

State Budget Office
Office of Regulatory Reinvention
 111 S. Capitol Avenue; 8th Floor, Romney Building,
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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 a RFR with the Office of Regulatory Reinvention (ORR) before initiating any changes or additions to the rules. Submit copy to the ORR at orr@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:	Dena Marks Marksd1@michigan.gov 517-335-3679

2. Rule Set Information

Title of proposed rule set:	General Rules – Public Health Code
Rule number(s) or range of numbers:	R 338.7001-338.7005
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.

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

<p>The Public Health Code General Rules establish the specific dates that a license or registration renewal period begins or ends for licenses and registrations regulated by the Public Health Code. The rules also provide general rules applicable to all professions regulated under Article 15 of the Public Health Code.</p> <p>R 338.7001 This rule provides definitions used in this rule set. The proposed rule revisions will define “issue date” and “limitation” to clarify the meanings of those terms as they are used in the rule set.</p> <p>R 338.7001a This rule sets forth expiration dates and renewal information for biennial licenses and registrations, including those for optometry, pharmacy, and physician’s assistants. The proposed rule revisions will modify the date of renewal for these professions to 2 years from the date of initial licensure instead of a specific calendar date. The proposed rule will add midwifery and advise that the date for renewal is 2 years from the date of initial licensure.</p> <p>R 338.7002 This rule sets forth expiration dates and renewal information for triennial licenses and registrations, including those for dentistry, medicine, osteopathic medicine and surgery, podiatric medicine and surgery, and veterinary medicine. The proposed rule revisions will modify the date of renewal for these profession to 3 years from the date of initial licensure instead of a specific calendar date.</p> <p>R 338.7002a This is a new rule that sets forth expiration date and renewal information for the quadrennial license for behavior analysts.</p>

R 338.7002b This is a new rule providing for minimum requirements for initial licensure if an applicant’s educational or training program was taught outside of the United States. It will establish the minimum passing score that the applicant must obtain on the Test of English as a Foreign Language Internet-Based Test administered by the Educational Testing Service.

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 333.16194; MCL 333.16201; MCL 333.16221(e)(iv)(B); 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; Executive Reorganization Order No. 2008-4, MCL 445.2025; 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.

The rules do not conflict with or duplicate similar rules or regulations adopted by the state or federal government.

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.

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

The 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.

No.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Liz Arasim
Department of Licensing and Regulatory Affairs

↓ To be completed by the ORR ↓

Date RFR received: 2-20-2019

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

ORR assigned rule set number:	2019-024 LR
Date of approval:	2/27/19

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

Date of disapproval:	
Explanation:	