal law and regulations; and to reflect the current organization of state licensing functions. The new rule set will be consistent across the different types of health facilities and agencies (unless differences are necessary), be uniform insofar as reasonable, be free of unnecessary repetition of federal and state statutory and regulatory language and eliminate unnecessary and obsolete rules.

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MOAHR 2018-032 LR. Licensing Rules for **Child Care Centers.** R 400.8101-400.8840.

These rules provide for the licensing regulations of Child Care Centers, including establishing standards of quality care. The Child Care Organization Act (1973 PA 116) was amended in 2017 and became effective March 28, 2018. The rules are being reviewed and updated to reflect new legislation, modernization of language, and rescind rules were appropriate.

MOAHR 2018-029 LR. Licensing Rules for **Family and Group Child Care Homes.** R

400.1901-400.1963. These rules provide for the licensing regulations of Family and Group Child Care Homes, including establishing standards of quality care. The Child Care Organization Act (1973 PA 116) was amended in 2017 and became effective March 28, 2018. The rules are being reviewed and updated to reflect new legislation, modernization of language, and rescind rules were appropriate.

MOAHR # Not Assigned. Certification of Specialized Programs. R 330.1801 - 330.1809.

The certification of specialized program rules are additional requirements that an Adult Foster Care Facility must meet in order for the local community mental health agency (CMH), or a placing agency acting on behalf of the local CMH, to place CMH clients in its Adult Foster Care Facility. An Adult Foster Care facility that applies for and is granted certification of specialized programs is able to accept CMH clients and is eligible for enhanced reimbursement for those services. The Adult Foster Care Advisory Committee will review and recommend changes to modernize the language, rescind rules where appropriate and update to comport with current industry/practice standards.

MOAHR # Not Assigned. A new rule set needs to be promulgated for the training and registration of a certified nurse aide, the permitting of a nurse aide training program, and the permitting of a nurse aide trainer, as required by Public Act 172 of 2017.

MOAHR # Not assigned. Licensing Rules for Facilities (Psychiatric Hospital/Unit). R 330.1201 – 330.1299. These rules have not been revised since 1990. They need to be revised to comport with current statutory requirements and best practices.

MOAHR # Not Assigned. A new rule set needs to be promulgated for the workforce background check requirements for covered facilities, as required by Public Act 368 of 1978, specifically MCL 333.20173a and 333.20173b .

MOAHR # Not assigned. Licensing Rules for Substance Use Disorders Services Program. R 325.1301 – 325.1399. These rules were revised in 2018. Additional requirements have been identified that need further clarification or corrections that were not addressed during the 2018 revision process

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

The Bureau of Community and Health Systems will recommend rescinding individual rules within the above referenced rule sets but cannot identify until the rules are reviewed as a package.

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All rule sets are important to the licensing function of the bureau.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The bureau has not failed to promulgate any statutorily required rules or exercise its mandatory/statutory rulemaking.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The following rules sets are most problematic to the industry and are being rescinded and recodified into a single rule set for licensing health facilities or agencies.

1. Minimum Standards for Hospitals – R 325.1001 to R 325.1101
2. Complaints – R 325.1213 to R 325.1217
3. Public Inspection of License Records – R 325.1281 to R325.1282
4. Freestanding Surgical Outpatient Facilities – R 325.3801 to R 325.3877
5. Hospice and Hospice Residences Licensure Rules – R 325.13101 to R 325.13543
6. Nursing Homes and Nursing Care Facilities – R 325.20101 to R 325.22004.

The purpose of promulgating a single new rule set for health facility licensing is to better protect the health, safety, and welfare of individuals receiving care and services in or from a health facility or agency, and to ensure the medical accountability for reimbursed care provided by a certified health facility or agency participating in a federal or state health program. The new rule set will: Focus on core principles and standards of health facility licensing; fulfill statutory requirements; comport with current practice standards; harmonize with federal law and regulations; and be free of redundant, obsolete, or unnecessary language.

- A. Whether there is a continued need for the rules.

Yes, there is continued need for the licensing of facilities or agencies as statutory requirements for licensing are still in effect.

- B. A summary of any complaints or comments received from the public concerning the rules.

No specific complaints or comments concerning the rules set have been received.

- C. The complexity of complying with the rules.

The complexity of complying with the rules sets is medium as the regulated industries are familiar and generally compliant with the requirements.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rule sets are not in conflict or duplicate federal or local government rules or regulations. If there are duplicative rules, they will be identified and rescinded/amended when the rules are open for review.

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- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

Some rules have not been updated since 1979 others as recently as 2015. All have evaluated, reviewed and updated where possible to account for modernization of technology.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://dtmb.state.mi.us/DTMBORR/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level_1=Bureau+of+Community+and+Health+Systems

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

Completed:

MOAHR-2018-028 LR- Substance Use Disorder Services Program. R 325.1404 – 325.14928. Authority: MCL 333.6231. Rules have been revised for clarity into a single rule set, as well as to comport with current industry/practice standards.

In process of updating:

MOAHR-2017-095 LR. Complaints. R 325.1213- 325.1217. Authority: MCL 333.21741. Rules set forth the procedures for filing a complaint on a licensed health facility. These rules will be rescinded in whole and replaced by a proposed single rule set for health facilities.

MOAHR-2017-096 LR. Public Inspection of License Records. R 325.1281- 325.1282. Authority: MCL 333.21741. Rules set forth the procedures for public inspection of licenses records. These rules will be rescinded in whole and replaced by a proposed single rule set for health facilities.

MOAHR-2017-097 LR. Hospice and Hospice Residences Licensure Rules. R 325.13101 – 325.13543 Authority: MCL 333.20171. These rules provide for the licensing regulations of hospice facilities, including establishing standards of quality care. These rules will be rescinded in whole and replaced by a proposed single rule set for health facilities.

MOAHR-2017-098- LR. Minimum Standards for Hospitals. R-325.1001 - 325.1101. Authority: MCL 333.20171. Rules set forth the minimum standards for a licensed hospital. These rules will be rescinded in whole and replaced by a proposed single rule set for health facilities.

MOAHR-2017-099 LR. Nursing Homes and Nursing Care Facilities. R-325.20101 – 325.22004. Authority: MCL 333.20171. These rules provide for the licensing regulations of nursing homes, including establishing the standard of quality care requirements for nursing homes, county medical care facilities, and hospital long term care units. These rules will be rescinded in whole and replaced by a proposed single rule set for health facilities.

MOAHR-2017-100 LR. Freestanding Surgical Outpatient Facilities. R 325.3801 – 325.3877. Authority: MCL 333.20171. These rules provide for the licensing regulations of freestanding surgical outpatient facilities, including establishing the standards of quality care. These rules will be rescinded in whole and replaced by a proposed single rule set for health

facilities.

MOAHR-2017-101 LR. New Single Proposed Rule Set for **Licensing Health Facilities or Agencies.** R 325.45101 – 325.45499. This proposed administrative rule set will replace the current health facility rule sets that will be rescinded (listed above). Most of the rule sets listed above have undergone periodic review and revision. However, they **have not** undergone a comprehensive review and revision to comport with today’s practice standards; to harmonize with current federal law and regulations; and to reflect the current organization of state licensing functions. The new rule set will be consistent across the different types of health facilities and agencies (unless differences are necessary), be uniform insofar as reasonable, be free of unnecessary repetition of federal and state statutory and regulatory language and eliminate unnecessary and obsolete rules.

MOAHR 2018-032 LR. Licensing Rules for **Child Care Centers.** R 400.8101-400.8840. These rules provide for the licensing regulations of Child Care Centers, including establishing standards of quality care. The Child Care Organization Act (1973 PA 116) was amended in 2017 and became effective March 28, 2018. The rules are being reviewed and updated to reflect new legislation, modernization of language, and rescind rules were appropriate.

MOAHR 2018-029 LR. Licensing Rules for **Family and Group Child Care Homes.** R 400.1901-400.1963. These rules provide for the licensing regulations of Family and Group Child Care Homes, including establishing standards of quality care. The Child Care Organization Act (1973 PA 116) was amended in 2017 and became effective March 28, 2018. The rules are being reviewed and updated to reflect new legislation, modernization of language, and rescind rules were appropriate.

The Adult Foster Care advisory committee continues to meet to discuss the administrative rules.

MOAHR # Not Assigned. Certification of Specialized Programs. R 330.1801 - 330.1809. The certification of specialized program rules are additional requirements that an Adult Foster Care Facility must meet in order for the local community mental health agency (CMH), or a placing agency acting on behalf of the local CMH, to place CMH clients in its Adult Foster Care Facility. An Adult Foster Care facility that applies for and is granted certification of specialized programs is able to accept CMH clients and is eligible for enhanced reimbursement for those services. The Adult Foster Care Advisory Committee will review and recommend changes to modernize the language, rescind rules where appropriate and update to comport with current industry/practice standards.

Bureau has not yet submitted Request for Rulemaking approval.

MOAHR # Not Assigned. A new rule set needs to be promulgated for the training and registration of a certified nurse aide, the permitting of a nurse aide training program, and the permitting of a nurse aide trainer, as required by Public Act 172 of 2017.

MOAHR # Not assigned. Licensing Rules for Facilities (Psychiatric Hospital/Unit). R 330.1201 – 330.1299. These rules have not been revised since 1990. They need to be revised to comport with current statutory requirements and best practices.

Bureau has removed these from the list to be updated at this time.

MOAHR # Not Assigned. Licensing Rules for Homes for the Aged. R 325.1901 – 325.1981. These rules need to be revised so they conform to recent amendments to Part 213 of the Public Health Code (Public Act 167 of 2017).

**Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Administrative Services Division**

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

Construction Code – Part 5. Residential Code – [2018-054 LR] (R 408.30500- R 408.30514)- By authority conferred on the director of the department of licensing and regulatory affairs by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4, 2011-4, MCL 445.201,1 445.2025, and 445.2030. The rules currently adopted by reference Chapters 1 and 2 of the International Residential Code. The bureau is revising the above rules that are in Part 5. Residential Code to correct conflicts and inconsistencies between the two chapters of the Residential Code and the Stille-DeRossett-Hale Single State Construction Code Act 230 PA 1972 and the Skilled Trades Regulation Act, 407 PA 2016.

Construction Code - Part 4. Building - [2018-059-LR] (R 408.30401 – R 408.30499) – By authority of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, MCL 445.2011, 2008-4, MCL 445.2025, and 2011-4, MCL 445.2030. The rules governing the construction, reconstruction, and alteration of existing building within the state is being updated by adopting the **2018 edition** of the International Building Code with amendments, deletion, and additions deemed necessary for use in Michigan.

Construction Code - Part 7. Plumbing Code – [2018-061-LR] (R 408.30701 – R 408.30796) – By authority of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030. The rules are being updated to ensure that the latest methods and technologies are in use in Michigan. These rules will adopt the **2018 edition** of the International Plumbing Code with amendments, deletions, and additions deemed necessary for use in Michigan.

Construction Code - Part 9a. Mechanical Code [2018-060-LR] (R 408.30901 – R 408.30998) – The Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030. The rules are being updated to ensure that the latest methods and technologies are in use in Michigan. These rules will adopt the **2018 edition** of the International Mechanical Code with amendments, deletions, and additions deemed necessary for use in Michigan.

Construction Code - Part 10a. Michigan Energy Code Rules – [] (R 408.31087 – R 408.31090) - By authority of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030. These rules will adopt the **2018 edition** of the International Energy Conservation Code with amendments, deletions and additions deemed necessary for use in Michigan. The commercial energy code rules will be reviewed to ensure consumers benefit from the most current technology related to energy conservation.

Michigan Rehabilitation Code For Existing Buildings - [] (R 408.30551 – R 408.30577) - By authority of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030. The proposed rules will adopt the **2018 edition** of the International Existing Building Code with amendments, deletions, and additions deemed necessary for use in Michigan. The proposed rules will coordinate the rehabilitation code with the adoption of the **2018 edition** of the Michigan construction codes. This will provide the latest standards to protect the health, safety, and welfare of the people by regulating the construction, reconstruction, and alteration of existing buildings within the state. Adoption of these standards may provide cost savings for building owners as a result of the use of the latest materials and technology.

Michigan Elevator Rules - [] (R 408.7001 – R 408.8695) – By authority of the Elevator Safety Board Act, MCL 408.808, the Elevator Licensing Act, MCL 338.2153, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2017-1, MCL 445.2001, MCL 445.2011, MCL 445.2025, MCL 445.2030, and MCL 339.3102. The rules which establish administrative and operational procedures for implementation of the Elevator Safety Act of 1967 are being updated by adopting certain national standards.

Michigan Boiler Rules – [] (R 408.4001 – R 408.5609) - By authority sections 4, 4a, and 13c of the Boiler Act, 1965 PA 290, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 408.754, MCL 408.754a, MCL 408.763c, MCL 445.2011, MCL 445.2025, and MCL 445.2030. The rule set will be rescinded as the Skilled Trades Regulation Act has taken effect as of April 4, 2017.

State Plumbing Board Licenses [] (R 338.921 – R 338.932) – By authority of MCL 338.3523 of the Sate Plumbing Act, 2002 PA 733, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4 and 2011-4, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030. This rule will be rescinded as the Skilled Trades Regulation Act has taken effect as of April 4, 2017.

Board of Mechanical Rules - License Examination Procedures [] – (338.901 to R 338.914) – By authority of MCL 338.975 of the Forbes Mechanical Contractors Act, 1984 PA 192, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030. This rule set will be rescinded as the Skilled Trades Regulation Act has taken effect as of April 4, 2017.

Electrical Administrative Board Rules [] (R 338.1001a – R 338.1099) – By authority of the Electrical Administrative Act, 1956 PA 217, MCL 338.883, MCL 338.883j, and MCL 338.888c, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001,

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MCL 445.2011, MCL 445.2025, and MCL 445.2030. This rule set will be rescinded as the Skilled Trades Regulation Act has taken effect as of April 4, 2017.

Manufactured Housing Rules [] - (R 125.1101 to R 125.3069) – By authority of the Mobile Home Commission Act of 1987 PA 96, MCL 125.2304, MCL 125.2305, MCL 123.2306, MCL 123.2309, MCL 123.2322, MCL 123.2325, and MCL 123.1330h, Executive Reorganization Order Nos. 1996-2, 2003-1, 2006-2, 2008-4, and 2011-4, MCL 299.11, MCL 16.732, MCL 445.1981, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030.

Subdivisions of Land: Part 1. Department of Labor and Economic Growth [2018-072-LR] - (R 560.101 – R 560.135) – By authority of section 105 of 1967 PA 288, and Executive Reorganization Order Nos. 1973-2, 1980-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 299.11, MCL 16.732, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030.

Ski Area Safety – General Rules [2018-073 LR] – (R 406.61 – R 408.95)- By authority conferred on the director of the department of licensing and regulatory affairs by section 6 of 1962 PA 199, MCL 408.326; and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030

Building Officials, Plan Reviewers, and Inspectors [] (R 408.30001 – R 408.30055) – By authority of the Building Officials and Inspectors Registration Act, 1986 PA 54, MCL 338.2305, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030. This rule set will be rescinded as the Skilled Trades Regulation Act has taken effect as of April 4, 2017.

Skilled Trades Regulation Rules [] (R 339.5101 to R 339.5699) - By authority of sections 207, 209, and 907 of the Skilled Trades Regulations Act, 2016 PA 407, MCL 339.5207, MCL 339.5209, MCL 339.5907 and Reorganization Order Nos. 2003-1, 2008-4, 2011-4, and 2017-1, MCL 445.2011, MCL 445.2025, MCL 445.2030, and MCL 339.3102. This authority will replace the previous rules promulgation authority under the five repealed Acts.

Construction Code - Part 11. Premanufactured Units [] - (R 408.31101 to R 408.31194) – By authority of section 4 of the 1972 PA 230, MCL 125.1504, section 1 of 1937 PA 306, MCL 388.851 and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030. The Bureau will update the rules to align the rules with the Act.

Barrier Free Design Board [] - (R 125.1001 – R 125.1026) – By authority of the Utilization of Public Facilities by Physically Limited Act, 1966 PA 1, MCL 125.1354, and Executive Reorganization Order Nos. 1996-2, 2003-1, and MCL 445.2001. The Bureau will update the rules for consistency with 1966 PA 1.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

State Plumbing Board Licenses [] (R 338.921 to R 338.932) Rulemaking documentation will

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be submitted to rescind this rule due to the Skilled Trades Regulation Act that took effect on April 4, 2017.

Michigan Boiler Rules [] (R 408.4001 to R 408.5609) Rulemaking documentation will be submitted to rescind this rule due to the Skilled Trades Regulation Act that took effect on April 4, 2017.

Board of Mechanical Rules – License Examination Procedures []
(R 338.901 to R 338.914) Rulemaking documentation will be submitted to rescind this rule due to the Skilled Trades Regulation Act that took effect on April 4, 2017.

Electrical Administrative Board Rules [] (R 338.1001a to R 338.1099) Rulemaking documentation will be submitted to rescind this rule due to the Skilled Trades Regulation Act that took effect on April 4, 2017.

Building Officials, Plan Reviewers, and Inspectors [] (R 408.30001 to R 408.30055) Rulemaking documentation will be submitted to rescind this rule due to the Skilled Trades Regulation Act that took effect on April 4, 2017.

