



STATE OF MICHIGAN
DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

GRETCHEN WHITMER
GOVERNOR

ROBERT GORDON
DIRECTOR

June 28, 2019

Deidre O'Berry
Michigan Administrative Hearings and Rules
Administrative Rules
611 W. Ottawa St., 2nd Fl
Lansing, MI 48909

Subject: MDHHS Annual Regulatory Plan: 2019-2020

Dear Ms. O'Berry:

Please find the following annual regulatory plan for the Michigan Department of Health and Human Services (MDHHS) for 2019-2020. As always, please let me know if there are any problems or concerns.

Sincerely,

/s/

Mary E. Brennan
MDHHS Regulatory Affairs Officer

**Department of Health and Human Service
Population Health Administration (nka Public Health Administration)**

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

Reporting of Poisonings Due to Prescription and Illicit Drugs; Mich Admin Code R 325.76 through R 325.79 (**CURRENTLY IN PROGRESS. 2018-074 HS**)

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 Rules that are obsolete or superseded and can be rescinded between July 1, 2019 and June 30, 2020.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.

This is a new rule set. All the new rules are important to the mission and function of the agency.

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 any required or 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.

The rules as submitted are not problematic to the industry and have already been reviewed to and public hearing was held to determine the method of regulation.

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

There is a continued need for the rules.

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

There are no known complaints or comments received from the public concerning the rules.

- C. The complexity of complying with the rules.

The rules allow for either manual or electronic submission of data and submission should not be complex.

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

There are no conflicts or duplications to 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.

This is a new ruleset.

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

<https://dtmb.state.mi.us/DTMBORR/Rules.aspx?type=Number&id=R 325.76>

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

There rules were identified in the 2019 ARP and are completed. They are currently in JCAR.

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**Department of Health and Human Service
Policy and Planning Administration**

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

Nonopioid Directive; Mich Admin Code R 333.1001 through 333.1004. (**CURRENTLY IN PROGRESS. 2019-045 HS**)

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.

This is a new rule set. The rules are important to the mission and function of the agency and are mandated by statute, MCL 333.9145.

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

The agency is following the statute by promulgating these 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.

All the rules have been vetted by industry stakeholders and the business processes to implement the rules will be communicated statewide.

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

The rules are statutorily required.

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

No known reports of complaints or comments have been received from the public.

- C. The complexity of complying with the rules.

The rules are not complex. A form will be developed by the agency and the health facility and/or professional must place the form in a patient's folder, physically or online.

- 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.

- 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 are statutorily required, new rules.

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

<https://dtmb.state.mi.us/DTMBORR/Rules.aspx?type=Number&id=R 333.1001>

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

Theses rules were not part of the 2019 ARP.

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**Department of Health and Human Service
Population Health Administration (nka Public Health Administration)**

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

Body Art Facilities; Mich Admin Code R 333.13101 through 333.13118 (**CURRENTLY IN PROGRESS; 2018-046 HS**)

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.

This is a new rule set. The rules are important to the mission and function of the agency.

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

No. These rules are not statutorily required, and the agency 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.

The rules have been in the making since 2012. Stakeholders, including business owners and local health departments, have assisted with the development of these rules. The rules as presented offer the most business-friendly method of regulation.

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

There is a need for the rules.

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

The complaints and comments received from the public have to do with lack of enforcement of those unlicensed artists performing tattoos and piercings in an unsterile environment and the public health issues that can arise.

- C. The complexity of complying with the rules.

The rules provide a straightforward process of licensing, health requirements and facility requirements and are not complex.

- 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 or duplicate rules or regulations adopted by federal or local 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.

The rules were introduced and removed in 2017. They were reintroduced in 2018.

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

<https://dtmb.state.mi.us/DTMBORR/Rules.aspx?type=Number&id=R 333.13101>

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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 rules were included in the 2019 ARP and the Regulatory Impact Statement needs to be submitted and public hearing held.

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Department of Health and Human Service
Children's Services Agency

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

Child Care Fund; Mich Admin Code R 400.2001 through 400.2049 (**CURRENTLY IN PROGRESS. 2019-046 HS**)

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.

Two of the rules in the current rule set have been identified for rescission: R 400.2005 and R 400.2045. The remaining rule set is important to the mission and function of the agency.

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

No, the agency has not failed to promulgate statutorily required rule or fail 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.

