

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:	Workers' Compensation Agency (WCA)
Division/Bureau/Office:	LARA
Name, title, phone number, and e-mail of person completing this form:	David Campbell; campbelld5@michigan.gov ; 517-284-8891.

2. Rule Set Information

Title of proposed rule set:	Workers' Compensation Health Care Services (HCS)
Rule number(s) or range of numbers:	R 418.10101 – 418.101504
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:

Estimated December 2019

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

The HCS Rules are updated annually in order to provide the Agency's external customers with updated health care fee schedules for reimbursement to providers for treatment of injured workers, and to guide providers and payers on the scope of reimbursement. The HCS rules must maintain consistency with the most recent medical indexes, billing codes and fee schedules published by Medicare and other entities, in a timely fashion.

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.

By 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.

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 proposed rules do not conflict with or duplicate any state or federal regulations.

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

Yes. The WCA publishes a Health Care Services Manual, which is found on the WCA website.

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

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.

No. These rules are handled through the existing health care services cost containment process as provided in MCL 418.315.

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.

Yes, the proposed rules incorporate the recommendations of the Health Care Services Advisory Committee (HCSAC) which is convened pursuant to MCL 418.315(3). All relevant meeting minutes are submitted with this RFR.

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: 2-26-2019

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:	2019-027 LR
Date of approval:	3/6/19

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

Date of disapproval:	
Explanation:	