Manufactured Housing Rule [] (R 125.1130, R 125.1175, R 125.1190, R 125.1192, R 125.1192a, R 125.1202b, R 125.1214a, R 125.1214b, R 125.1214c, R 125.1214f, R 125.1214g, R 125.1214h, R 125.1214i, R 125.1214k, R 125.1302, R 125.1401, R 125.1411, R 125.1413, R 125.1508, R 125.1702, R 125.1702a, R 125.1708, R 125.1709, R 125.1718, R 125.1719, R 125.1720, R 125.1902a, R 125.1934, R 125.1935, R 125.1936, R 125.1937, R 125.1938, R 125.1940, R 125.1940a, R 125.2001, R 125.2005, R 125.2005a, and R 125.2009) are in the process of being rescinded.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No. The Bureau has exercised its mandatory/ statutory rulemaking authority.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

(R 408.30049)- In Article #4 of 407- This rule set will be rescinded and will be housed in the new Skilled Trades Regulation Rule Set when promulgated. The current rule would require an applicant to qualify for all disciplines within the trades act to be eligible to be a plan reviewer.

- A. Whether there is a continued need for the rules.

There is need for clarification for Plan Reviewer; Experience (R 408.30049) in article #4 of 407. It is unlikely, as the rule is currently written, that any applicant would qualify as a plan reviewer. The current rule if enforced as written, would require an applicant to have not less than 3 years of experience in Building Construction and Electrical and Mechanical Contracting and Plumbing and would have to hold a license in each of those individual trades.

- B. A summary of any complaints or comments received from the public concerning the rules.

Applicants express their confusion over what qualifications they need to have to become a plan

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reviewer.

C. The complexity of complying with the rules.

The complexities of complying with the rules is very few applicants will have the skills, education, and experience to qualify as a plan reviewer under the existing rule.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The “Building Official Plan Review and Inspectors Rules” do not conflict with or duplicate similar rules of regulation.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The date of the last evaluation of the rules was 2013 and no technological or economic conditions or any other factors have changed regulatory activity covered by the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://www.michigan.gov/lara/0,4601,7-154-89334_10575_17550_17583_85703---,00.html

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

Completed

- Survey and Remonumentation Rules – [ORR 2018-011 LR] (January 8, 2019)
- Part 8. Electrical Rules – [ORR 2017-001 LR] (January 4, 2019)

Outstanding

- Skilled Trades Regulation Rules
- Michigan Boiler Rules
- State Plumbing Board Licenses
- Board of Mechanical Rules – License Examination Procedures
- Electrical Administrative Board Rules
- Building Officials, Plan Reviewers, and Inspectors

The outstanding rules above had been listed in the 2019 ARP but MOAHR withdrew them on 07/31/2018. Bureau of Construction Codes (BCC) intends to resubmit the Rule for Rulemaking (RFR) documentation for these rule sets.

**Department of Licensing and Regulatory Affairs
Bureau of Employment Relations
Michigan Employment Relations Commission**

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

Changes to the Michigan Employment Relations Commissions’ General Rules (R 424.101 – R 424.484) and the Administration of Compulsory Arbitration Act for Labor Disputes in

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Municipal Police and Fire Department Rules (R 423.501 – R 423.515), also known as the Act 312 Rules, to expand MERC’s authority to enact policy that can:

- a. Mandate e-filing of certain or all MERC cases;
- b. Waive the filing requirement of hard copies on e-filed cases; and,
- c. Permit or require system or electronic service methods on certain e-filed cases.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

None to be rescinded, only impacted via new policy.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

See list in the response to Question #6 which without some exception could reduce the incentive to e-file new cases.

A. Whether there is a continued need for the rules.

Yes.

B. A summary of any complaints or comments received from the public concerning the rules.

None known.

C. The complexity of complying with the rules.

None known.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

None known.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

May 2019, based on a new case management system that allows public e-filing of cases.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

www.michigan.gov/merc

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

A. **Revise R 423.181 (Filing of documents and other pleadings.) to allow Commission through MERC policy to mandate the e-filing of agency cases:**

Rule 181. (1) "Filing" of a document, pleading, or other paper with the commission is considered

complete on the date it is delivered to any office of the commission and received and accepted by the commission, administrative law judge, or other agent designated to receive the document, with the intent to enter it in the record. Filing may be accomplished by hand delivery, registered, certified or regular mail, private delivery service, or any other means specifically authorized or **required** by the commission or an administrative law judge designated by the commission.

(2) When LMA, PERA, or any of these rules require the filing of an original and extra copies of a document, filing is considered complete on the date a copy is filed, but the original and remaining copies shall be filed within 5 business days.

B. Waive the requirement of filing hard copies when case is initiated by e-file or other documents are e-filed (impacts 14 General Rules and 2 Act 312 Rules):

- **R 423.124 Strike elections** “. . . A party shall file a signed original and 4 copies of the objections with the commission . . .”
- **R 423.132 Petitions; initiation by commission of fact finding** “. . . The petitioner shall file an original and 3 copies with the commission . . .”
- **R 423.134 Answers** “. . . The answer and 3 copies shall be filed with the commission . . .”
- **R 423.137 Fact finders' reports** “. . . The fact finder shall file the fact finding report and 2 copies with the commission . . .”
- **R 423.141 Petitions for elections** “. . . An original and 4 copies of the petition shall be filed with the commission . . .”
- **R 423.149b Objections to elections; rerun and runoff elections** “. . . A signed original and 4 copies of the objections shall be filed with the commission, . . .”
- **R 423.151 Filing, contents, and service (ULP charge)** “. . . An original and 4 copies of the charge shall be filed with the commission. . . .”
- **R 423.153 Amendments to charges** “. . . An original and 4 copies of the amended charge shall be filed with the commission . . . If a request to amend a charge is made in writing, each party opposing the request shall file with the commission a signed original and 2 copies of its objection . . .”
- **R 423.155 Answers** “. . . Each respondent may file with the commission a signed original and 4 copies of an answer to the complaint and attached charge, . . .”
- **R 423.156 Amendments to answers** “. . . An original and 4 copies of the amended answer shall be filed with the commission . . .”
- **R 423.161 General provisions** “. . . All pleadings to the administrative law judge shall include 1 original, and 1 copy, unless otherwise directed . . .”
- **R 423.173 Oral argument at hearing and briefs** “. . . An original and 2 copies shall be submitted for any brief filed in a representation proceeding under part 4 of these rules, unless additional copies are requested. . . .”
- **R 423.176 Exceptions to administrative law judge's decision and recommended orders; cross exceptions and response; brief in support.**

(2) An original and 4 copies of the exceptions and brief shall be filed with the commission, along with all of the following documents:

- (a) Two copies of each exhibit, if any, admitted, or offered and marked at hearing by either party.
- (b) Two copies of each party's post-hearing briefs.
- (c) Two copies of all of the following documents:
 - (i) Any motion that resulted in a ruling by the administrative law judge dismissing or sustaining the unfair labor practice in whole or part.
 - (ii) Any brief in support of the motion.
 - (iii) The response to the motion filed by the opposing party or parties.

* * *

(8) Within 10 days after service of exceptions, a party may file 1 original and 4 copies of cross exceptions and briefs in support thereof, or 1 original and 4 copies of a brief or legal memorandum in support of the decision and recommended order.

(9) Within 10 days after service of cross exceptions, an opposing party may file 1 original and 4 copies of a brief or legal memorandum

- **R 423.177 Compliance and enforcement.**

(1)(b) An original and 4 copies of the a request shall be filed with the commission, . . .”

(4) Each respondent alleged in the request to have compliance obligations shall, within 10 days of service of the request, file an original and 4 copies of an answer with the commission, . . .”

- **R 423.191 Notice to commission; filing; service.**

Rule 191. (4) Upon filing a written notice and affidavit with the commission, . . . An original and 4 copies of the notice and affidavit shall be filed with the commission, unless the notice and affidavit are filed electronically pursuant to commission policy.

* * *

(7) The bargaining representative shall file an answer and any affirmative defenses with the commission within 7 days of service of notice of hearing and shall simultaneously serve the initiating party. An original and 4 copies of any answer and affirmative defenses shall be filed with the commission, unless the answer and affirmative defenses are filed electronically pursuant to commission policy.

- **R 423.192 Hearing on whether a strike occurred.**

(13) At the discretion of the commission, parties may submit briefs at the close of the hearing. A party submitting a brief shall file the original and 4 copies with the commission, unless the brief is submitted electronically pursuant to commission policy.

- **R 423.192a Notice of names of employees presumed to have engaged in a strike.**

(3) The public school employer or the superintendent of public instruction shall file with the commission an original and 2 copies of the notice and affidavit, unless the notice and affidavit are filed electronically pursuant to commission policy.

- **R 423.193. Challenge to presumption of participation in a strike.**

(3) The public school employee shall file an original and 2 copies of the answer and affidavit with the commission, unless the answer and affidavit are filed electronically pursuant to commission policy.

- **R 423.195 Exceptions to decision and recommended order; cross exceptions and response; brief in support.**

(2) An original and 4 copies of the exceptions and brief shall be filed with the commission, along with all of the following documents:

(a) Two copies of the notice and affidavit identifying the employees presumed to have been

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engaged in a strike in violation of section 2 of PERA.

(b) Two copies of the answer and affidavit of the employee presumed to have been engaged in a strike in violation of section 2 of PERA.

(c) Two copies of each exhibit, if any, admitted, or offered and marked at hearing by either party.

(d) Two copies of each party's briefs.

* * *

(3) . . . If the exceptions and the supporting documents listed in subrule (2) of this rule are filed electronically pursuant to commission policy, it is not necessary to file additional copies.

* * *

(8) Within 10 days after service of exceptions, an opposing party may file 1 original and 4 copies of cross exceptions and briefs in support of the cross exceptions, or 1 original and 4 copies of a brief or legal memorandum in support of the decision and recommended order. If the cross exceptions and brief in support or the legal memorandum in support of the decision and recommended order are filed electronically pursuant to commission policy, it is not necessary to file additional copies.

(9) Within 10 days after service of cross exceptions, an opposing party may file 1 original and 4 copies of a brief or legal memorandum responding specifically to the issues raised in the cross exceptions that were not addressed in the exceptions. If the brief or legal memorandum responding to the cross exceptions is filed electronically pursuant to commission policy, it is not necessary to file additional copies.

- **R 423.196 Notice of conditions constituting a lockout.**

(3) An original and 4 copies of the notice and affidavit shall be filed with the commission, unless the notice and affidavit are filed electronically pursuant to commission policy.

- **R 423.198 Hearing on whether a lockout occurred.**

(12) At the discretion of the commission, parties may submit briefs at the close of the hearing. Any party submitting a brief shall file the original and 4 copies with the commission and serve a copy on each of the other parties no later than the close of business on the last day of the hearing. If the brief is filed electronically pursuant to commission policy, it is not necessary to file additional copies.

Act 312 Rules impacted by waiving the hard copy filing requirement on e-filed cases:

- **R 423.505 Petition to initiate compulsory arbitration.** “. . . 3 copies, along with a proof of service, shall be filed with the commission . . .”

- **R 423.513 Panel findings, opinion, and award.** “. . . (4) The arbitrator shall serve a copy of the award on each party and send the original and 2 copies of the award, along with an electronic copy of the award, to the commission with the entire record.

**Department of Licensing and Regulatory Affairs
Bureau of Employment Relations
Wage and Hour Division**

1. Rule(s) to be processed between July 1, 2019 and June 30, 2020. [Give brief description.]

R 408.9002(2)(a)(i), (b)(i), and (2)(c) of the Payment of Wages and Fringe Benefits rules need to

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be revised because these provisions conflict with R 408.701(b), (f) and (i) of the Wage and Hour Division General Rules, which took effect on May 6, 2019.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

The agency proposes rescinding the Wage Deviation Rules, R 408.771 through R408.787, because the wage deviation board has not been appointed as required under Section 5, MCL 408.935, of the Improved Workforce Opportunity Act (PA 337 of 2018). Also, the agency has not issued a wage deviation in more than 12 years. Finally, there is a comparable federal statute - Section 14(c) of the Fair Labor Standards Act, 29 CFR Part 525, that sets forth for a process whereby an employer may seek to receive a deviated wage rate for certain employees.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

MCL 408.479(5) and MCL 408.482 of the Payment of Wages and Fringe Benefits Act (PA 390 of 1978) and MCL 408.934a(5) of the Improved Workforce Opportunity Wage Act (PA 337 of 2018) require the Director of LARA to promulgate rules to define the terms used in MCL 408.479(4) of PA 390 of 1978 and 408.934a(4) PA 337 of 2018. The rule sets for both Acts should be revised to ensure consistency of similar or identical terms defined in both Acts and with state and federal law.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Members of the agricultural industry have voiced concern over R 408.711 regarding scale of piecework for harvesting fruits and vegetable in the Wage and Hour General Rules, and they have indicated that they would like the Division to set piecework rates for certain commodities.

The agency proposes rescinding the Wage Deviation Rules, R 408.771 through R408.787, because the wage deviation board has not been appointed as required under Section 5, MCL 408.935, of the Improved Workforce Opportunity Act (PA 337 of 2018). Also, the agency has not issued a wage deviation in more than 12 years. Finally, there is a comparable federal statute - Section 14(c) of the Fair Labor Standards Act, 29 CFR Part 525, that sets forth for a process whereby an employer may seek to receive a deviated wage rate for certain employees.

- A. Whether there is a continued need for the rules.

The Wage and Hour Division General Rules and the Payment of Wages and Fringe Benefits rules are required by their respective governing statutes, PA 337 of 2018 and PA 390 of 1978.

- B. A summary of any complaints or comments received from the public concerning the rules.

Consistency is needed between the two rulesets as well as with state and federal law.

- C. The complexity of complying with the rules.

Because the rule sets have not been updated to reflect changes in state and federal law and

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guidance, they potentially create situations that may result in noncompliance by an employer. Specifically, the definitions in both rule sets must be updated to ensure that the definitions contained in both rule sets are not in conflict.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

R 408.9002(2)(a), (b), and (c) conflicts with the recently updated R 408.701(b), (f) and (i) of the Wage and Hour Division General Rules. The latter rules provide that to be exempt from overtime, in general, an employee must meet certain tests regarding his or her job duties and currently be paid on a salary basis at not less than the current federal standard salary level per week for overtime exempt employees.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The Payment of Wage and Fringe Benefits Rules were last updated in 2014. The Wage and Hour Division General Rules that were promulgated under Public Act 138 of 2014 were amended in August 2016. With the enactment of Public Act 337 of 2018, which repealed Public Act 138, the Wage and Hour Division General Rules were amended in April 2019 in order to comply with Public Act 337.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://dtmb.state.mi.us/DTMBORR/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level_1=Wage+and+Hour+Division

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

The Wage and Hour Division General Rules were revised to comply with Public Act 337 of 2018, known as the Improved Workforce Opportunity Wage Act. These rules were filed with the Secretary of State on 4/29/2019 and became effective 5/6/2019. At this time, no proposed rule sets remain outstanding.

Department of Licensing and Regulatory Affairs Bureau of Fire Services

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

MOAHR 2019-021 LR – Fire Fighters Training Council General Rules. Authority: MCL 29.376, Section 16 of Public Act 291 of 1966. R 29.401 – R 29.415 deal with administrative procedures and processes governing the scope, authority and conduct of the Michigan Fire Fighters Training Council and the approval and certification of courses, instructors, institutions and fire fighter credentials in the state. Public Act 144 of 2017, effective January 31, 2018, amended PA 291 and the current rule set does not reflect the requirements in the current statute, as amended.

MOAHR 2019-023 LR – Fireworks Safety General Rules. R 29.2901 - 29.2929. Authority:

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MCL 28.470(1) and 28.470(2). The Fireworks Safety Act (Public Act 256 of 2011) was recently amended by Public Act 634 of 2018, which took effect on December 28, 2018. Because the current rule set does not reflect the requirements in the current statute, as amended, the Fireworks Safety General Rules are being revised to implement the provisions added to the Act under PA 634.

MOAHR Number Not Assigned: Storage and Handling of Gaseous and Liquefied Hydrogen Systems. R 29.7201 - R 29.7299. Rules regulating the storage and handling of hydrogen. These rules will be rescinded in whole and replaced by the adoption of a national standard for the regulation of these systems. An Ad Hoc Committee will be formed after the request for rule making has been completed and approved by the Michigan Office of Administrative Hearings and Rules (MOAHR).

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

Storage and Handling of Gaseous and Liquefied Hydrogen Systems. R 29.7201 - R 29.7299. Rules regulating the storage and handling of hydrogen. These rules will be rescinded in whole and replaced by the adoption of a national standard for the regulation of these systems.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

Public Assemblage: Public Act 207 of 1941, Section 29.3c(1)(d) states that the bureau shall promulgate rules for public assemblage. This could be addressed in the future with new legislation.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Storage and Handling of Gaseous and Liquefied Hydrogen Systems. R 29.7201 - R 29.7299. Rules regulating the storage and handling of hydrogen. These rules will be rescinded in whole and replaced by the adoption of a national standard for the regulation of these systems.

MOAHR 2019-021 LR – Fire Fighters Training Council General Rules. Authority: MCL 29.376, Section 16 of Public Act 291 of 1966. R 29.401 – R 29.415. The current rule set does not reflect some of the requirements in the current statute, as amended.

- A. Whether there is a continued need for the rules.

The Bureau of Fire Services has determined that there is a need for these rules to protect public health, safety and welfare.

- B. A summary of any complaints or comments received from the public concerning the rules.

MOAHR 2019-021 LR – Fire Fighters Training Council General Rules. The fire industry has requested clarification on the process to meet the professional qualification

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standards as established in Public Act 291 of 1966, as amended. A rules rewrite is needed to clarify the standard to be compliant with Public Act 291 of 1966.

