

Michigan Office of Administrative Hearings and Rules

611 West Ottawa Street; 2nd Floor, Ottawa Building

Lansing, MI 48933

Phone: (517) 335-8658 FAX: (517) 335-9512

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. Please submit the RFR to MOAHR-Rules@michigan.gov.

1. Agency Information

Agency name:	Licensing and Regulatory Affairs
Division/Bureau/Office:	Bureau of Professional Licensing
Name, title, phone number, and e-mail of person completing this form:	Weston J. MacIntosh Senior Policy Analyst (517) 241-9269 macintoshw1@michigan.gov

2. Rule Set Information

Title of proposed rule set:	Osteopathic Medicine and Surgery – General Rules
Rule number(s) or range of numbers:	R 338.111 – R 338.143
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:

One year.

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

<p>The general purpose of these rules is to provide educational, licensure, and continuing education requirements.</p> <p>The proposed substantive changes to the rules will amend the rules to:</p> <ul style="list-style-type: none">- Provide clarification of definitions and the meaning of terms used in the rules.- Add a rule that provides detailed standards of minimum English language proficiency.- Rescind the rule related to the use of a name of a practitioner, as it is duplicative of statute.- Add a new rule that addresses telehealth.- Provide updated standards regarding a code of ethics.- Provide revised procedures and protocols regarding the prescribing of drugs by physician's assistants.- Provide clarification regarding the delegation of prescribing controlled substances to advanced practice registered nurses.- Revise the human trafficking rule to include a date of promulgation.
--

- Provide updated osteopathic medical school accreditation standards.
- Provide updated postgraduate training program standards.
- Provide clarifying language regarding the requirements for osteopathic medical licensure.
- Revise and provide clarifying criteria regarding licensing via endorsement.
- Provide clarifying language regarding the requirements for an educational limited license.
- Revise the requirements regarding the COMLEX, including adding specific criteria that would allow certain applicants to request a variance from the board regarding the time frame to complete the COMLEX.
- Rescind the rule related to limitations on COMLEX attempts and insert the relevant information under another rule that also addresses the COMLEX.
- Add criteria related to good moral character and fingerprinting as conditions for relicensure, as well as other relevant criteria, depending on the circumstances of the applicant.
- Provide clarifying language regarding the requirements for license renewal.
- Include information that clarifies when CE hours related to pain and symptom management must first be obtained.
- Provide an updated list of acceptable continuing education providers.
- Include additional clarifying information related to qualifying continuing education activities.

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 333.16174, MCL 333.16204, MCL 333.16215, MCL 333.16287, MCL 333.17531, MCL 333.17533, and MCL 333.17548, and Executive Reorganization Order Nos. 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.

R 338.113, the name of practitioner, display name rule, will be rescinded, as the conduct is already regulated by MCL 333.16221. R 338.131, the examination eligibility, limitation on attempts rule, will be rescinded, as the relevant information will be inserted under another rule that also addresses the COMLEX. The remainder of 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 attached minutes from the June 1, 2017 board 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: 7-25-2019

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:	2019-076 LR
Date of approval:	7/31/19

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

Date of disapproval:	
Explanation:	