

**Michigan Office of Administrative Hearings and Rules**

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**SECOND AMENDED**

**REQUEST FOR RULEMAKING (RFR)**

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file an RFR with the Michigan Office of Administrative Hearings and Rules (MOAHR) before initiating any changes or additions to the rules. Please submit the RFR to [MOAHR-Rules@michigan.gov](mailto:MOAHR-Rules@michigan.gov).

**1. Agency Information:**

Agency name:	Department of Licensing and Regulatory Affairs
Division/Bureau/Office:	Bureau of Professional Licensing
Name, title, phone number, and e-mail of person completing this form:	Andria M. Ditschman Senior Policy Analyst DitschmanA@michigan.gov 517-241-9255

**2. Rule Set Information:**

Title of proposed rule set:	Board of Occupational Therapists – General Rules
Rule number(s) or range of numbers:	R 338.1191 – R 338.1252
Included in agency’s annual regulatory plan as rule to be processed in current year?	Yes.

**3. Estimated timetable for completion, or statutory deadline, if applicable:**

1 year.
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**4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:**

<p>The purpose of the Board of Occupational Therapist Rules is to regulate the prelicensure education, licensure, licensure renewal, relicensure, and continuing education for occupational therapists and occupational therapy assistants.</p> <p>The proposed rules are intended to: delete prohibited conduct; add statutory references; update references to educational program standards; clarify when an applicant may sit for the occupational therapist exam and occupational therapist assistant exam; clarify that the Department not the Board will grant an applicant a limited license to complete the supervised practice experience for an occupational therapist or occupational therapist assistant whose registration as lapsed; 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; add a good standing provision to the relicensure and endorsement requirements; clarify the requirements for licensure for an occupational therapist who graduated from a non-accredited postsecondary institution; add a rule regarding the requirements for licensure for an occupational therapist assistant who graduated from a non-accredited postsecondary institution; clarify that an applicant for licensure by endorsement must have an active license in another state; clarify the requirements for relicensure for both an occupational therapist and occupational therapist assistant; and clarify that one-half of continuing education may be completed in person or through live webinars.</p>
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**5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.**

MCL 333.16145; MCL 333.16148; MCL 333.16204; MCL 333.18307; MCL 333.18309; MCL 333.18313; Executive Reorganization Order No. 1991-9, MCL 338.3501; Executive Reorganization Order No. 1996-2, MCL 445.2001; Executive Reorganization Order No. 2003-1, MCL 445.2011; and Executive Reorganization Order No. 2011-4, MCL 445.2030.

**6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.**

Each state establishes its own requirements with respect to the licensing, and educational requirements of occupational therapists and occupational therapy assistants so there is no federal rule or standard set by a national or state agency that the proposed rules can duplicate or be in conflict with.

**7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?**

No. The subject matter of these rules is not currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

**8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:**

These rules will be promulgated using the full rulemaking process.

**9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.**

The proposed rules do not incorporate any recommendation of any Advisory Rules Committee.

**10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.**

The Michigan Board of Occupational Therapists voted to open the rules at the regularly scheduled board meeting on February 13, 2018. Please see attached copy of the minutes from that meeting.

**11. Reviewed by the following Departmental Regulatory Affairs Officer:**

Liz Arasim  
Department of Licensing and Regulatory Affairs

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↓ To be completed by MOAHR ↓

Date RFR received: 8-12-2019 Third version from the bureau.

**Based on the information in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR.**

MOAHR assigned rule set number:	<b>2018-034 LR</b>
Date of approval:	<b>8/21/19</b>

**Based on the information in this RFR, MOAHR is not approving the RFR at this time.**

Date of disapproval:	
Explanation:	