C. The complexity of complying with the rules.

MOAHR 2019-021 LR – Fire Fighters Training Council General Rules. Difficult to comply with the current rule set and amended law.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

There is no conflict or duplication of similar rules or regulations.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

MOAHR 2019-021 LR – Fire Fighters Training Council General Rules. This rule set was last updated in 2016, however, it must be updated again to reflect the current statute.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

Bureau of Fire Services main website: www.michigan.gov/bfs

A link to ORR's administrative rules for Bureau of Fire Services

http://www.michigan.gov/lara/0,4601,7-154-35299_42271_42370---,00.html

6. Please provide a list of the items identified for action in the 2018-2019 ARP that have been completed and those that remain outstanding.

Completed:

2015-060 LR - Michigan Underground Storage Tank Rules.

2018-009 LR - Health Care Facilities Fire Safety Rules.

In Process:

MOAHR 2019-021 LR – Fire Fighters Training Council General Rules. Authority: MCL 29.376, Section 16 of Public Act 291 of 1966. R 29.401 – R 29.415. The bureau anticipates this rule set will be completed by October 1, 2019.

Outstanding

MOAHR 2017-085 LR: Storage and Handling of Gaseous and Liquefied Hydrogen Systems. Rules update to begin with a request for rulemaking in October 2019.

MOAHR Number Not Assigned: State-Owned and Leased Buildings Fire Safety Rules.

MCL 29.3c (1)(b.) R 29.1501 – R 29.1509 deal with state-owned and leased buildings fire safety and have not been updated since 2001. The bureau had hoped to begin working on updates to this rule set by October of 2018 however, it has been placed on hold for the time being in order to focus on the changes needed to the Fireworks Safety General Rules.

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Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing

Public Health Code Professions

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

MOAHR #2018-062 Athletic Trainers: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.17431, 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.) The rules will be revised to clarify the definitions, requirements, and approved programs for training, certification, or both, necessary for first aid, cardiopulmonary resuscitation, emergency cardiac care, and automated external defibrillator. A rule will be added to requirement that a foreign trained applicant for licensure demonstrate a working knowledge of the English language. Standard of care rules will be updated and revised. Further rule revisions may be made for clarity. This rule set arrived at JCAR on May 21, 2019.

MOAHR #2018-031 LR Midwifery: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.17101, Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 330.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.) Part 171 of the Public Health Code, MCL 333.17101 through MCL 333.17123, effective April 4, 2017, established the formation of the Board of Licensed Midwifery and required the board to enact rules within 24 months after the effective date of Part 171. The proposed rules will regulate the prelicensure education, licensure, practice, conduct and classification of conditions, licensure renewal, relicensure, and continuing education for licensed midwives. The JCAR package was sent to MOAHR on May 1, 2019.

MOAHR #2018-033 LR Nursing: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.17201, Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 330.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.) The proposed rules will: add specific effective dates to the rules where appropriate; delete incorrect references to the code; clarify when to take and pass the NCLEX exam; limit the number of times an applicant may take examinations; clarify the requirements of licensure by endorsement; clarify the continuing education requirements for relicensure; clarify definitions related to nursing education programs; clarify the requirements for initial and continued program approval, program changes, changes in program directors, student to faculty ratios, board evaluation of nursing education programs, and program suspensions in program admissions; require programs to provide additional information on sponsoring agencies; require all minor program changes to be reviewed by the board; require review if a program desires to make temporary expansion of students a permanent change or changes a program director; clarify the triggers that require evaluation of a program; require an improvement plan that shows the specific steps to endeavor and evaluate change; regulate the ratio of students to faculty; clarify when a preceptor will be allowed; clarify the sunset date of certification of a CNS by a portfolio of evidence; clarify continuing education requirements; clarify who may apply for scholarships; require the program to file a form with the department with details regarding the scholarship award; and require the program to notify the department of its intent to award funds to another recipient or student if a student awarded the scholarship withdraws from the nursing program. A public hearing was held for this rule set.

MOAHR #2018-034 LR Occupational Therapy: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.16204, MCL 333.18307, MCL 333.18309, MCL 333.18313, 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.) The proposed rules will: add statutory references; delete the rule on prohibited conduct; update references to educational program standards; clarify when an applicant may sit for an exam; clarify the requirements for licensure of an occupational therapist and occupational therapist assistant who have graduated from a non-accredited post-secondary institution; clarify that a limited license for supervised practice for an occupational therapist or occupational therapist assistant whose registration has lapsed may be renewed 1 time; allow supervised practice experience to be supervised by an occupational therapist in or out of the state of Michigan; clarify the continuing education requirements for an occupational therapist or occupational therapist assistant whose license has lapsed; clarify that an occupational therapist must initiate and direct the evaluation of a patient before delegating limited assessments, tasks or intervention to an occupational therapy assistant; and clarify that one-half of continuing education may be completed in person or through live webinars. A public hearing will be scheduled in June or July 2019.

MOAHR #2018-037 LR Optometry: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.17431, 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.) These rules will be revised to update the continuing education requirements, examination information, and requirements for relicensure after lapse. The rules will add a requirement that a foreign trained applicant for initial licensure must demonstrate a working knowledge of the English language; a rule regarding telemedicine, as required by MCL 333.16287, and add a rule requiring opioid and other controlled substances awareness training. Further rule revisions may be made for clarity. This set is at the Joint Committee on Administrative Rules.

MOAHR #2018-039 LR Pharmacy – General Rules: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148; MCL 333.16174, MCL 333.16175, MCL 333.16178, MCL 333.16182, MCL 333.16186, MCL 333.17722, MCL 333.17731, MCL 333.17737, MCL 333.17746, MCL 333.17748, MCL 333.17748a, MCL 333.17748b, MCL 333.17751, MCL 333.17753, MCL 333.17757, MCL 333.17760, MCL 333.17767, 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.) The proposed rules have been reorganized and substantially rewritten to provide for rules that encompass all the necessary requirements for licensing and regulating the practice for pharmacists, pharmacies, and manufacturers and wholesale distributors of drugs and devices. The draft rules include parts for general provisions, pharmacist licenses, pharmacy licenses, manufacturer licenses, wholesale distributor licenses, and the practice of pharmacy. The public hearing for this rule set will be held in June or July 2019.

MOAHR #2019-022 LR Pharmacy – Continuing Education: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.16184, MCL 333.16201, MCL 333.16204, MCL 333.16205, MCL 333.17731, MCL 333.17737, MCL 333.17767, 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.) The proposed rules: clarify the requirements for license renewal; add the requirement to provide proof of having taken the 1-time training in opioids and controlled substance awareness as well as 1 hour in pharmacy ethics and jurisprudence; allows a request for

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a waiver of continuing education if the request is filed before the expiration date of the license; adds requirements to the standards for approval of continuing education courses and programs; places the acceptable continuing education activities in a table; and automatically approves programs and courses offered or approved by certain entities.

MOAHR #2018-023 LR Physical Therapy: (Authority: 1978 PA 368, MCL 333.16141; MCL 333.16145; MCL 333.16148; MCL 333.16174; MCL 333.16201; MCL 333.16204; MCL 333.16205; MCL 333.16206; MCL 333.16215; MCL 333.16287; MCL 333.17823; MCL 338.3501; MCL 445.2001; MCL 445.2011, and MCL 445.2030. The proposed rules will amend the human trafficking rule to include a date of promulgation, update standards that are adopted by reference under the rules, rescind rules that are duplicative of statute, and update requirements pertaining to initial licensure, licensure by endorsement, license renewal, and relicensure. The JCAR package was sent to MOAHR on May 2, 2019.

MOAHR # 2018-106 LR Podiatric Medicine and Surgery: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, and MCL 333.18001 and Executive Reorganization Order Nos. Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 330.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.) These rules will be revised to update the continuing education requirements, examination information, and requirements for relicensure after lapse. The revised rules update the accreditation standards and examination information. The revised rules will: add a requirement that a foreign trained applicant for initial licensure demonstrate a working knowledge of the English language; add a rule regarding telemedicine, as required by MCL 333.16287; and add a rule requiring opioid and other controlled substances awareness training. Further rule revisions may be made for clarity. The JCAR Report was submitted to JCAR on May 9, 2019.

MOAHR # 2018-107 LR Psychology: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.18201, MCL 333.18223, and MCL 333.18233, 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.) The proposed revisions to the rules will revise the definitions for the rule set; revise the human trafficking rule to include a date of promulgation; rescind the rule related to prohibited conduct; update accreditation and psychological training program standards; provide criteria for consideration of possible variances for a postdoctoral internship, supervision for postdoctoral experience, a post-degree practicum, alternative supervision for a temporary limited licensee, and alternative supervision for a limited license psychologist in private practice; clarify the criteria for licensure by endorsement; add criteria related to good moral character and fingerprinting as conditions for relicensure; update requirements for a temporary limited license; update the continuing education documentation retention requirement; include clarification regarding the number of continuing education credit hours that may be obtained online; provide a list of acceptable continuing education providers; clarify qualifying continuing education activities; and add a new rule that allows other potential continuing education providers to petition the board for approval of a program. A public hearing for this rule set was held on April 22, 2019.

MOAHR #2019-024 LR Public Health Code General Rules: (Authority: 1978 PA 368, MCL 333.16145; MCL 333.16194; MCL 333.16201; MCL 333.16221; MCL 338.3501; MCL 445.2001; MCL 445.2011; MCL 445.2025; MCL 445.2030. The proposed rules revisions add new definitions and clarify some terms previously defined; update renewal dates for optometry,

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pharmacy, physician's assistants, dentistry, medicine, osteopathic medicine and surgery, podiatric medicine and surgery, and veterinary medicine, add renewal information for midwifery and behavior analysts; and add a rule advising a foreign-trained applicant that he or she must demonstrate a working knowledge of the English language to be licensed or registered under the Public Health Code.

MOAHR #2019-053 LR Acupuncture: (Authority: 1978 PA 368, MCL 333.16141, 333.16145, MCL 333.16148, MCL 333.16174, MCL 333.16201, MCL 333.16204, MCL 333.16205, MCL 333.16215, MCL 333.16287, and MCL 333.16525, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 330.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.) These rules will be amended to clarify the requirements for acupuncture registration by endorsement and update the requirements for initial registration, registration renewal and reregistration.

MOAHR #2019-054 LR Medicine-General Rules: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.16215, MCL 333.17031, MCL 333.17033, and MCL 333.17048 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.) The proposed substantive changes to the rules will amend the rules to provide clarification of definitions and the meaning of terms used in the rules; provide detailed standards of minimum English language proficiency; rescind the rule related to the use of a name of a practitioner, as it is duplicative of statute; add a new rule that addresses telehealth; provide revised procedures and protocols regarding the prescribing of drugs by physician's assistants; provide clarification regarding the delegation of prescribing controlled substances to advanced practice registered nurses; revise the human trafficking rule to include a date of promulgation; provide updated medical school accreditation standards; provide updated postgraduate training program standards; provide clarifying language regarding the requirements for medical licensure; provide clarifying language regarding the requirements for foreign medical graduates; revise and provide clarifying criteria regarding licensing via endorsement; provide clarifying language regarding the requirements for an educational limited license; revise the requirements regarding the United States Medical Licensing Examination (USMLE), including adding specific criteria that would allow certain applicants to request a variance from the board regarding the time frame to complete the USMLE; rescind the rule related to limitations on USMLE attempts and insert the relevant information under another rule that also addresses the USMLE; provide clarifying language regarding the requirements for a clinical academic license; add criteria related to good moral character and fingerprinting as conditions for relicensure, as well as other relevant criteria, depending on the circumstances of the applicant; provide clarifying language regarding the requirements for license renewal; include information that clarifies when CE hours related to pain and symptom management must first be obtained; include additional clarifying information related to qualifying continuing education activities.

MOAHR 2019-057 LR Pharmacy – Controlled Substances: (Authority: 1978 PA 368, MCL 333.7301, 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.) The rules will be updated so they are consistent with statutory changes.

MOAHR #2019-XXX LR Dentistry: (Authority: 1978 PA 368, MCL 333.16145, MCL

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333.16148, MCL 333.16611, MCL 333.16625, MCL 333.16631, MCL 333.16644, 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.) The rules will be amended to add provisions regulating and licensing dental therapists and to clarify: definitions, prelicensure education, licensure, examinations, limited licenses, licensure by endorsement, specialties, delegation and supervision of dental assistants and dental hygienists, training for general anesthesia, intravenous conscious sedation, and enteral sedation, licensure renewal, relicensure, requirements for disposal of dental amalgam, and continuing education for dentists, dental therapists, dental assistants and dental hygienists.

MOAHR #2019 – XXXX LR Counseling: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.18101, and MCL 333.18107 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.) The proposed changes include reorganization of the rules and substantive changes to amend the rules to clarify definitions and the meaning of terms used in the rules; move educational training curriculum definitions to an educational section and rule, which will place them in the proper context of educational training requirements, as opposed to their current location in the rule set, which is a cause of confusion and misinterpretation about the scope of practice of the counseling profession; update higher institution educational program regional accreditation standards; update Council for Accreditation of Counseling and Related Educational Programs (CACREP) accreditation standards; clarify the educational training program requirements for applicants who are graduates of non-CACREP accredited programs; include a future increased credit hour requirement for applicants who are graduates of non-CACREP accredited programs, to coincide with future CACREP imposed requirements; graduates of non-accredited postsecondary institutions must bear the expense and supply an educational program equivalency determination to the department from a credential evaluation agency; revise the non-CACREP accredited educational training program curriculum to mandate only those courses listed in statute; revise the human trafficking rule to include a date of promulgation; add criteria related to good moral character and fingerprinting as conditions for relicensure of a limited licensed counselor, as well as other relevant criteria, depending on the circumstances of the applicant; add the National Clinical Mental Health Counseling Examination (NCMHCE) as another approved examination for licensure; add criteria related to good moral character and fingerprinting as conditions for relicensure of a licensed counselor, as well as other relevant criteria, depending on the circumstances of the applicant; remove the relicensure requirements exemptions granted based on MCL 333.18107(2), as it does not protect the public; and add a rule that addresses the requirements for license renewal.

MOAHR #2019- XXXX LR Osteopathic Medicine and Surgery: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.16204, MCL 333.16215, MCL 333.17533, and MCL 333.17548 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.) The proposed substantive changes to the rules will amend the rules to provide clarification of definitions and the meaning of terms used in the rules; add a rule that provides detailed standards of minimum English language proficiency; rescind the rule related to the use of a name of a practitioner, as it is duplicative of statute. Add a new rule that addresses telehealth; provide updated standards regarding a code of ethics; provide revised procedures and protocols regarding the prescribing of drugs by physician’s assistants; provide clarification regarding the delegation of prescribing controlled substances to advanced practice registered nurses; revise the human trafficking rule to

include a date of promulgation; provide updated osteopathic medical school accreditation standards; provide updated postgraduate training program standards; provide clarifying language regarding the requirements for osteopathic medical licensure; revise and provide clarifying criteria regarding licensing via endorsement; provide clarifying language regarding the requirements for an educational limited license; revise the requirements regarding the Comprehensive Osteopathic Medical Licensing Examination (COMLEX), including adding specific criteria that would allow certain applicants to request a variance from the board regarding the time frame to complete the COMLEX; rescind the rule related to limitations on COMLEX attempts and insert the relevant information under another rule that also addresses the COMLEX; add criteria related to good moral character and fingerprinting as conditions for relicensure, as well as other relevant criteria, depending on the circumstances of the applicant; provide clarifying language regarding the requirements for license renewal; include information that clarifies when CE hours related to pain and symptom management must first be obtained; provide an updated list of acceptable continuing education providers; include additional clarifying information related to qualifying continuing education activities.

MOAHR #2019- XXXX LR Speech-Language Pathology: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.17601, MCL 333.17607, MCL 333.17609, MCL 333.17610, and MCL 333.17611 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.) The proposed substantive changes to the rules will amend the rules to clarify definitions and the meaning of terms used in the rules; add a requirement that an educational program give proof of an applicant's educational degree directly to the department; revise the human trafficking rule to include a date of promulgation; update the name of the required examination; change the required license from an educational limited license to a temporary license for those applicants seeking supervised postgraduate clinical experience; provide that a temporary license issued for the purpose of supervised postgraduate training is nonrenewable and cannot be issued for a period to exceed 12 months; clarify that the supervised postgraduate clinical experience must consist of a minimum number of direct clinical contact hours and must include activities within the scope of practice of a speech-language pathologist; graduates of non-accredited postsecondary institutions must supply an educational program equivalency determination to the department from a credential evaluation agency; update educational program accreditation standards; add criteria related to good moral character and fingerprinting as conditions for relicensure, as well as other relevant criteria, depending on the circumstances of the applicant; clarify criteria for a certified teacher to be relicensed, including evidence of good moral character and fingerprinting; supplies an effective date for satisfaction of renewal requirements related to continuous professional development (CPD) credits; clarify that a licensee must keep documentation related to satisfying CPD credits for a period of 4 years; provide that a referral for assessment or treatment of swallowing disorders or medically-related communication disorders may come from those licensed to practice medicine, osteopathic medicine, or from an advanced practice registered nurse.

Genetic Counselors: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.16174, MCL 333.16287, MCL 333.17091, MCL 333.17092, and MCL 333.17096 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.) This is a new profession created by PA 624 of 2018 and became effective on March 28, 2019. The proposed new rules will supply requirements for minimum English language standards, telehealth, training standards for

identifying victims of human trafficking, licensure, relicensure, renewal, and continuing education. The proposed rules will further supply a certification requirement.

Pharmacy – Animal Euthanasia and Sedation Rules: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.17722, MCL 333.7333, 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.) The rules will be updated so they are consistent with statutory changes.

Pharmacy - Centralized Prescription Processing Pharmacies: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.17722, MCL 333.17753, 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.) The rules will be updated so they are consistent with statutory changes.