The rules have been reviewed and vetted by county offices, courts and other stakeholders for comments on the most business-friendly method of regulation.

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

There is a continued need for the rules.

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

There are no known complaints or comments received from the public regarding the rules.

- C. The complexity of complying with the rules.

The rules, together with statute and department policy (Child Care Fund Handbook) are not complex.

- 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 by the feds 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.

The rules were introduced and withdrawn in 2016. They were reintroduced after statutory amendments in 2019.

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/1943_2019-046HS_AdminCode.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.

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The rules were listed on the ARP last year. The RFR has been approved and the draft rule language submitted to the Legislative Service Bureau for review.

**Department of Health and Human Service
Population Health Administration (nka Public Health Administration)**

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

Blood Lead Analysis Reporting, Mich Admin Code R 325.9081 - 325.9087 (**CURRENTLY IN PROGRESS: 2019-055 HS**)

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.

No rules have been rescinded. The rules are important to the mission and function of the agency.

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

No, the agency has not failed to promulgate any statutorily required rules or 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.

The rules are not problematic to the industry. They have been reviewed and amended to reduce the amount of information that is required to be submitted in data reporting and clarify the "limit of detection" of lead in the blood.

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

There is a continued need for the rules.

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

There are no known complaints or comments from the public concerning the rules.

- C. The complexity of complying with the rules.

There are no known issues with compliance with the 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 similar rules or regulations adopted 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.

The rules were last reviewed and amended in 2015. Current technological advancements created the amendments on the limit of detection of lead in the blood and terminology changes made to coincide with similar rules involving data reporting.

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/1952_2019-055HS_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.

These rules were not identified on the 2019 ARP.

**Department of Health and Human Services
Children's Services Agency**

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

Child Placing Agencies, Mich Admin Code R 400.12101 - 400.12808. The rules address the obligations of the contracted child placing agencies in the state.

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 rules will be reviewed in their entirety but there are no anticipated rescissions to the current rules. The rules are important to the mission and function of the agency.

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

The rules will be amended to address the federally required provision of fingerprinting child placing agency staff under the Family First Prevention Services Act (FFPSA), P.L. 115-123 (2018). Further, these rules must be amended to include certain federally required provisions for national model licensing standards for foster homes.

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

As previously stated, the rules will be reviewed in their entirety to identify any non-federally required regulation that is problematic and not business friendly.

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

There is the continued need for these rules.

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

There are comments/concerns from the public that will be identified in the Request for Rulemaking.

- C. The complexity of complying with the rules.

The current rules do not involve any high degree of complexity. The amendments do not appear to involve any complexity or compliance problems.

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

The rules follow federal regulation to receive federal funding. Any conflicts regarding the proposed amended rules with similar or duplicate rules under local units of government will be reviewed.

- 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 reviewed in January 2015. Federal laws and national standards require an amendment to the current rules.

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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/1548_2015-045HS_AdminCode.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.

These rules were identified in the 2019 ARP. New federal laws not identified in the 2019 ARP have shifted priorities of those rules previously identified.

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**Department of Health and Human Services
Children's Services Agency**

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

Licensing Rules for Foster Family Homes and Foster Family Group Homes, Mich Admin Code R 400.9101 - 400.9506. These rules address the eligibility requirements for applicants to become foster parents.

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 rules will be reviewed in their entirety but there are no anticipated rescissions to the current rules. The rules are important to the mission and function of the agency.

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

The rules will be amended to include certain federally required provisions for national model licensing standards for foster homes.

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

As previously stated, the rules will be reviewed in their entirety to identify any non-federally required regulation that is problematic and not business friendly.

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

There is a continued need for this rule set.

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

Complaints/concerns received from the public will be addressed in the Request for Rulemaking.

- C. The complexity of complying with the rules.

The current rules do not involve any high degree of complexity. The amendments do not appear to involve any complexity or compliance problems.

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

The rules follow federal regulation to receive federal funding. Any conflicts regarding the proposed amended rules with similar or duplicate rules under local units of government will be reviewed.

- 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 reviewed in January 2015. Federal mandates will require amendments to some provisions in the current rules.

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/925_2008-055HS_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.

Licensing Rules for Foster Family Homes and Foster Family Group Homes was identified on the 2019 ARP. The federal mandates will be addressed this year, as well as the other amendments proposed in the 2019 ARP.

