

Michigan Office of Administrative Hearings and Rules

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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 Michigan Office of Administrative Hearings and Rules (MOAHR) before initiating any changes or additions to the rules. Submit copy to the MOAHR at o'berrvd@michigan.gov.

1. Agency Information

Agency name:	Bureau of Professional Licensing
Division/Bureau/Office:	Bureau of Professional Licensing
Name, title, phone number, and e-mail of person completing this form:	Rick Roselle, Senior Policy Analyst, 517-335-1769, roseller1@michigan.gov

2. Rule Set Information

Title of proposed rule set:	Accountancy – General Rules
Rule number(s) or range of numbers:	R 338.5101 – R 338.5503
Included in agency's annual regulatory plan as rule to be processed in current year?	No.

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

The estimated time for completion is 1 year.

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

The primary purpose of the proposed rules is to revise the rules to identify the dates by which a licensee must complete hours of continuing education to account for the department's transition to a new licensing platform that will create new timetables. The problem the change is intended to address is detailed as follows:

Licenses who were issued a new license or renewed a license between December 31, 2017 and April 4, 2019, received a license that expires on December 31, 2019. Licensees who are issued a new license or renew a license after April 4, 2019, receive a license that expires on July 31, 2021. As a result, all applicants for initial licensure and license renewal will be transitioned to a single license expiration date of July 31, 2021. After July 31, 2021, license renewals will have an expiration date that is based on the individual licensee's issue date. This will result in each licensee receiving a license that has a unique expiration date.

Under the Occupational Code, 1980 PA 299, and the current rules, licensees are required to complete 40 hours of continuing education each year of a 2-year license cycle during the continuing education period of each year of the license. The rules define continuing education period as the period between July 1 and June 30. However, after July 31, 2021, when licensees begin receiving unique license expiration dates it will no longer be practical to require licensees to complete the continuing education between July 1 and June 30 of each year.

The proposed rules will provide a table that identifies the specific dates by which licensees must complete the continuing education requirements that is based on the expiration date of the license. This table will allow the department to more clearly and easily provide guidance to licensees about the time periods during which licensee must complete the continuing education hours that are required during each year of the license.

In addition, the proposed rules will also update the definitions of terms used in the rule set to remove terms that are defined under the Occupational Code, 1980 PA 299, and add definitions of new terms used in the rule set, amend rules that pertain to the Uniform Certified Public Accountant examination to account for changes being made by the national organization that administers the exam, and revise the types of activities that are acceptable for satisfying the continuing education requirements.

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 339.205, MCL 339.308, MCL 339.721, MCL 339.725, MCL 339.726, MCL 339.728, and MCL 339.729, and 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.

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 duplicate or conflict with other federal or state 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?

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

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 under the full rule-making 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, the rules do not incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5.

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, please see the attached minutes from the January 25, 2019 Board of Accountancy meeting.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Liz Arasim, Department of Licensing and Regulatory Affairs.

↓ To be completed by the MOAHR ↓

Date RFR received:6-19-2019

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

MOAHR assigned rule set number:	2019-060 LR
Date of approval:	7/9/19

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

Date of disapproval:	
Explanation:	