Pharmacy - Pharmacy Technicians: (Authority: 1978 PA 368, MCL 333.16145; MCL 333.16148; MCL 333.16184, MCL 333.16201, MCL 333.16204, MCL 333.16205, MCL 333.17731, MCL 333.17737, MCL 333.17739, MCL 333.17739a, MCL 333.17739b, MCL 333.17739c, 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.) The proposed rules will: establish a minimum passing score on examinations; establish a review process for examinations every 3 years; require proof of English proficiency for a license by endorsement; require additional pharmacy technician program requirements; require good moral character, and finger prints for relicensure; add an English proficiency requirement for licensure; add a pharmacy ethics and jurisprudence continuing education requirement; add requirements to the standards for approval of continuing education courses and programs; and allow a pharmacist to delegate certain activities and functions to a pharmacy technician.

Pharmacy – Program for Utilization of Unused Prescription Drugs: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.17722, MCL 333.17775, 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.) The rules will be updated so they are consistent with statutory changes.

Public Health Code Disciplinary Proceedings: (Authority MCL 333.16141, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030). A comprehensive review of the rules will be completed to determine which rules need to be amended, updated, or added. Several rules may be rescinded because they are unnecessary or there is a need for reorganization and clarity.

Sanitarians: (Authority: 1978 PA 368, MCL 333.2226, MCL 333.16145, MCL 333.16148, MCL 333.16215(6), MCL 333.16625, and MCL 333.16644, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2011-4, and MCL 330.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.) These rules will be amended and updated for clarity and understanding.

Social Work: (Authority: MCL 333.16145, MCL 333.16148, MCL 333.16287, MCL 333.18516, and MCL 333.18518 and Executive Order Nos. 1991-9, 1996-2, 2003-01, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030). These rules will be revised to add a telehealth rule, a rule requiring that a foreign-trained applicant demonstrate a working knowledge of the English language, and requirements for relicensure of a bachelor's and master's social worker who holds a license in another state. The rule for registering a social

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service technician will be clarified. The rules will also clarify the experience that must be accumulated for a limited license bachelor's social worker and a limited master's social worker to be fully licensed. Amendments will be made to clarify the renewal restriction on a limited license. The rules will also amend registration and licensure by endorsement and revise continuing education rules.

Veterinary Medicine: (Authority 1978 PA 368, MCL 333.16145, MCL 333.16148, 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.) A comprehensive review of these rules will be completed to determine if revisions are needed to ensure compliance with controlled substances training requirements, to advise a foreign trained applicant that he or she must demonstrate a working knowledge of the English language for licensure, and to eliminate the use of the term "patient" from the rules.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

Acupuncture: R 338.13015 and R 338.13030, which pertain to applicants with nonaccredited training and educational program standards adopted by reference, respectively, will be rescinded because the proposed amendments to the rules will adopt by reference standards that have provisions pertaining to nonaccredited training and educational programs. **R 338.13025**, which pertains to reregistration requirements will be rescinded because the requirements for reregistration are adequately addressed under MCL 333.16201 without need for further clarification under the rules.

Dentistry: R 338.11103, which pertains to applicability of rules will be rescinded as it is clear who the rules regulate. **R 338.11107**, which pertains to advertising will be rescinded as there is no statutory authority to promulgate this rule. **R 338.11222**, which pertains to licensure to practice dental hygiene for graduates from a school not in compliance with board standards will be rescinded because the board requires that all hygienists graduate from a school that meets the board's standards. **R 338.11123**, which pertains to training standards for identifying victims of human trafficking will be rescinded as it will be relocated to the part of the rules pertaining to licensure. **R 338.11241 and R 338.11245**, which pertain to requirements for retaking the dental assistant examination will be rescinded because the examination will no longer be offered by the department. **R 338.11267**, which pertains to relicensure will be rescinded as the requirements will be provided in a table. **R 338.11402 through R 338.11410**, which pertain to delegation and assignment will be rescinded as the requirements will be provided in a table. **R 338.11505**, which pertains to the general requirements of a specialty license will be rescinded because the requirements do not apply to all specialty licenses, so the requirements have been added where appropriate. **R 338.11604**, which pertains to the reporting or morbidity and mortality to the board will be rescinded as the information is not being collected or used at this time. **R 338.11703**, which pertains to acceptable continuing education for dentists will be rescinded because these requirements have been placed in a table in R 11704a. **R 338.11704b and R 338.11704c**, which pertain to relicensure will be rescinded as the requirements will be provided in a table.

Nursing Home Administrators: R 339.14015, which pertains to professional designation, will be rescinded because it is duplicative of MCL 333.17303. **R 339.14027**, which pertains to

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standards for approval of programs, will be rescinded because it does not comply with the statutory requirement that continuing education courses be approved by the department and the board.

Occupational Therapy- General Rules: R 338.1212, which pertains to prohibited conduct, will be rescinded because the Public Health Code does not authorize this rule.

Pharmacy – General Rules: The proposed rules have been reorganized and substantially rewritten to provide for rules that encompass all the necessary requirements for licensing and regulating the practice for pharmacists, pharmacies, and manufacturers and wholesale distributors of drugs and devices, therefore, **all but one rule**, which is referenced by number in the Public Health Code, are being rescinded.

Pharmacy – Pharmacist Continuing Education: R 338.3045, which pertains to renewal of a license in Michigan for a pharmacist residing or practicing in another state, will be rescinded because all pharmacist license renewals should be processed under the acceptable continuing education for licensees in R 338.3044.

Physical Therapy: R 338.7124, which pertains prohibited conduct will be rescinded because prohibited conduct is addressed elsewhere in federal and state statutes.

Psychology: R 338.2527, the prohibited conduct rule, will be rescinded, as the conduct is already regulated by law elsewhere, namely MCL 333.16221.

Respiratory Care: R 338.2203 and R 338.2204, which pertain to the requirements for applications for temporary respiratory therapist license and credentialed respiratory therapists, will be rescinded because the dates for permitted application have statutorily passed.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

Midwifery: The public hearing for this rule set was held on October 30, 2018. The rules for this profession were required by statute to be promulgated by April 4, 2019. Department leadership has been meeting with interested associations to ensure that the rules are clear and understandable for the licensees and other health professions. The JCAR Report for these rules was submitted to JCAR on May 1, 2019.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Counseling: R 338.1751 provides definitions and the meaning of terms used in the rules. Educational training curriculum definitions will move to a new rule under a section entitled Education to place them in the proper context of educational training requirements, as opposed to their current location in the rule set, which is a cause of confusion and misinterpretation about the scope of practice of the counseling profession.

Midwifery: Licensed midwives is a profession not previously regulated under the Public Health Code. The proposed rules are required by Part 171 of the Public Health Code, MCL 333.17101 to MCL 333.17123. All of the proposed rules are new therefore, midwives were not previously

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licensed nor were they subject to continuing education or any of the other limitations in the proposed rules. The activities of licensed midwives converges and in some situations overlaps with other health professions that are regulated by the Public Health Code. The proposed rules will license midwives, require minimum education and certification, require an examination, require informed disclosure and consent, require consultation and transfer of a client in certain circumstances, limit the drugs and medications used by a midwife, and specify the requirements for a lapsed license or renewal of a license. Unless otherwise exempted by the Public Health Code, the system of licensure will prohibit an unlicensed individual from performing an act, task, or function within the practice of licensed midwifery unless trained to perform that act, task, or function and it is consistent with the law and the proposed rules.

Board of Pharmacy: The Board of Pharmacy has seven different rule sets and is the board with the bureau's most extensive set of regulations. This is due in part to the nature of the profession. State of Michigan requirements are found in both Articles 7 and 15 of the Public Health Code. Additionally, two different federal agencies, the Food and Drug Administration and the Drug Enforcement Administration also regulate pharmacy practices. Technology relating to pharmacy practice is constantly being upgraded. Further, the regulation of the practice of pharmacy is related to the opioid epidemic, and regulation and best practices are constantly changing. The rules have not kept up.

A. Whether there is a continued need for the rules.

Administrative rules are required as long as the profession is required to be licensed or registered by the Public Health Code, PA 368 of 1978, as amended. The administrative rules ensure the board's ability to require the appropriate education and training to competently practice in the state and to effectively discipline licensees who violate the Public Health Code, PA 368 of 1978, as amended.

B. A summary of any complaints or comments received from the public concerning the rules.

Midwifery: The Board of Licensed Midwifery received comments from the public prior to the public comment period, during the public comment period, and after the public comment period. Multiple associations and member of the public requested: limitations on the scope or practice of licensed midwives; mandatory consultation or transfers to other health professionals for more involved medical situations involving a pregnant woman or an infant; limitations on licensed midwives from handling a pregnancy involving a previous cesarean birth, breech presentation, or twins or multiple gestation; limiting licensing midwives from other states; require an examination before relicensure of a licensed midwife who allowed their license to lapse; reduce the licensure cycle to two years; require additional informed disclosure and consent requirements with a pregnancy involving a previous cesarean birth, breech presentation, or twins or multiple gestation; increase the list of prohibited conduct; require additional reporting; increase the amount of continuing education, and require more education in pharmacology.

Physical Therapy – General Rules: The Board of Physical Therapy received comments for the public hearing from a member of the public and the Michigan Physical Therapy Association regarding the requirements for licensure applicants who have nonaccredited education, the requirements for a physical therapist who delegates acts, tasks, or functions,

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and the rules pertaining to approved continuing education. After consideration of the comments for the public hearing, the board did not agree to make any changes to the proposed rules pertaining to the requirements for licensure applicants who have nonaccredited education. However, the board agreed to make changes to the proposed rules pertaining to the requirements for a physical therapist who delegates acts, tasks, or functions, and to the proposed rules pertaining to approved continuing education. The changes included adding language that provided clarification over the applicability of the proposed rules.

C. The complexity of complying with the rules.

The Bureau of Professional licensing has not identified any rules for which compliance to is considered particularly difficult.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

Pharmacy – General Rules: The proposed rules require that pharmacies comply with all federal requirements regarding controlled substances when discontinuing operations, and with security standards for the protection of protected health information set forth in the Health Insurance Portability and Accountability Act. The rules adopt the pharmaceutical compounding standards of the United States Pharmacopeia (USP), published by the United States Pharmacopeial Convention, and the regulations regarding good manufacturing practices for finished pharmaceuticals set forth in 21 CFR sections 211.1 to 211.208 (1978). Some aspects of the practice of pharmacy, such as the labeling of prescription drugs, are regulated by the Federal Food, Drug, and Cosmetic Act of 2016, 21 USC sections 351 to 399f and have been adopted by the proposed rules. There are no federal rules or standards set by a national or state agency that the proposed rules exceed.

The rest of the rule sets regulated by the Bureau of Professional Licensing are not in conflict or duplicative of federal or local government rules or regulations. Any rule that is duplicative of recent statutory changes will be rescinded.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

Acupuncture: The rules were last amended on January 10, 2019. There have been no technological, economic conditions, or other factors that have changed regulatory activity covered by the rules.

Athletic Trainers: The rules were last amended in 2017. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Counseling: The rules were last amended in 2016, to include training standards for identifying victims of human trafficking. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Dentistry: The rules were last amended in January 6, 2017. There have been no technological factors, economic conditions or other factors that would necessitate amendment of the rules.

Disciplinary Proceedings: The rules were last amended in 2015. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Genetic Counselors: This is a newly regulated profession under Medicine, created by Public Act 624 of 2018. The initial rule set is in the promulgation process.

Marriage and Family Therapy: The rules were last amended in 2016, to include training standards for identifying victims of human trafficking. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Medicine: The rules were last amended in 2016. However, the enactment of Public Act 379 of 2016 and Public Act 499 of 2016 require the rules to be amended to comply with statutory changes enacted after the amendments occurred. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

Midwifery: This is a newly regulated profession. The initial rule set is in the promulgation process.

Nursing: The rules were last amended on March 8, 2018. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules

Nursing Home Administrators: The rules were last amended in 2016, to include training standards for identifying victims of human trafficking. There have been no technological factors, economic condition, or other factors that would necessitate amendment of the rules.

Occupational Therapy: The rules were last amended in October 19, 2017. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Optometry: The rules were last amended in 2016. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Osteopathic Medicine and Surgery: The rules were last amended in 2016. However, the enactment of Public Act 368 of 2016 and Public Act 499 of 2016 require the rules to be amended to comply with statutory changes enacted after the amendments occurred. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

Pharmacy – General Rules: The rules were last amended October 24, 2017. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

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Pharmacy – Continuing Education: The rules were last amended in 2007. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Pharmacy – Animal Euthanasia and Sedation Rules: The rules were promulgated in 2013. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Pharmacy – Program for Utilization of Unused Prescription Drugs: The rules were promulgated in 2014. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Centralized Prescription Processing Pharmacies: The rules were last amended in 2008. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Pharmacy Technicians: The rules were promulgated in 2016. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Physical Therapy: The rules were last amended in 2016. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Podiatric Medicine and Surgery: The rules were last amended in 2017. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Psychology: The rules were last amended in 2017. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Public Health Code- General Rules: The rules were last amended in 2019. The Bureau has begun implementing new licensing software. This rule set is updated as new health professions are added to the system. There have been no economic conditions or other factors that would necessitate amendment of rules.

Respiratory Care: The rules were last amended in 2016. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Sanitarians: The rules were last amended in 2016. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Social Work: The rules were last amended in 2019. There have been no technological

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factors, economic conditions, or other factors that would necessitate amendment of the rules.

Speech-Language Pathology: The rules were last amended in 2016. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Task Force on Physician's Assistants: The rules were last amended in 2016. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Veterinary Medicine: The rules were last amended in 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

The Bureau of Professional Licensing recognizes the Office of Regulatory Reinvention's website as the only legal version of the administrative rules. As such, the bureau's rules can be found at this link under "Licensing and Regulatory Affairs:"

https://dtmb.state.mi.us/DTMBORR/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level_1=Bureau+of+Professional+Licensing

6. Please provide a list of the items identified for action in the 2018 ARP that have been completed and those that remain outstanding.

Completed:

MOAHR #2017-002 LR Acupuncture: The rules were filed with the Office of the Great Seal on January 10, 2019 and became effective on January 10, 2019.

MOAHR #2017-019 LR Veterinary Medicine – General Rules: The rules were filed with the Office of the Great Seal on January 4, 2019 and became effective on January 4, 2019.

MOAHR #2017-020 LR Veterinary Technician Licensure – General Rules: The rules were filed with the Office of the Great Seal on January 4, 2019 and became effective on January 4, 2019.

MOAHR #2017-086 LR Massage Therapy – General Rules: The rules were filed with the Office of the Great Seal on January 4, 2019 and became effective on January 4, 2019.

MOAHR #2017-094 LR Social Work: The rules were filed with the Office of the Great Seal on January 10, 2019 and became effective on January 10, 2019.

MOAHR #2018 -015 LR Audiology: The rules were filed with the Office of the Great Seal on January 7, 2019 and became effective on January 7, 2019.

MOAHR #2018-016 LR Chiropractic: The rules were filed with the Office of the Great Seal on January 7, 2019 and became effective on January 7, 2019.

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MOAHR #2018-019 LR Behavior Analysts: The rules were filed with the Office of the Great Seal on January 7, 2019 and became effective on January 7, 2019.

MOAHR #2018-020 LR Pharmacy- Controlled Substance Rules: The rules were filed with the Office of the Great Seal on January 4, 2019 and became effective on January 4, 2019.

MOAHR #2018-024 LR Public Health Code - General Rules: The rules were filed with the Office of the Great Seal on January 7, 2019 and became effective on January 7, 2019.

MOAHR #2018-040 LR Nursing Home Administrators: The rules were filed with the Office of the Great Seal on May 20, 2019 and became effective on May 20, 2019.

MOAHR #2018-041 LR Respiratory Care: The rules were filed with the Office of the Great Seal on May 20, 2019 and became effective on May 20, 2019.

MOAHR # 2018-049 LR Marriage and Family Therapy: The rules were filed with the Office of the Great Seal on May 21, 2019 and became effective on May 21, 2019.

MOAHR #2018-050 LR Task Force on Physician's Assistants: The rules were filed with the Office of the Great Seal on May 20, 2019 and became effective on May 20, 2019.

Outstanding:

MOAHR #2018-023 LR Physical Therapy: The JCAR package has been sent to MOAHR for review.

MOAHR #2018-031 LR Midwifery: The rules are currently with the Joint Committee on Administrative Rules.

MOAHR #2018-033 LR Nursing: A public hearing was held for this rule set on May 22, 2019.

MOAHR #2018-034 LR Occupational Therapy: A public hearing will be scheduled in June or July 2019.

MOAHR #2018-037 LR Optometry: The rules are currently with the Joint Committee on Administrative Rules.

MOAHR #2018-039 LR Pharmacy – General Rules: The public hearing for this rule set will be set in June or July 2019.

MOAHR #2018-062 LR Athletic Trainers: The rules currently are at JCAR for review.

MOAHR #2018-106 Podiatric Medicine and Surgery: The rules are currently with the Joint Committee on Administrative Rules.

MOAHR #2018-107 LR Psychology: A public hearing for this rule set was held on April 22,

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2019.

MOAHR #2019-022 LR Pharmacy – Continuing Education: The public hearing for this rule set will be held in June or July 2019.

MOAHR #2019 – XXXX LR Counseling: The RFR and proposed rule set have been submitted to the RAO for review.

MOAHR #2019-XXXX LR Dentistry: The rules will be opened for review.

MOAHR #2019 – XXXX LR Medicine: The RFR has been submitted to the RAO for review.

MOAHR #2019 – XXXX LR Osteopathic Medicine and Surgery: The RFR has been submitted to the RAO for review.

MOAHR #2019 – XXXX LR Pharmacy - Pharmacy Technicians: The RFR has been submitted to the RAO for review..

MOAHR #2019 -XXXX LR Pharmacy – Controlled Substances: The RFR was submitted to the RAO for review.