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**Department of Health and Human Services
Children's Services Agency**

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

Child Caring Institutions, Mich Admin Code R 400.4101 - 400.4666. These rules provide the requirements of the applicant and licensees of institutions for the care of children located in the State of Michigan.

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 rules will be reviewed in their entirety but there are no anticipated rescissions to the current rules. The rules are important to the mission and function of the agency.

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

There is the need to amend the rules to include recent federally required provisions for the fingerprinting of all Title IVE child caring institution staff in the state.

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

As previously stated, the rules will be reviewed in their entirety to identify any non-federally required regulation that is problematic and not business friendly.

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

There is a continued need for the rules.

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

Complaints or comments received from the public regarding this rule set have been addressed and any outstanding issues will be addressed in the Request for Rulemaking.

C. The complexity of complying with the rules.

There are no known issues with the complexity of complying with the 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 follow federal regulation to receive federal funding. Any conflicts regarding the proposed amended rules with similar or duplicate rules under local units of government will be reviewed.

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 rules were last evaluated in June 2015. Updated federal mandates require the amendment to the rules for federal funding purposes.

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/1616_2016-009HS_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 rules were identified in the 2018 ARP. Those rule changes proposed to align with the Child Caring Institution Act will be reviewed when implementing the new federal mandated changes.

**Department of Health and Human Service
Field Operations Administrations (nka Economic Stability Administration)**

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

Family Independence Program, Mich Admin Code R 400.3101 - 400.3131. These rules address the eligibility of the cash assistance program.

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.

No rules are obsolete or superseded. The rules remain critical to the mission and function of the agency,

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 any statutorily required rules or 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.

The rules follow the laws passed by Congress and are required to be adopted by states in exchange for federal monies. They have been reviewed to determine the most business-friendly way to implement the federal statutes.

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

There is a continued need for the rules.

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

There are no known complaints or comments received from the public concerning the rules.

- C. The complexity of complying with the rules.

The rules should not be complex to comply with them.

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

The rules follow the requirements as set forth by the federal statutes for the state to receive federal funding.

- 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 rules were last reviewed in 2014. A new federal law requires an amendment to the current rules regarding income eligibility to receive benefits.

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/1193_2013-029HS_AdminCode.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.

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These rules were not identified in the 2019 ARP.

**Department of Health and Human Services
Population Health Administration (nka Public Health Administration)**

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

All EMS rules including, but not limited to, EMS Personnel Licensure, EMS Life Support Agencies, EMS Life Support Vehicles, EMS Education, Medical Control Authorities, and Air Medical (325.22101 through 325.22217 and R 325.22301 thru 325.22345), are in the review and revision process as planned. Each of the Emergency Medical Services Coordination Committee (EMSCC) Subcommittees, consisting of a broad range of stakeholders are participating in the reviews and working closely with the Division of EMS and Trauma to make the best decisions that reflect system planning. Once this work is completed in the subcommittees, the proposed rule changes will go to the full EMSCC body for review and comment before submission.

Systems of Care Stroke and ST elevated myocardial infarction (STEMI) administrative rules are being worked on but are pending statutory authority before submission. These may be submitted before June 30, 2020.

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.**

At this point, we are removing redundancies as a part of the rule review and proposed revision process and will have rescissions as part of the complete rule package when submitted.

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 any statutorily required rules or 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.

A complete rule review for all EMS Administrative Rules has not occurred since 2004, therefore, all of the EMS rules are being reviewed with a focus on being customer (business-friendly) and less rigid which is consistent with the Division mission of supporting the Michigan EMS System in protecting the public health and providing safe and effective patient care. Some of the rules will be eliminated due to redundancy and some may be eliminated and just become procedural to allow more flexibility, for example timelines for education program approval. We are addressing A-E below as we go through each of the rules.

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

The department needs to be able to grant continuing education, but the actual details are not all required in rule and could be division policy.

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

There have been complaints about current rules relating to, ambulances that serve a dual level of licensure in an agency that has the ability to have basic and advanced level vehicles, unfunded statutory mandates and EMS continuing education requirements for practical credits, Instructor Coordinator continuing education requirements, and what would happen

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with the CON for rotary air ambulances going away that have been considered during this rule review and revision process.