MOAHR #2019-XXXX LR Speech-Language Pathology: The RFR has been submitted to the RAO for review.

Pharmacy – Animal Euthanasia and Sedation Rules: The rules will be opened by the board in June 2019.

Pharmacy – Program for Utilization of Unused Prescription Drugs: The rules will be opened by the board on June 12, 2019.

Pharmacy - Centralized Prescription Processing Pharmacies: The rules will be opened by the board in June 2019.

Sanitarians: The RFR for this rule set will be submitted this year.

**Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing**

Occupational Code and Deaf Person’s Interpreters Act Professions

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

MOAHR #2019-043 LR Architects – General Rules: Authority: (1980 PA 299, MCL 339.308, MCL 339.205, and MCL 339.2009, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, being MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030). The proposed rules will revise the definitions of terms used in the rules; revise the education, experience, and examination requirements that must be satisfied to receive a license;

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adopt by reference a standard of professional conduct that is acceptable to the board; revise the types of activities that are acceptable for satisfying the continuing education requirements; add a new rule that will provide relicensure requirements; and update the requirements pertaining to the seal of an architect.

MOAHR #2018-065 LR Barbers: (Authority: 1980 PA 299, MCL 339.205, MCL 339.308, MCL 339.1110, MCL 339.1112 and Executive Reorganization Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, MCL 445.2025, MCL 445.2030). The rules will be amended to be consistent with the statutory requirements for the number of theory and practical hours required in the barber college curriculum. The rules will also be amended to eliminate outdated language. The public hearing for this rule set was held on April 22, 2019, and a JCAR package has been submitted to MOAHR for review.

MOAHR # 2018-108 LR Occupational Code Renewals: (Authority: MCL 339.202, MCL 339.205, and Executive Reorganization Order Nos. 1991-9, 2003-1, 2008-4, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030). The proposed rules will add definitions for clarity. The rules regarding annual renewals will be revised to remove those licenses no longer issued by the Bureau of Professional Licensing, relocate licenses that are no longer renewed annually, and add barber student instructor licenses. The rule regarding licenses and registrations that renew biennially will be revised to remove those licenses no longer issued by the Bureau of Professional Licensing, modify the date of renewal for barbers and cosmetologists to the date that the license was issued, and reorganize the licenses into alphabetical order. A new rule will be added to provide for triennial license renewals for real estate brokers and salespersons.

MOAHR #2019-028 LR Cosmetology – General Rules: (Authority: 1980 PA 299, MCL 339.205, MCL 339.308, MCL 339.1203, MCL 339.1205 and Executive Reorganization Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, MCL 445.2025, MCL 445.2030). The proposed rules will clarify definitions used in the rule set; inform applicants of the requirements pertaining to examinations, licensure by reciprocity, and relicensure; sunset the provisions of a branch facility license; update the curriculum requirements for licensure; update requirements pertaining to operational standards of a school of cosmetology and a cosmetology establishment; and update requirements pertaining to sanitation standards and standards of acceptable practice for the profession.

MOAHR #2019-031 LR Professional Engineers – General Rules: (Authority: 1980 PA 299, MCL 339.308, MCL 339.205, MCL 339.2004, MCL 339.2009, MCL 339.2013 and Executive Reorganization Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, MCL 445.2025, MCL 445.2030). The proposed rules will revise the definitions of terms used in the rules; revise the education, experience, and examination requirements that must be satisfied to receive a license; add a new rule that will provide relicensure requirements; update the requirements pertaining to the seal of a professional engineer; revise the types of activities that are acceptable for satisfying the continuing education requirements; and update the rules pertaining to the standards of conduct.

MOAHR #2019-044 LR Surveyors – General Rules: (Authority: 1980 PA 299, MCL 339.205, MCL 339.308, MCL 339.2004, MCL 339.2009, MCL 339.2013 and Executive Reorganization

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Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, MCL 445.2025, MCL 445.2030). The proposed rules will clarify definitions of terms used in the rules; revise the education, experience, and examination requirements that must be satisfied to receive a license; update the requirements pertaining to the seal of a professional surveyor; add a new rule that will provide relicensure requirements; and add a new table that will outline the types of activities that are acceptable for satisfying the continuing education requirements.

MOAHR #2018-070 LR Qualified Interpreter - General Rules: (Authority: 1982 PA 204, MCL 393.508a, Executive Order No. 1996-2, 2003-1, 2011-4, 2014-5, and 2017-8, MCL 445.2001, MCL 445.2011, MCL 445.2030, MCL 445.2035, and MCL 445.2036). The proposed rules will clarify the following: the scope of the rules; definitions; credential requirements; standard levels; special endorsements; procedures for application; certification; listing as a qualified interpreter; renewals and testing; minimum standards of practice; grievance and complaint procedures; procedures for discipline; exceptions, waivers, and exemptions to the rules; educational standards for licensure; use of video remote interpreting; renewals and continuing education requirements. The proposed rules will add an interpreter training permit and supervisor requirements, and the requirements for qualified deaf interpreter certification.

MOAHR #2019-060 LR Accountancy- General Rules: (Authority: 1980 PA 299, MCL 339.205, MCL 339.308, MCL 339.721, MCL 339.725, MCL 339.726, MCL 339.728, and MCL 339.729, and by Executive Reorganization Order No. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030). The proposed rules will identify timeframes by which continuing education hours must be completed for each year of the license cycle, update the definitions of terms used in the rule set to remove terms that are defined under statute and add definitions of new terms used in the rule set, amend rules that pertain to the Uniform Certified Public Accountant examination, and revise the types of activities that are acceptable for satisfying the continuing education requirements.

Landscape Architects: (Authority: 1980 PA 299, MCL 339.205, MCL 339.2203, MCL 339.2205 and Executive Reorganization Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, MCL 445.2025, MCL 445.2030). A comprehensive review of the rules will be completed to determine which rules need to be amended and updated.

Occupational Code Disciplinary Proceedings: (Authority MCL 339.205 and Executive Reorganization Orders Nos. 1991-9, 1996-2, 2003-1, 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.0230). A comprehensive review of the rules will be completed to determine which rules need to be amended, updated, or added. Several rules may be rescinded because they are out-of-date or need to be reorganized for clarity.

Real Estate Appraisers: (Authority MCL 339.205, MCL 339.308, MCL 339.2605, and MCL 339.2617, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030). A comprehensive review of the rules will be completed to determine if the rules need to be amended, updated, or if additional requirements should be added. Other rules may need to be updated or revised for clarity.

Real Estate Brokers and Salespersons: (Authority MCL 339.205, MCL 339.308, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001,

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445.2011, 445.2025, and 445.2030). A comprehensive review of the prelicensure education rules will be completed to determine if the rules need to be amended, updated, or if additional requirements should be added. Other rules may need to be updated or revised for clarity.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

MOAHR #2019-043 LR Architects-General Rules: R 339.15301, which pertains to the seal of an architect, will be rescinded because revised requirements pertaining to the seal will be moved under R 339.15404. **R 339.15402 and R 339.15403**, which pertain to standards of conduct, will be rescinded because revised requirements pertaining to standards of conduct will be moved under R 339.15401. **R 339.15502a, R 339.15503, R 339.15504, and R 339.15507**, which pertain continuing education requirements, will be rescinded because revised requirements pertaining to continuing education will be moved under R 339.15501 and R 339.15502.

MOAHR #2019-028 LR Cosmetology-General Rules: R 338.2131, which pertains to the definition of “equivalent,” will be rescinded because the definition will be moved to R 338.2101, which pertains to definitions. **R 338.2133**, which pertains to credit of school and apprenticeship hours, will be rescinded because the revised requirements will be moved to R 338.2138, which pertains to school and apprenticeship program requirements. **R 338.2134**, which pertains to enrollment, will be rescinded because it is duplicative of MCL 339.1214(1) and the proposed changes under R 338.2136 and R 338.2138. **R 338.2137**, which pertains to student and apprenticeship supplies, will be rescinded because it is duplicative of the proposed changes under R 338.2132 and R 338.2162. **R 338.2139**, which pertains to the state board examination, will be rescinded because revised requirements will be moved to R 338.2138 and R 338.2121a. **R 338.2151**, which pertains to the application to become an apprentice, will be rescinded because the Occupational Code does not require apprentices to seek authorization to become an apprentice. **R 338.2153**, which pertains to apprenticeship program examinations and grades, will be rescinded because the Occupational Code does not require rules pertaining to apprenticeship training exams for apprentices. **R 338.2161a, R 338.2161b, and R 338.2162a**, which pertain to crossover training hours for cosmetology, will be rescinded because they conflict with revisions proposed under R 338.2133. **R 338.2173, R 338.2176, R 338.2178, R 338.2179, R 338.2179a, R 338.2179b, R 338.2179c, R 338.2179d, and R 338.2179f**, which pertain to health, safety, and sanitation requirements, will be rescinded because they are duplicative of, and conflict with, revisions proposed under R 338.2171 and R 338.2171a. **R 338.2179h**, which pertains to false, confusing, or misleading statements in advertising, will be rescinded because it is duplicative of MCL 338.604.

MOAHR #2019-031 LR Professional Engineers-General Rules: R 339.16024, which pertains to the seal of a professional engineer, will be rescinded because revised requirements pertaining to the seal will be moved to R 339.16032. **R 339.16033 and R 339.16034**, which pertain to standards of conduct, will be rescinded because revised requirements pertaining to standards of conduct will be moved to R 339.16031. **R 339.16042, R 339.16043, and R 339.16044**, which pertain to continuing education requirements, will be rescinded because revised requirements pertaining to continuing education will be moved to R 339.16040 and R 339.16041.

MOAHR #2019-044 LR Professional Surveyors-General Rules: R 339.17301, which pertains

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to the seal of a professional surveyor, will be rescinded because revised requirements pertaining to the seal will be moved to R 339.16045. **R 339.17507, R 339.17508, and R 339.17509**, which pertain continuing education requirements, will be rescinded because revised requirements pertaining to continuing education will be moved to R 339.17505 and R 339.17506.

MOAHR # 2018-070 LR Qualified Interpreter - General Rules: R 393.5005, which pertains to verification of interpreter qualifications, will be rescinded because the subject of the rule is in the Public Health Code. **R 393.5075** which pertains to hearings, will be rescinded because it is being moved to R 393.5072a. **R 393.5086** pertaining to independent study, will be rescinded, as all continuing education will be included in R 393.5081.

MOAHR # 2019-060 LR Accountancy-General Rules: R 338.5110, which pertains to the Uniform Certified Public Accountant (CPA) examination, will be rescinded because the requirements pertaining to the exam will be moved to R 338.5110a, which pertains to the Uniform CPA exam procedures.

Occupational Code – Disciplinary Proceedings: R 339.1726 will be rescinded as it inconsistent with the requirements of MCL 339.508.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

Landscape Architect: MCL 339.2203 requires the director to appoint an ad hoc committee and the department to adopt rules regarding continuing education requirements and programs, exceptions to the licensure standards, and sanction recommendations for certain violations. An ad hoc committee has not been appointed by the director and no rules have been promulgated on these matters.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The Bureau of Professional Licensing has not identified any rules that are problematic to the industry or need to be revised to determine a more business-friendly approach.

- A. Whether there is a continued need for the rules.

The Occupational Code-related rules of the Bureau of Professional Licensing are required by statute: hence, there is a continued need for the rules.

- B. A summary of any complaints or comments received from the public concerning the rules.

The Bureau of Professional Licensing has not received any complaints or comments from the public regarding these rules.

- C. The complexity of complying with the rules.

The Bureau of Professional Licensing has not identified any rules for which compliance is considered particularly difficult.

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- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The current rules do not duplicate or conflict with any rules or regulations by the federal government or local units of government.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

MOAHR #2018-065 LR Barbers: The rules were last amended in 2014. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

MOAHR #2018-070 LR Qualified Interpreter - General Rules: The rules were promulgated in 2014. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

MOAHR #2018-108 LR Occupational Code – Renewals: The rules were last amended in 2019. The bureau has begun implementing new licensing software. This rule set is updated as Occupational Code professions are added to the system. There have been no economic conditions that would necessitate amendment of rules.

MOAHR #2019-028 LR Cosmetology-General Rules: The rules were last amended in January 2017. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

MOAHR #2019-031 LR Professional Engineers-General Rules: The rules were last amended in 2014. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

MOAHR #2019-043 LR Architects-General Rules: The rules were last amended in 2018. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

MOAHR #2019 -044 LR Professional Surveyors-General Rules: The rules were last amended in 2014. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

MOAHR #2019-XXXX-LR Accountancy-General Rules: The rules were last amended in 2018. Amendment to the rules are necessary to address technology changes within the department that will affect the expiration dates of licenses after July 31, 2021. The department is transitioning to a new licensing platform for the profession that will change license expiration dates from a fix date for all licensees to a unique date based on the issue date of the licensee's initial license.

MOAHR #2019-XXXX LR Real Estate Brokers and Salespersons: The rules were last amended in 2018. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

Real Estate Appraisers: The rules were last amended in 2018. There have been no

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technological factors or economic conditions that would necessitate amendment of the rules.

Landscape Architects: The rules were last amended in 2014. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

Occupational Code Disciplinary Proceedings: The rules were last amended in 2015. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

The Bureau of Professional Licensing recognizes the Office of Regulatory Reinvention's website as the only legal version of the administrative rules. As such, the bureau's rules can be found at this link under "Licensing and Regulatory Affairs:"

https://dtmb.state.mi.us/DTMBORR/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level_1=Bureau+of+Professional+Licensing

6. Please provide a list of the items identified for action in the 2018 ARP that have been completed and those that remain outstanding.

Completed:

MOAHR #2017-067 LR – Occupational Code Renewals: The rules were filed with the Office of the Great Seal on 11/13/2018.

MOAHR #2018-025 LR Accountancy: The rules were filed with the Office of the Great Seal on January 9, 2019.

Outstanding:

MOAHR #2018-065 LR Barbers: The public hearing for this rule set was held on April 22, 2019. MOAHR submitted the JCAR package to JCAR for review on June 17, 2019.

MOAHR #2018-070 LR Qualified Interpreters-General Rules: The Bureau of Professional Licensing has been working on this rule set which involves collaborating with the Michigan Department of Education. As soon as the board approves the rules, the set will be taken to public hearing.

MOAHR #2019-028 LR Cosmetology-General Rules: A Request for Rulemaking was approved by the Office of Regulatory Reinvention on March 12, 2019.

MOAHR #2019-031 LR Professional Engineers-General Rules: A Request for Rulemaking was approved by the Office of Regulatory Reinvention on March 12, 2019.

MOAHR #2019-043 LR Architects-General Rules: A Request for Rulemaking was approved by MOAHR on May 2, 2019.

MOAHR # 2019-044 LR Surveyors-General Rules: A Request for Rulemaking was approved by MOAHR on May 2, 2019.

**Department of Licensing and Regulatory Affairs
Bureau of Services for Blind Persons
Administrative Services Division- Business Enterprise Program**

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

ORR# not assigned. Bureau of Services for Blind Persons – Vending Facility Program.
(Authority: Conferred on the Director of the Department of Licensing and Regulatory Affairs by Sections 1, 5, and 16 of 1978 PA 260 and Executive Order Nos. 1996-2 and 2003-18, being MCL 393.351, 393.366, 445.2011.)

On June 28, 2012, the Governor issued an Executive Order (E. O.) 2012-10 abolishing the former Commission for the Blind and creating the Bureau of Services for Blind Persons, effective October 1, 2012. The E. O. modifies the Program’s business model, necessitating a review and revision of the entire rule set. The Bureau of Services for Blind Persons has prepared a draft of new promulgated rules. BSBP presented the draft to the Elected Operators Committee for review.

In keeping with the mandate of the Randolph-Sheppard Act, the Program continues to actively seek the participation of the Elected Operator’s Committee to shape the Program’s rules and policy.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

The Bureau’s Business Enterprise Program is the only Program operating under promulgated rules. There are no other rules or rule sets that are candidates for revision.

Relative to the Business Enterprise Program, the Bureau has identified many rules that are obsolete and can be rescinded. The following rules, at a minimum, are obsolete and can be rescinded:

Proposed rescission of subrules (c), (d), (e), and (f) in R 393.9 on Candidate referral packet of the Vending Facility Program rules.

Proposed rescission of R 393.45 Vending facility training for existing cafeteria licensees.

Proposed rescission of sub rules (4) and (5) and Rule 393.46 Cafeteria training for licensees.

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3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The Bureau has exercised all rule making authority and has not failed to utilize any statutorily required rules.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

R 393.10, R 393.11, R 393.12, R 393.13, R 393.14, R 393.15, and R 393.16 prescribe the process of becoming licensed in the Program. The Office of the Attorney General has expressed reservations about this process and recommends it be amended.

R 393.54, R 393.55, and R 393.56 detail the grievance process for Program licensees. The current process is lengthy and inconsistent with similar processes in other state departments. These regulations could be reviewed to determine more efficient, effective and ultimately cost-effective methods for these processes.

- A. Whether there is a continued need for the rules.

Federal regulations require the state licensing agency (i.e., the Bureau of Services for Blind Persons) to promulgate rules for the administration of the Randolph-Sheppard Program in Michigan. These regulations further require processes dealing with the issues present in the rules.

- B. A summary of any complaints or comments received from the public concerning the rules.

The Elected Operators Committee (EOC) has indicated the need for a review and revision of the entire rule set and looks forward to participating in the process.

- C. The complexity of complying with the rules.

Compliance with current rules requires coordination with multiple stakeholders and can cause delays in providing services prescribed by these rules. Changes to the existing rule, based on the Program's current structure, are not complex, and in fact should reduce the Program's cost in responding to licensee grievances.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rules do not conflict with or duplicate similar rules or regulations adopted by the federal government. The rules have no impact on local units of government.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

These rules were last amended in 2004. The EOC has forwarded its recommendation on the draft rules to the Bureau and the recommendations are being reviewed and incorporated into the rule set. When completed the proposed rules must be forwarded to the Rehabilitation Services Administration (RSA) in the U.S. Department of Education for their review before the State of Michigan can start its own promulgation process. Telemetry technology has been implemented in approximately 30% of state assets to assist in monitoring activities and 100% completion is expected within the next 4 years.

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5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

The Bureau of Services for Blind Persons has a link titled Business Enterprise Program. Click on this link, then click on BEP State Rules and it takes you directly to the administrative rules for the Bureau's Business Enterprise Program.
https://www.michigan.gov/lara/0,4601,7-154-28313_81736-18165--,00.html

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

The drafting of rules by the Bureau must have a final review by the Bureau Director and the review of the rules by the EOC has been completed. The Bureau and EOC must agree on a final draft. In accordance with federal regulations, the recommendations must be reviewed and incorporated in the final draft to be sent to RSA for approval prior to commencing the state promulgation process.

Department of Licensing and Regulatory Affairs Corporations, Securities and Commercial Licensing Bureau

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

MOAHR# Not Assigned. Securities Procedural. CSCL staff is reviewing R 451.2101 to R 451.3503 in conjunction with staff from the Department of Attorney General to determine whether the Securities Procedural Rules remain necessary for the effective administration of the Michigan Uniform Securities Act.

MOAHR # Not assigned. Proprietary Schools. The entire rule set is being reviewed for consistency with the statutory requirements of the Proprietary Schools Act, Public Act 148 of 1943. The proposed changes will add definitions of terms of art used throughout the rules. Also, the proposed rules will clarify existing requirements within the Act and the Proprietary Schools rules. The proposed rules will also update the surety bond amounts.

MOAHR # Not assigned. Prepaid Funeral & Cemetery Sales. CSCL determined that certain rules rescinded during the last revision of the Prepaid Funeral and Cemetery Sales rules resulted in the removal of rules necessary to protect consumers who have purchased prepaid funeral and cemetery services. Rescinded R 339.32 required Prepaid Funeral and Cemetery Sales Act registrants to submit an annual report of prepaid contract sales for the previous year to the Bureau. However, Section 8 of the Act requires only that annual reports be submitted to the Bureau on renewal of a registration every three years on a form prescribed by the Bureau. It is necessary to review this information more often than every three years to ensure that customers' money is not being misappropriated and is placed with an authorized escrow agent. In practice, the form prescribed by the Bureau requires this report to be submitted to it annually, but the Bureau would like to have a rule that affirms this practice and removes the possibility of any confusion between the form's language and the statutory language. Additionally, rescinded R 339.41 and R 339.42 required registrants to maintain a chronological receipts journal and a ledger for each prepaid contract sold, enumerating the required contents of both items. Rescinded R 339.22 required registrants to maintain numbered, preprinted contracts in sequential order. As a result of the elimination of these rules, the Bureau has seen several violation of the

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Prepaid Funeral and Cemetery Sales Act relating to the failure to escrow funds and misappropriation of funds associated with prepaid services. Restoration of R 339.41, R 339.42, and R 339.22 would assist CSCL auditors in efficiently and accurately conducting audits of registrants' prepaid contract books and records. In addition, the restoration of the Rules would help prevent future violations of the Prepaid Funeral and Cemetery Sales Act.

MOAHR # Not assigned. Mortuary Science. The entire rule set will be reviewed and updated to address needed health, safety, and welfare concerns to correspond with the statutory requirements of Articles 6 and 18 of the Occupational Code, being MCL 339.601 – MCL 339.606 and MCL 339.1801 – MCL 339.1812. The Bureau has seen an increase in violations relating to the practice of Mortuary Science when inspecting funeral home establishments. Some of the violations include issues with the cleanliness of embalming rooms, the mishandling of dead human bodies, and funeral establishments not having a medical waste permit. CSCL drafted revisions to the existing rule set in consultation with the Michigan Board of Examiners in Mortuary Science. The proposed rule set rescinds or amends large portions of the existing rule set and makes changes to address health, safety, and welfare concerns seen in the industry today. The proposed rules also promote conformity with other states and the mortuary science industry. The revisions will also address the number of funeral establishments that may be managed by one licensed individual and reduce the use of ambiguous terminology. There is pending legislation that would amend Article 18 of the Occupational Code. The Bureau is waiting to submit a request for rulemaking until the final status of that legislation is known to determine if further edits to the rules are required.

MOAHR # Not assigned. Limousine, Taxicab, and Transportation Network Company. The Limousine, Taxicab, and Transportation Network Company Act, MCL 257.2101 et seq., regulates the operation of limousines, taxicabs, and transportation network companies in the state of Michigan. MCL 257.2103 allows for the promulgation of rules to administer the Act. CSCL is reviewing the Act and how other states and jurisdictions regulate transportation companies to determine if rules are required effectively administer of the Act and to better protect the health, safety, and welfare of consumers.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

MOAHR# Not Assigned. Securities Procedural. CSCL staff is reviewing R 451.2101 to R 451.3503 in conjunction with staff from the Department of Attorney General to determine whether the Securities Procedural Rules remain necessary for the effective administration of the Michigan Uniform Securities Act.

MOAHR # Not assigned. Proprietary Schools. CSCL is reviewing Proprietary Schools Rules, R 390.561 to R 390.569 to determine whether authority exists under the Proprietary Schools Act for each rule.

MOAHR # Not assigned. Mortuary Science. R 339.18927, R 339.18930, R 339.18933, and R 339.18937 would be rescinded under a draft proposed rule set. Under the proposed draft rules, R 339.18921, R 339.18923, and R 339.18931 would be amended.

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3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

Professional Employer Organization Regulatory Act (2010 PA 370) rules:

MCL 338.3745 states: “[T]he department shall promulgate consistent and necessary rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as considered necessary to implement this act.” The agency determined that rules are not necessary to administer the program.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

MOAHR # Not assigned. Mortuary Science. R 339.18921 and R 339.18922 would be revised in a proposed amended rule set to reflect national and industry-wide standards for mortuary science license applicants. Rule 339.18931 would be revised to provide additional flexibility over the one-manager-to-one funeral establishment requirement currently present in the Mortuary Science rules.

MOAHR# Not Assigned. Securities Procedural. R 451.2101 to R 451.3503 apply to contested case proceedings brought under the Michigan Uniform Securities Act but not to other contested cases initiated by CSCL. It may be confusing to respondents in contested case proceedings brought under the Michigan Uniform Securities Act as to which set of procedural rules govern, given the hearings office’s general procedural rules, R 792.10101 to R 792.10136.

- A. Whether there is a continued need for the rules.

MOAHR# Not Assigned. Securities Procedural. CSCL staff is working with staff from the Department of Attorney General to determine whether there is a continued need for these rules, or if contested case proceedings under the Michigan Uniform Securities Act could be governed by the hearing office’s general procedural rules, R 792.10101 to R 792.10136, combined with the existing provisions of the Michigan Uniform Securities Act.

MOAHR # Not assigned. Proprietary Schools. There is a continued need for the rules to protect the health, safety, and welfare of current and former students enrolled in schools regulated under the Proprietary Schools Act.

MOAHR # Not assigned. Mortuary Science. There is a continued need for the rules to protect the health, safety, and welfare of the public as they are served by mortuary science practitioners regulated under the Occupational Code.

MOAHR # Not assigned. Prepaid Funeral & Cemetery Sales. There is a continued need for the rules to protect the welfare of persons having purchased prepaid funeral or cemetery sales contracts from registrants under the Prepaid Funeral and Cemetery Sales Act. Such registrants are also providers of the services and typically either funeral establishments separately licensed under the Occupational Code or cemeteries separately registered under the Cemetery Regulation Act.

MOAHR # Not assigned. Limousine, Taxicab, and Transportation Network Company. CSCL is reviewing the statute to determine if there is a need to develop rules to administer

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the Limousine, Taxicab, and Transportation Network Company Act, MCL 257.2101 et seq. and to protect the health, safety, and welfare of passengers and the general public.

B. A summary of any complaints or comments received from the public concerning the rules.

MOAHR# Not Assigned. Securities Procedural. CSCL staff has not received complaints about the Securities Procedural Rules; however, in or around February of 2019, a constituent, Aaron Adamczyk, reached out to LARA and identified a number of rule sets, including the Securities Procedural Rules, that may need to be updated to stay current with amended authorizing acts, adoptions of national consensus standards, or federal law references. CSCL staff reached out to Mr. Adamczyk to inform him that staff was reviewing the Securities Procedural Rules for potential revisions in response to his inquiry.

MOAHR # Not assigned. Proprietary Schools. No public comment or complaint has been received; however, internal discussion regarding intended rule revisions continues within CSCL.

MOAHR # Not assigned. Mortuary Science. CSCL reviewed draft revisions to the existing mortuary science rule set received from the Bureau of Professional Licensing. CSCL revised it in consultation with the Michigan Board of Examiners in Mortuary Science. CSCL also plans on working with industry representatives before submitting an RFR. The Bureau is waiting to submit a request for rulemaking until the final status of recently introduced legislation that would amend Article 18 of the Occupational Code is known to determine if further edits to the rules are required. No public complaints or comments were received regarding this rule set.

MOAHR # Not assigned. Prepaid Funeral & Cemetery Sales. Discussion regarding proposed rule revisions continues internally within CSCL, and proposed rules have not yet been submitted to relevant consumer and industry groups. Therefore, CSCL received no public complaints or comments regarding this rule set.

MOAHR # Not assigned. Limousine, Taxicab and Transportation Network Company. Discussion regarding whether rules are necessary continues internally within CSCL, and no rules have been drafted or submitted to relevant consumer and industry groups. Therefore, CSCL received no public complaints or comments regarding this rule set.

C. The complexity of complying with the rules.

MOAHR# Not Assigned. Securities Procedural. It may be confusing for some parties to contested case proceedings to reconcile the application of the Securities Procedural Rules with the hearing office's general procedural rules.

MOAHR # Not assigned. Proprietary Schools. Compliance with the Proprietary Schools Act is complex due to the need to protect student consumers while encouraging industry growth and increased access to vocational training.

MOAHR # Not assigned. Mortuary Science. Compliance with the Occupational Code as

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it relates to the practice of Mortuary Science and operation of funeral establishments within Michigan is complex in some circumstances. Issues include compliance with industry and Michigan application requirements, including exam requirements, accreditation standards, and applicant trainee requirements. Licensed individuals must deal with the complexity of adhering to best practices developed by the death care industry that are reflected in the administrative rules along with various other federal, state, and local laws affecting the care, custody, and transportation of the deceased. These laws are administered by a variety of different state, federal, and local agencies.

MOAHR # Not assigned. Prepaid Funeral & Cemetery Sales. Compliance with the Prepaid Funeral and Cemetery Sales Act is complex due to the need to protect consumers that purchase prepaid funeral and cemetery contracts while also balancing the interests of the sellers of prepaid funeral and cemetery services in the efficient operation of business, particularly where profit margins have decreased due to customers increasingly choosing cremation over more costly burials.

MOAHR # Not assigned. Limousine, Taxicab, and Transportation Network Company. Rules have not been established under the authority granted by the Limousine, Taxicab, and Transportation Network Company Act. CSCL is reviewing the statute to determine if rules are necessary to administer the Act and protect the health, safety, and welfare of passengers and the general public.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

MOAHR# Not Assigned. Securities Procedural. The Securities Procedural Rules are largely duplicative of the hearing office's general procedural rules. CSCL staff is reviewing the continued need for the Securities Procedural Rules in effectively administering the Michigan Uniform Securities Act.

MOAHR # Not assigned. Proprietary Schools. The current rules do not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

MOAHR # Not assigned. Mortuary Science. The current rules and proposed amendments do not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government. The Occupational Code cross references other state, local, or federal laws concerning the care, custody, or transportation of dead human bodies and renders those violations also violations of the Occupational Code.

MOAHR # Not assigned. Prepaid Funeral & Cemetery Sales. The current rules do not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

MOAHR # Not assigned. Limousine, Taxicab, and Transportation Network Company. Rules have not been established under the authority granted by the Limousine, Taxicab, and Transportation Network Company Act. CSCL is reviewing the statute to determine if rules

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are necessary to administer the Act and protect the health, safety, and welfare of passengers and the general public.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

MOAHR# Not Assigned. Securities Procedural. The Securities Procedural Rules were last updated in 1983; much has changed in the structure of state government in that time, including the hearing office's 2015 adoption of its general procedural rules and the 2009 adoption of the Michigan Uniform Securities Act. The Procedural Rules largely reflect the same procedural standards applicable to other contested case proceedings but also reflect outdated and obsolete statutory references and schemes.

MOAHR # Not assigned. Proprietary Schools. The last evaluation of the rules under the Proprietary Schools Act took place in 2012-2013 as part of CSCL's review of all rule sets it administers. No technological, economic, or other factors changed since that review.

MOAHR # Not assigned. Mortuary Science. The last evaluation of the Mortuary Science rules took place in 2015-2016 as part of the Bureau of Professional Licensing's work to develop an amended rule set. With the transfer of Mortuary Science back to CSCL, those rules are currently being reviewed before the submission of an RFR. CSCL drafted a rule set in consultation with the Michigan Board of Examiners in Mortuary Science while it awaits the status of legislation that would amend Article 18 of the Occupational Code. The Bureau has increased inspections and enforcement of Article 18 and the Mortuary Science rules due to violations discovered among licensees. As a result, the need for increased fees is necessary to sustain the increase in oversight of the program. No other technological, economic, or other factors have changed since that time.

MOAHR # Not assigned. Prepaid Funeral & Cemetery Sales. The last full evaluation of the rules under the Prepaid Funeral & Cemetery Sales Act took place in 2012-2013 as part of CSCL's review of all rule sets it administered. Continued administration of the Prepaid Funeral & Cemetery Sales Act has indicated a need for potential rule revisions to provide for effective administration of the Act. Economic conditions have changed in the death care industry over the last several years. Cremation services are on the rise and burial services have declined making it difficult for smaller cemeteries to maintain their business due to a lack of prepaid sales.

MOAHR # Not assigned. Limousine, Taxicab, and Transportation Network Company. CSCL is currently evaluating whether potential rules are necessary to administer the Act and to protect the health, safety, and welfare of consumers.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

The Corporations, Securities, and Commercial Licensing Bureau provides links to the administrative rules in the upper right-hand corner of each profession's webpage under the heading "Quick Links": [Administrative Rules](#)

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6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

COMPLETED

MOAHR# 2015-027 LR. Securities. The rules were filed with the Office of the Great Seal on January 3, 2019, and take effect on July 3, 2019, with the exception of R 451.4.5, which takes effect on January 3, 2020.

OUTSTANDING

MOAHR# Not Assigned. Securities Procedural. The Bureau anticipates filing an RFR to rescind this rule set in whole or in part within the July 1, 2019 to June 30, 2020 timeline.

MOAHR # Not assigned. Proprietary Schools. The Bureau anticipates filing an RFR within the July 1, 2019 to June 30, 2020 timeline.

MOAHR # Not assigned. Prepaid Funeral & Cemetery Sales. The Bureau anticipates filing an RFR within the July 1, 2019 to June 30, 2020 timeline.

MOAHR # Not assigned. Mortuary Science. The rules are on hold pending legislation that would substantially amend Article 18 of the Occupational Code.

MOAHR # Not assigned. Limousine, Taxicab, and Transportation Network Company. The Bureau is reviewing the statute to determine if rules are necessary to administer the Act and to protect the health, safety, and welfare of consumers.

Department of Licensing and Regulatory Affairs Marijuana Regulatory Agency

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

2018-095 LR--Michigan Medical Marihuana. The Michigan Medical Marihuana Act (MMMA), MCL 333.26421, authorizes the medical use of marihuana for qualifying patients and provides for the issuance of registry identification cards to qualifying patients and their caregivers, if applicable. The administrative rules implement the requirements of the MMMA. The rules are being revised to require that applications and physician certifications are signed and dated within 6 months of the date the documents are received by the Michigan Medical Marihuana Program; require that individuals who submit a voter registration as proof of Michigan residency submit additional documentation for verification purposes; clarify that the legal guardian of a minor applicant must submit proof of legal guardianship rather than power of attorney; reduce the patient application fee; eliminate the caregiver criminal background check processing fee; eliminate the fee to update the name or address on a registry card or to add a caregiver or request a replacement card; authorize the department to include patient and caregivers' photographs on registry identification cards in the future; increase the renewal period for patients; revise the petition process to add the newly approved medical conditions and treatments; and clarify the rules governing the Medical Marihuana Review Panel.

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Medical Marihuana Facilities. The agency plans to amend these rules in response to 2018 PA 648 which added rule promulgation authority for requirements regarding the sale of industrial hemp to medical registry card holders

Adult Use Marihuana Establishments. The agency will establish emergency rules for the purpose of implementing the Michigan Regulation and Taxation of Marihuana Act (act), 2018 IL 1, MCL 333.27951 et seq., which took effect December 6, 2018. After the promulgation of the emergency rules, the agency will begin drafting the permanent Adult Use Marihuana Establishment rules.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

There are no existing rules that can be rescinded. However, portions of the existing rule set will be rescinded if they are redundant and simply repeat statutory provisions.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The agency has not failed to promulgate or utilize statutorily required rules per se. There is rule promulgation authority in the Marihuana Tracking Act (Public Act 282 of 2016) pertaining to specific registry card information. However, registry cards are governed by the MMMA and that statute's statutory rule making authority. The MRA plans to amend the MMFLA rules in response to 2018 PA 648 which added rule promulgation authority for requirements regarding the sale of industrial hemp to medical registry card holders.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

2018-095 LR - Michigan Medical Marihuana: These rules have a direct impact on Michigan Medical Marihuana patients. Rules/requirements that affect the processing of applications would be considered the most problematic to the industry. The Department will demonstrate business-friendly methods of regulation when making changes or modifications to the rule set.