C. The complexity of complying with the rules.

The rules were developed before the advent of automated systems for licensure, tracking educational and compliance requirements etc. and in an era when customer service and support was not a driving focus of the EMS section. They are outdated and do not provide the flexibility to provide excellent customer service in support of a very progressive and complex EMS and Trauma System. Some of the rules were not written in a clear manner and have led to a variety of interpretations such as rules that refer to agencies “holding themselves out to be a higher level than their licensure.”

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

There is conflict between the 9-1-1 enabling legislation and the EMS legislation for oversight of dispatch at the local MCA level.

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 Trauma System rules were revised in 2017 (325.125-325.138) and there are no planned changes to those rules for this cycle. EMS Life Support Agency Rule 325.22181 Ground ambulance requirements. (2) and (4) that reference triple K standards were revised as planned in 2018, as previously noted. The EMS and Trauma System has evolved into a very complex system that needs to address safety, time dependent emergencies, data use and evidence-based practices and processes. In addition, customer service is at the forefront and some of the rules are contrary to these concepts. Additionally, the Certificate of Need (CON) for rotary air ambulances is being dissolved in response to the Airline Deregulation Act. Therefore, language that ensures medical requirements for rotary air ambulances will be included in the rule’s revision. We have met with CON leadership and they are in support of this occurring.

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

EMS Agencies and Medical Control Authorities/EMS Personnel and Education Programs: https://www.michigan.gov/mdhhs/0,5885,7-339-73970_5093_28508_76839---,00.html

Trauma System Rules: https://www.michigan.gov/mdhhs/0,5885,7-339-71551_69345_69346---,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. Please indicate if an item is the subject of an Advisory Rules Committee recommendation.

Rule 325.22181 Ground ambulance requirements. (2) and (4) that reference triple K standards were revised as planned in 2018 and were approved December 5, 2018.

**Department of Health and Human Services
Behavioral Health and Developmental Disabilities Administration**

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

Criminal Provisions, Mich Admin Code R 330.10008 – 330.10999. Rules provide for the process of integrating prisoners into the mental health

2. Rules that are obsolete or superseded and can be rescinded between July 1, 2018 and June 30, 2019. 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 rule set will be reviewed to determine what rules, if any, will be rescinded.

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 any statutorily required rules or 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.

This rule set contains the terms “retardation” or “retarded” which have all been replaced in law with the new phrase, “Intellectual/Developmental Disabilities”. This was done as result of the Mental Health and Wellness Commission led by Lt Governor Calley. The rules will also be edited to reflect the current name of the agency, the Department of Health and Human Services.

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

There is a continued need for the rules.

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

Advocates, MH Commission all have priority for removing word “retarded”.

- C. The complexity of complying with the rules.

The rules are not complex.

- 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 or duplicate federal or state laws 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.

2017. Current statutory changes removing obsolete language will require rule amendment.

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

http://dmbinternet.state.mi.us/DMB/ORRDocs/AdminCode/467_10442_AdminCode.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. Please indicate if an item is the subject of an Advisory Rules Committee recommendation.

These rules were identified in the 2019 ARP. No action was taken. The rules will be addressed 2020.

**Department of Health and Human Services
Behavioral Health and Developmental Disabilities Administration**

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

Administrative Action for Developmentally Disabled Persons, Mich Admin Code R 330.5005 - 330.5091. These rules address the admission and transfer standards of a patient requiring mental health hospitalization.

2. Rules that are obsolete or superseded and can be rescinded between July 1, 2018 and June 30, 2019. 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 rule set will be reviewed to determine what rules, if any, will be rescinded.

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 any statutorily required rules or 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.

This rule set contains the terms “retardation” or “retarded” which have all been replaced in law with the new phrase, “Intellectual/Developmental Disabilities”. This was done as result of the Mental Health and Wellness Commission led by the previous Lt Governor Calley. The rules will also be edited to reflect the current name of the agency, the Department of Health and Human Services.

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

There is a continued need for the rules.

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

Advocates, MH Commission all have priority for removing word “retarded”.

- C. The complexity of complying with the rules.

The rules are not complex.

- 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 or duplicate federal or state laws 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.

2017. Current statutory changes removing obsolete language will require rule amendment.

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/460_10435_AdminCode.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. Please indicate if an item is the subject of an Advisory Rules Committee recommendation.

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These rules were identified for action in the 2019 ARP. They will be addressed in the 2020 ARP.