Medical Marihuana Facilities: The proposed Medical Marihuana Facilities rule set will be of interest to the industry. The Medical Marihuana Facilities rule set has a direct effect on the industry. The most business-friendly method of regulation will be taken into consideration by the Department when making changes or modifications to the rules.

Adult Use Marihuana Establishments: The agency is in the process of drafting emergency rules and subsequently permanent rules. The Michigan Regulation and Taxation Act (MRTMA) was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was approved by the voters as proposal 18-1 at the November 6, 2018 ballot. The Department will demonstrate business-friendly methods of regulation when promulgating this rule set.

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A. Whether there is a continued need for the rules.

It is expected that there will be a need for rules on an ongoing basis.

B. A summary of any complaints or comments received from the public concerning the rules.

The public will be able to comment on the proposed rules pursuant to the public notice and hearing procedures in the Administrative Procedures Act of 1969.

C. The complexity of complying with the rules.

2018-095 LR - The Michigan Medical Marihuana rules: The Michigan Medical Marihuana administrative rules are fairly simple and require little effort for compliance. The rules are narrow in scope and limited to implementing the statutory requirements for submitting and processing applications, making changes to an active registration or requesting a replacement card, and the process for submitting petitions to the Medical Marihuana Review Panel to have additional medical conditions reviewed for consideration as qualifying medical conditions.

The Medical Marihuana Facilities rules: The Medical Marihuana Facilities rule set is complex based on its direct impact on the marihuana industry. The enactment of the Medical Marihuana Facilities Licensing Act (MMFLA) has various components that are affected by the implementation of the associated statutory provisions.

The Adult Use Marihuana Establishments: The Adult Use Marihuana Establishment emergency and permanent rules are expected to be complex. The implementation of the Michigan Regulation and Taxation Act (MRTMA) directly affects the marijuana industry along with external factors such as public health and safety. Complying with these rules will be complex due to the statutory limitations and their effect on the public.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The federal government does not regulate medical marihuana per se but lists marihuana as a schedule I controlled substance. Section 205 of the MMFLA prohibits local units of government from passing regulations that interfere or conflict with statutory regulations.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The Michigan Medical Marihuana rules are being revised under MOAHR 2018-095 LR.

The Medical Marihuana Facilities rule set was promulgated on October 29, 2018. The agency plans to amend these rules to comply with 2018 PA 688, which added rule promulgation authority for requirements regarding the sale of industrial hemp to medical

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registry card holders.

The Adult Use Marihuana Establishments emergency rules and permanent rules are still being drafted.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://dmbinternet.state.mi.us/DMB/ORRDocs/AdminCode/1303_2013-105LR_AdminCode.pdf

https://www.michigan.gov/documents/lara/2017-042_LR_-_Final_-_Medical_Marihuana_640679_7.pdf

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

The Medical Marihuana Facilities rule set was completed and took effect on November 27, 2018.

**Department of Licensing and Regulatory Affairs
Michigan Liquor Control Commission**

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

R 436.1011 Prohibited conduct of licensees, agent, or employees in the **General Rules** needs to be updated to supply parameters, guidance, standards, criteria, or quantifiers to identify narcotics paraphernalia.

R 436.1403 Hours and days of operation in the **On-Premises Licenses** rules and **R 436.1503 Hours and days of operation** in the **Off-Premises Licenses** rules need to be updated based upon certain statutory changes in the Michigan Liquor Control Code of 1998.

R 436.1721 Requirements for sale of bulk wine in the **Wine** rules needs to be updated based upon certain statutory changes in the Michigan Liquor Control Code of 1998.

R 436.1811 Industrial manufacturers in the **Spirits** rules needs to be updated as the Alcohol and Tobacco Tax and Trade Bureau (TTB) in the U.S. Department of Treasury no longer issues basic permits under the Federal Alcohol Administration Act for a manufacturer that secures alcohol and alcoholic liquor for non-beverage purposes.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

R 436.572 Definition in the **Special License for Sale of Alcoholic Liquor at Retail for Consumption on the Premises** rules because special license is defined in the Michigan Liquor Control Code of 1998.

R 436.1141 SDD license; population requirement in the **Licensing Qualification** rules

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because the subject matter is now covered in the Michigan Liquor Control Code of 1998 under MCL 436.1533.

R 436.1319 Cooperative advertising in the **Advertising** rules because the subject matter is now covered in the Michigan Liquor Control Code of 1998 under MCL 436.1610d.

R 436.1329 Displays in the **Advertising** rules because the subject matter is now covered in the Michigan Liquor Control Code of 1998 in MCL 436.1610b.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The Liquor Control Commission has exercised all of its mandatory/statutory rulemaking authority.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The alcoholic beverage industry interests are not only divided into a three-tier system (manufacturers, wholesalers, and retailers) but interests are also divided into applicants for alcoholic beverage licenses and those who hold alcoholic beverage licenses. Therefore, what may be problematic to an applicant may be advantageous to a current license holder. Likewise, what may be sought after by the retail licensed tier may be objectionable to the manufacturer or wholesaler licensed tier. Consequently, it is complicated to identify what is problematic to the industry as a whole.

- A. Whether there is a continued need for the rules.

The General Rules, Licensing Qualification Rules, Advertising Rules, Hearings and Appeals Practice Rules, Church or School Hearings, Declaratory Rulings, and Financial Responsibility Rules overall apply to persons licensed in all tiers of the alcoholic beverage industry (manufacturers, wholesalers, and retailers). The remaining rule sets apply to specific subsets of licensees as follows: Special License Rules (pertains to non-profit organizations for lawful fundraising events); Special Permit Rules (pertains to hospitals, charitable institutions, and military establishments located in the state for the purchase of spirits for their own use); On-Premises Rules (pertains to licensees that sell alcoholic liquor for on premises consumption such as restaurants, bars, nightclubs, etc.); Off-Premises Rules (pertains to licensee that sell alcoholic liquor for consumption off the premises such as grocery stores, drug stores, convenience food stores, etc.); Beer Rules (pertains to outstate sellers, wholesalers and brewers); Wine Rules (pertains to manufacturers, wholesalers, and outstate sellers); Spirit Rules (pertain to authorized distribution agents, sellers of alcohol, industrial manufacturers, and limited alcohol buyers); and Vendor Representative and Salesperson Rules (pertains to persons employed by manufacturers, outstate sellers, and wholesalers to assist in the sale, delivery, and promotion of alcoholic beverages). These rule sets are important to the mission and function of the agency.

- B. A summary of any complaints or comments received from the public concerning the rules.

No specific complaints or comments have been received from the public concerning the rule sets.

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C. The complexity of complying with the rules.

Complying with the above-referenced rule sets is somewhat complex based upon the multifaceted nature of the industry. However, the regulated businesses are generally familiar with the rules and typically compliant with the various requirements.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The Beer, Wine, and Spirits rule sets incorporate federal statutes relative to obtaining basic permits and/or labeling requirements as a condition for obtaining manufacturing licenses and label approval for alcoholic liquor products sold in Michigan.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The **General Rules** were updated in 2016; the **Beer Rules** were updated in 2017; and the **Wine Rules** were updated in 2017.

R 436.1117 of the **Licensing Qualifications** was rescinded effective May 12, 2017.

R 436.1133 of the **Licensing Qualifications** was rescinded effective April 17, 2018

The last major revisions of the remaining rule sets were completed in 2000 and 2004.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

The Michigan Liquor Control Commission has two primary links to administrative rules. The first link is titled **Administrative Rules (MOAHR Website)** in the Commission Documents Library under Commission Codes and Rules. This link takes you to the MOAHR page search for the Michigan Administrative Code.

The second link in the Commission Documents Library under Commission Codes and Rules is titled **Proposed Administrative Rule Revisions**. This link takes you to the Michigan Liquor Control Commission page for pending administrative rule revisions and links to the specific pages.

http://www.michigan.gov/lara/0,4601,7-154-35299_10570_14895---,00.html

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

The review of **Special License for Sale of Alcoholic Liquor at Retail for Consumption on the Premises rules** is outstanding but has been reviewed as a result of recently enacted legislation that updated certain issues. **R 436.1403 Hours and days of operation in the On-Premises Licenses rules** and **R 436.1503 Hours and days of operation in the Off-Premises Licenses rules** are outstanding.

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Department of Licensing and Regulatory Affairs
Michigan Occupational Safety and Health Administration

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

MOAHR # Not Assigned Construction Safety and Health Standard – Part 6 – Personal Protective Equipment Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being amended in order to be as effective as federal OSHA regulations.

MOAHR # Not Assigned Construction Safety and Health Standard – Part 12 – Scaffolds and Scaffold Platforms Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being amended in order to be as effective as federal OSHA regulations.

MOAHR # Not Assigned. Construction Safety and Health Standard – Part 18 – Fire Protection and Prevention sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being amended in order to be as effective as federal OSHA regulations.

MOAHR # Not Assigned. General Industry and Health Standard – Part 33 – Personal Protective Equipment sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being amended in order to be as effective as federal OSHA regulations.

MOAHR # Not Assigned. General Industry and Health Standard – Part 62 – Plastic Molding Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being amended at the request of industry.

MOAHR # Not Assigned. Construction Safety and Health Standard – Part 13 – Mobile Equipment sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being amended in order to be as effective as federal OSHA regulations

MOAHR # Not Assigned. Construction Safety and Health Standard – Part 26 – Steel Erection sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act,

1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being amended in order to be as effective as federal OSHA regulations.

MOAHR # Not assigned: Construction Safety and Health Standard Part 640 – Beryllium for Construction. Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being adopted in order to be as effective as federal OSHA regulations.

MOAHR # Not Assigned. Construction Safety and Health Standard – Part 665 – Underground Construction, Caissons, Cofferdams, and Compressed Air sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being amended in order to be as effective as federal OSHA regulations.

MOAHR # Not Assigned. General Industry Safety and Health Standard – Part 13 – Derricks sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being amended in order to be as effective as federal OSHA regulations.

MOAHR # Not Assigned. General Industry and Safety and Health Standard – Part 340 – Beryllium for General Industry sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being amended in order to be as effective as federal OSHA regulations

MOAHR # Not assigned. Administrative Standard – Part 4 – Procedures of the Board of Compliance and Appeals Authority: Sections 14 and 24 of 1974 PA 154, and Executive Reorganization Orders Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 408.1014, 408.1024, 330.3101, 445.2001, 445.2025, and 445.2030. These rules are being amended in order to make editorial and administrative revisions.

MOAHR # Not assigned. Administrative Standard – Part 12 – Variances Authority: Sections 14 and 24 of 1974 PA 154, and Executive Reorganization Orders Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 408.1014, 408.1024, 330.3101, 445.2001, 445.2025, and 445.2030. These rules are being amended in order to make editorial and administrative revisions.

MOAHR # Not Assigned. Administrative Standard – Part 13 – Inspections and Investigations, Citations, and Proposed Penalties Authority: Sections 14 and 24 of 1974 PA

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154, and Executive Reorganization Orders Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 408.1014, 408.1024, 330.3101, 445.2001, 445.2025, and 445.2030. These rules are being amended in order to make editorial and administrative revisions.

MOAHR # Not assigned. Ionizing Radiation Rules Governing the Use of Radiation

Machines Authority: Section 13521, 1978 PA 368, MCL 333.13521 and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, being MCL 330.3101, 445.2001, 445.2011, 445.2025, and 445.2030. The Department of Licensing and Regulatory Affairs is authorized to promulgate rules pertaining to the use of machines producing ionizing radiation. These rules will be revised as follows:

Rules to be amended:

R 333.5311 – R 333.5355 Medical X-ray Installations. These rules cover the use of x-radiation for medical use on humans. Changes in technology necessitate a revision of many of these rules.

R 333.5281 – R 333.5309 Industrial Radiographic Operations and Installations. These rules cover the use of x-radiation to image objects, typically for quality assurance in industrial and manufacturing settings. Changes in technology necessitate a revision of many of these rules particularly cabinet radiography systems.

Proposed new rules:

R 333.5455 – R 333.5480 Therapeutic Radiation Machines. These rules would cover the use of radiation to treat cancer in human patients. The existing rules are non-specific and fail to account for technological advancements and new therapeutic modes.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

MOAHR # Not Assigned: Construction Safety and Health Part 39 – Hearing Procedures.

R 408.3901 – 408.3911 in the Michigan Administrative Code. Obsolete.

MOAHR # Not Assigned: General Industry and Health – Part 433 – Personal Protective

Equipment. R 325.60001 to R 325.60013. sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being rescinded, due to duplication.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

None.

A. Whether there is a continued need for the rules.

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There is a continued need for the MIOSHA rules which set standards to help protect the safety and health of Michigan workers.

B. A summary of any complaints or comments received from the public concerning the rules.

MIOSHA is not aware of any complaints from the public concerning the rules.

C. The complexity of complying with the rules.

The Williams-Steiger Occupational Safety and Health Act of 1970 requires MIOSHA to promulgate standards that are at least as effective as those promulgated under the Act. Consequently, any complexity in complying with the MIOSHA rules stems from the complexing of the federal OSHA standards that are adopted by reference in the MIOSHA rules.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rules do not conflict with or duplicate federal regulations because they are adopted to be as effective as OSHA regulations.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The MIOSHA rules are continually revised and updated in order to be as effective as the federal regulations.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

MIOSHA Rules

https://www.michigan.gov/lara/0,4601,7-154-89334_11407_15368---,00.html

Radiation Safety Rules

https://www.michigan.gov/lara/0,4601,7-154-89334_11407_35791---,00.html

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

Completed:

MOAHR # 2018-045 Construction Safety and Health Standard – Part 603 – Lead Exposure in Construction By authority conferred on the director of the department of licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154, MCL 408.1014 and 408.1024; and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3101, 445.2001, 445.2011, 445.2025, and 445.2030

MOAHR # 2018-044 General Industry Safety and health Standard – Part 310 – Lead in General Industry By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-104 General Industry Safety and health Standard – Part 310 – Lead in General Industry By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational

safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-101 Construction Safety and Health Standard – Part 6 – Personal Protective Equipment By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-096 Construction Safety and Health Standard – Part 10 – Cranes and Derricks By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-103 Construction Safety and Health Standard – Part 12 – Scaffolds and Scaffold Platforms By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-087 Construction Safety and Health Standard – Part 605 Methylenedianiline (MDA) in Construction By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-092 Construction Safety and Health Standard – Part 609 – Cadmium in Construction By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-099 Construction Safety and Health Standard – Part 620 – Ventilation Control for Construction By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-082 Construction Safety and Health Standard – Part 621 – Health Hazard Control for Specific Equipment and Operations for Construction By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-097 General Industry Safety and Health Standard – Part 40 – Safety-

Related Work Practices By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-102 General Industry Safety and Health Standard – Part 77 – Grain Handling Facilities By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-078 General Industry Safety and Health Standard – Part 302 – Vinyl Chloride By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-086 General Industry Safety and Health Standard – Part 303 – Methylenedianiline (MDA) in General Industry By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-091 General Industry Safety and Health Standard – Part 309 – Cadmium in General Industry By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-088 General Industry Safety and Health Standard – Part 350 – Carcinogens By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-079 General Industry Safety and Health Standard – Part 380 – Occupational Noise Exposure in General Industry By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-083 General Industry Safety and Health Standard – Part 381 – Ionizing Radiation By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-100 General Industry Safety and Health Standard – Part 433 – Personal

Protective Equipment By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-090 General Industry Safety and Health Standard – Part 474 – Sanitation By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-094 General Industry Safety and Health Standard – Part 511 – Temporary Labor Camps By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-098 General Industry Safety and Health Standard – Part 529 – Welding, Cutting, and Brazing By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-077 General Industry and Construction Safety and Health Standard – Part 304 – Ethylene Oxide By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-081 General Industry and Construction Safety and Health Standard – Part 306 – Formaldehyde By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-080 General Industry and Construction Safety and Health Standard – Part 307 – Acrylonitrile By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-076 General Industry and Construction Safety and Health Standard – Part 308 – Inorganic Arsenic By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-084 General Industry and Construction Safety and Health Standard –

Part 311 – Benzene By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-085 General Industry and Construction Safety and Health Standard – Part 314 – Coke Oven Emissions By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-089 General Industry and Construction Safety and Health Standard – Part 431 – Hazardous Work in Laboratories By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-093 General Industry and Construction Safety and Health Standard – Part 432 – Hazardous Waste Operations and Emergency Response By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2018-075 General Industry and Construction Safety and Health Standard – Part 470 – Employee Medical Records and Trade Secrets By authority sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2019-004 Construction Safety and Health Standard – Part 30 – Telecommunication for Construction Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2019-005 General Industry Safety and Health Standard – Part 6 – Fire Exits Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2019-006 General Industry Safety and Health Standard – Part 7 – Guards for Power Transmission Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2019-007 General Industry Safety and Health Standard – Part 14 – Conveyors

Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2019-008 General Industry and Health Standard – Part 17 – Refuse Packer

Units Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR #2019-009 General Industry and Health Standard – Part 20 – Underhung Cranes and Monorail Systems

Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2019-011 General Industry and Health Standard – Part 42 – Forging

Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2019-012 General Industry and Health Standard – Part 53 – Tree Trimming and Removal

Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2019-013 General Industry and Health Standard – Part 57 – Oil and Gas Drilling and Servicing Operations

Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2019-014 General Industry and Health Standard – Part 62 – Plastic Molding

Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2019-015 General Industry and Health Standard – Part 74 – Fire Fighting

Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2019-016 General Industry and Health Standard – Part 81 – Baking Operations

Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

MOAHR # 2019-017 General Industry and Health Standard – Part 44 – Foundries

Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030.

Outstanding:

MOAHR # 2019-003 Construction Safety and Health Standard – Part 11 – Fixed and Portable Ladders

Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being amended in order to be as effective as federal OSHA regulations.

MOAHR # 2019-010 General Industry and Health Standard – Part 26 – Metalworking Machinery

Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being amended in order to be as effective as federal OSHA regulations.

MOAHR # 2019-036 Administrative Standard – Part 11 – Recording and Reporting of Occupational Injuries and Illnesses

Authority: section 69 of 1974 PA 154 and Executive Reorganization Order No. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 408.1069, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being amended in order to be as effective as federal OSHA regulations.

MOAHR # 2019-034 Construction Safety and Health Standard – Part 10 – Cranes and Derricks

Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being amended in order to be as effective as federal OSHA regulations.

MOAHR # 2017-084 Construction Safety and Health Standard – Part 14 – Tunnels, Shafts, Caissons, and Cofferdams

Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being amended at the request of industry. There was a public hearing on May 1, 2019.

MOAHR # 2019-039 Construction Safety and Health Standard – Part 601 – Air Contaminants for Construction Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being amended in order to be as effective as federal OSHA regulations.

MOAHR # 2019-048 Construction Safety and Health Standard – Part 620 – Ventilation Control for Construction Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being amended in order to be as effective as federal OSHA regulations

MOAHR # 2019-037 General Industry and Health Standard – Part 301 Air Contaminants for General Industry Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being amended in order to be as effective as federal OSHA regulations.

MOAHR # 2019-049 General Industry and Health Standard – Part 590 – Silica in General Industry Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being amended in order to be as effective as federal OSHA regulations.

MOAHR # 2019-058 Construction Safety and Health Standard – Part 632 – Hazardous Waste Operations and Emergency Response in Construction Authority: sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3103, 445.2001, 445.2011, 445.2025, and 445.2030. These rules are being adopted in order to be as effective as federal OSHA regulations

**Department of Licensing and Regulatory Affairs
Michigan Office of Administrative Hearings and Rules**

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

MOAHR # 2018-18 LR. Administrative Hearing Rules, R 792.10101 to R 792.11903. The general purpose of the rule set is to govern the practice and procedures for all administrative hearings conducted by MOAHR, allowing for different procedures in specific types of hearings. The purpose of the proposed changes is to refine certain rules to clarify current practices, reflect statutory changes and department reorganizations, eliminate duplicative or unnecessary rules, and promote greater efficiency and fairness.

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2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

R 792.10414 is being rescinded during the rules process.
R 792.10601 – R 792.10609 are being rescinded during the rules process.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

MOAHR has not failed to promulgate or utilize any statutorily required rules.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The MOAHR rules are procedural rather than substantive, and MOAHR is not aware that any of the rules are problematic to any industries.

- A. Whether there is a continued need for the rules.

There is a continued need for the rules to address the practice and procedure for the different case types handled by MOAHR.

- B. A summary of any complaints or comments received from the public concerning the rules.

MOAHR is not aware of any complaints from the public concerning the rules, although some comments have been received that have prompted a review of certain rules to promote greater efficiency.

- C. The complexity of complying with the rules.

Because the Administrative Hearing Rules provide procedural safeguards for the parties to administrative hearings before MOAHR, and because the parties who practice before the agency regularly are generally familiar with the applicable rules, the complexity of complying with the rules is minimal.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The Administrative Hearing Rules did not conflict with applicable federal requirements when they were adopted, and proposed rule revisions will ensure continued compliance with any applicable federal procedural requirements. Rules adopted by local units of government would not apply to MOAHR administrative proceedings.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The Administrative Hearing Rules were last evaluated prior to their adoption in 2015.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://dtmb.state.mi.us/ORRDocs/AdminCode/1799_2018-018LR_AdminCode.pdf

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6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

The proposed revisions to the Administrative Hearing Rules identified in the 2019 ARP remain outstanding, as indicated above.

**Department of Licensing and Regulatory Affairs
Public Service Commission (PSC or Commission)**

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

MOAHR # 2018-042. Preservation of Records of Electric, Gas, and Water Utilities. R 460.2501-460.2582. These rules have not been updated since 1980 and do not reflect modern forms of communication. This rule set has an approved RFR and RIS.

MOAHR # 2019-030. Technical Standards for Electric Service. R 460.3101-460.3908. These rules are revised on a regular basis to reflect updated national standards that are adopted by reference. These rules have an approved RFR.

MOAHR # 2019-059. Michigan Gas Safety Standards. R 460.20101 – R 460.20606. The rules will be revised to adopt by reference current federal regulations governing gas safety along with updating certain other technical standards contained in these rules. The proposed rules also will add record retention periods.

MOAHR # not yet assigned. Electric Interconnection and Net Metering Standards. R 460.601a-460.656. The PSC is considering separating these two rule sets, adopting Federal Energy Regulatory Commission interconnection standards by reference, adopting a legally enforceable obligation definition, and adding rules addressing distributed generation as authorized by Section 173 of 2016 PA 342, MCL 460.1173. The PSC is currently conducting a stakeholder-input process, and intends to submit an RFR in late 2019.

MOAHR # not yet assigned. Technical Standards for Gas Service. R 460.2301-460.2384. This rule set will be amended to add cybersecurity rules and to reflect updated national standards. The PSC plans to submit an RFR in 2019.

MOAHR # not yet assigned. Service Quality and Reliability Standards for Electric Distribution Systems. R 460.701 - 460.752. Depending on the findings and recommendations of the Statewide Energy Assessment Report due to Governor Whitmer later in 2019, the PSC may consider changes to these service quality rules, and may submit an RFR in late 2019.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

The PSC is not aware of any rules that are obsolete or superseded, or that are candidates for rescission at this time.

3. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.

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Alternative Gas Suppliers. (Authority: MCL 460.9(8).) The Commission may adopt rules regarding the regulation of alternative gas suppliers and natural gas utilities with regard to customer choice issues, including the unauthorized switching of customers, billing for unauthorized services, and the licensing of alternative gas suppliers. The Commission has been successful in dealing with these matters on a case-by-case basis and does not currently contemplate any rulemaking.

Siting Transmission Lines. (Authority: MCL 460.574.) The Commission may adopt rules regarding the siting of major transmission lines. The Commission has been successful in dealing with these matters on a case-by-case basis and does not currently contemplate any rulemaking.

Wastewater. (Authority: MCL 460.6(2).) The Commission may regulate the rates, fares, fees, and charges of private, investor-owned wastewater utilities. The Commission has not yet been approached by a wastewater project to be regulated under this statutory provision.

Clean, Renewable, and Efficient Energy Rules. (Authority: MCL 460.1191(2).) Implementation of 2008 PA 295 was carried out through the temporary order provided for under MCL 460.1191(1). The Commission does not contemplate any rulemaking.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The PSC is currently unaware of any rules that are particularly problematic to industry. All rules are promulgated after extensive stakeholder involvement. The electric and gas safety and technical standards require regular updates to keep up with mandated federal standards and changes in communications and technology; and certain telecommunications rules require regular re-promulgation because they otherwise sunset. The Electric Interconnection and Net Metering Standards rulemaking may be controversial among various business interests, and therefore the PSC is undertaking an extensive stakeholder process to identify and work through issues prior to issuing the initial draft of the new rules and rule revisions.

- A. Whether there is a continued need for the rules.

Not applicable – please see answer to No. 4.

- B. A summary of any complaints or comments received from the public concerning the rules.

Not applicable – please see answer to No. 4.

- C. The complexity of complying with the rules.

Not applicable – please see answer to No. 4.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

Not applicable – please see answer to No. 4.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

Not applicable – please see answer to No. 4.

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5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

The PSC has a web page for laws, administrative rules, guidelines & decisions. The web page specifically indicates that “These rules and guidelines are linked to the State Office of Regulatory Reinvention.” The name has not yet been changed.

http://www.michigan.gov/mpsc/0,4639,7-159-16370_52012---,00.html

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

Completed:

MOAHR # 2016-057 LR. Michigan Gas Safety Standards. R 460.20101-460.20606. These rules took effect January 3, 2019.

MOAHR # 2017-091 LR. Technical Standards for Electric Service. R 460.3101-460.3908. These rules took effect January 9, 2019.

MOAHR # 2018-001 LR. Consumers Standards and Billing Practices for Electric and Gas Residential Service. R 460.101 – 460.169. These rules took effect January 8, 2019.

MOAHR # 2018-002 LR. Code of Conduct. R 460.10101-460.10113. These rules took effect January 9, 2019.

MOAHR # 2018-027. Unbundled Network Element and Local Interconnection Services Rules. R 484.71-484.75. These rules took effect April 19, 2019.

MOAHR # 2018-030. Basic Local Exchange Service Customer Migration Rules. R 484.81-484.90. These rules take effect June 17, 2019.

Outstanding:

MOAHR # 2018-042. Preservation of Records of Electric, Gas, and Water Utilities. R 460.2501-460.2582.

MOAHR # 2019-030. Technical Standards for Electric Service. R 460.3101-460.3908.

MOAHR # 2019-059. Michigan Gas Safety Standards. R 460.20101 – R 460.20606.

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Department of Licensing and Regulatory Affairs
Michigan Unarmed Combat Commission

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

MOAHR # 2018 - 105 LR. Unarmed Combat. The entire ruleset is being updated to meet the statutory requirements of the amendments to the Michigan Unarmed Combat Regulatory Act of 2004 (“UCRA”). The proposed rules establish weight classes, ensure safety of unarmed combat contests, ensure the efficient administration of unarmed combat events, and make grammatical and stylistic changes to the ruleset language. The Office of Regulatory Reinvention (“ORR”) approved the Request for Rulemaking (“RFR”) and Draft rules on December 20, 2018. ORR approved the Regulatory Impact Statement on February 21, 2019, and a public hearing was held on March 15, 2019. The Joint Committee on Administrative Rules (“JCAR”) report was submitted to JCAR on May 14, 2019.

MOAHR # Not assigned. Unarmed Combat. Amateur Kickboxing and Muay Thai events in Michigan stopped based on the changes to the UCRA that went into effect on February 10, 2016. The changes broadened the definition of “Unarmed Combat” to include “any other form of competition in which a blow is usually struck.” The Commission is currently reviewing the requirements of the UCRA and the rules of engagement from other jurisdictions to evaluate the potential need for an additional regulatory structure that would allow the sanctioning of Kickboxing and Muay Thai events in Michigan. Statutory changes may or may not precede any new rulemaking activity, depending on how the Michigan Unarmed Combat Commission chooses to approach the regulation of unarmed combat sports besides boxing and mixed martial arts.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

MOAHR # 2018 - 105 LR. Unarmed Combat. Rules 339.203b, 339.203c, 339.204, and 339.253 will be rescinded upon promulgation of the proposed amended Unarmed Combat administrative rules. Under the proposed ruleset, additional rules would have subparts struck or amended but would not be rescinded in whole.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

MCL 338.3654a(2)(e), as amended, provides that “[b]efore a contestant participates in a contest, he or she is weighed and placed in the appropriate weight class. The department by rule shall establish weight classes for contestants.” The Department is adding weight classifications in the rules under MOAHR # 2018 – 105 LR. Unarmed Combat. Those weight classes are currently in place via Emergency Rules 2018-43 LR, which expire June 17, 2019.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Industry has not expressed an issue with any particular rule.

- A. Whether there is a continued need for the rules.

MOAHR # 2018 - 105 LR. Unarmed Combat. There is a continued need for the rules to

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protect the health, safety, and welfare of contestants in amateur and professional unarmed combat sports regulated under this Act.

B. A summary of any complaints or comments received from the public concerning the rules.

MOAHR # 2018 - 105 LR. Unarmed Combat. In developing a proposed amended ruleset, CSCL staff, the Unarmed Combat Commission, and the public voiced concerns about the ability of existing rules to adequately protect the health and safety of Unarmed Combat contestants and the welfare of Unarmed Combat sports in Michigan. CSCL developed the proposed ruleset in consultation with the Unarmed Combat Commission. There is a continued concern regarding the impact dehydration has on concussions and the safety of event officials.

MOAHR # Not Assigned. The public and commission members have expressed concerns regarding the commission exercising its authority to prevent Kickboxing or Muay Thai events when there is not a regulatory structure in place to regulate such events.

C. The complexity of complying with the rules.

MOAHR # 2018 - 105 LR. Unarmed Combat. Compliance with the Michigan Unarmed Combat Regulatory Act is complex due to the needs to balance the interests of unarmed combat contestants and promoters in growing unarmed combat sports in Michigan while also ensuring contestant and event safety.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

MOAHR # 2018 - 105 LR. Unarmed Combat. The current rules and proposed amendments do not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government. Regulation of boxing and mixed martial arts primarily occurs at the state level. The Commission's proposed amendments to the existing ruleset require the disclosure of compensation paid to officials, consistent with a federal law, 15 USC § 6307f, which governs boxing events.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

MOAHR # 2018 - 105 LR. Unarmed Combat. The rules were last reviewed in their entirety before the filing of the request for rulemaking on November 29, 2018. Effective April 30, the Michigan Unarmed Combat Commission is a type 1 agency under Executive Order 2019-07. No other technological, economic conditions, or other factors that have changed the regulatory activity covered by the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

The Michigan Unarmed Combat Commission provides links to the administrative rules in the bottom of its webpage under the heading "Quick Links": [Administrative rules](#).

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

OUTSTANDING
MOAHR # 2018 - 105 LR. Unarmed Combat. Public hearing was held March 15, 2019. The

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proposed rules are awaiting certification.

**Department of Licensing and Regulatory Affairs
Workers' Compensation Agency**

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

Workers' Compensation Health Care Services Rules (2019-027 LR): (Authority conferred on the Workers' Compensation Agency by Sections 205 and 315 of 1969 PA 317, Section 33 of 1969 PA 306, Executive Reorganization Order Nos. 1982-2, 1986-3, 1990-1, 1996-2, 2003-1, and 2011-4, MCL 418.205, 418.315, 24.233, 18.24, 418.1, 418.2, 445.2001, 445.2011, and 445.2030.) The Health Care Services rule set is reviewed and revised annually due to ongoing changes in the medical arena, as well as with Medicare. This rule set establishes schedules of maximum fees for a health facility or health care provider for treatment or attendance, service, device, apparatus, or medicine, as well as procedures by which a health care provider shall be paid, and source documents to be utilized.

Workers' Compensation Agency - General Rules (2019-026 LR): (Authority conferred on the director of the workers' compensation agency by section 205 of 1969 PA 317, MCL 418.205; and Executive Reorganization Order Nos. 1996-2, 1999-3, 2002-1, and 2003-1, MCL 445.2001, 418.3, 445.2004, and 445.2011). The general purpose of these rules is to provide consumers with procedures and guidance for addressing workers' compensation claims, contested hearings, and workers' compensation insurance policies, in order to carry out the provisions of the Worker's Disability Compensation Act. The entire rule set will be updated for accuracy and procedural consistency. Additional proposed changes to the rules are as follows: All rules referencing the filing of agency forms will be updated to reflect the implementation of electronic filing with the agency. Applicable rules will be changed to add the newly created Private Employer Group Self-Insurers Security Fund (PEGSISF) pursuant to MCL 418.501. Rules will be updated to change references of the agency from "bureau" to "agency," pursuant to ERO No. 2003-1, MCL 445.2011.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

N/A

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The Workers' Compensation Health Care Services rule set is reviewed and revised annually due to ongoing changes in the medical arena, as well as with Medicare. The industry would like continual improvement with efficiency of processing new rules that allows us to keep pace with the rapidly changing medical arena. The Agency has not found a more efficient or cost-effective

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means of administering a reimbursement fee schedule in an equitable fashion across all parties.

A. Whether there is a continued need for the rules.

There is a continued need for the workers' compensation Health Care Services rule set. This rule set establishes schedules of maximum fees by a health facility or health care provider for such treatment or attendance, service, device, apparatus, or medicine, as well as procedures by which a health care provider shall be paid.

As noted above, the purpose of the workers' compensation agency general rule set is to provide consumers with procedures and guidance for addressing workers' compensation issues in order to carry out the provisions of the Worker's Disability Compensation Act. These rules are necessary in order to maintain and/or enhance the application of workers' disability benefits.

B. A summary of any complaints or comments received from the public concerning the rules.

None.

C. The complexity of complying with the rules.

As noted above in Question #4, the Agency's rules are tied directly to Medicare fee schedules which are updated several times throughout a year. The Agency is also directly tied to Current Procedural Terminology (CPT) codes, which are published in March of each year. The Agency's rule set is revised annually based on data from the previous year. It is sometimes difficult for the Agency's customers to understand that compliance is tied to the previous year's codes, simply because the rules are tied to the full rulemaking process.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rules do not conflict with or duplicate other governmental rules, either local or federal.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The last revisions to the Workers' Compensation Health Care Services rule set (2018-017 LR) took effect January 8, 2019. These rules are directly linked to annual updates by Centers for Medicare and Medicaid Services (CMS) and the American Medical Association (AMA). As such, the rules should be updated annually to account for the latest information.

The last revisions to the Workers' Compensation General Rules (2014-030 LR) were effective August 19, 2014. Technology advances such as electronic reporting (ex. Electronic Data Interchange) require updated regulatory language.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://www.michigan.gov/wca/0,1607,7-191-26922_27470_28076-86583--,00.html

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

Completed:
2018-017 LR: Workers' Compensation Health Care Services Rules (R 418.10101 – 418.101504)

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is complete.

Not Completed:

There are no outstanding items from the 2019 ARP.