

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. 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:	Speech-Language Pathology – General Rules
Rule number(s) or range of numbers:	R 338.601 – R 338.649
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 address 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">- Clarify definitions and the meaning of terms used in the rules.- Add a requirement that an educational program give proof of an applicant's educational degree directly to the department.- Revise the human trafficking rule to include a date of promulgation.- Update the name of the required examination.- Change the required license from an educational limited license to a temporary license for those applicants seeking supervised postgraduate clinical experience.- Provide that a temporary license issued for the purpose of supervised postgraduate training is nonrenewable and cannot be issued for a period to exceed 12 months.- Clarify that the supervised postgraduate clinical experience must consist of a minimum number of direct clinical contact hours and must include activities within the scope of practice of a speech-language pathologist.
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- Graduates of non-accredited postsecondary institutions must supply an educational program equivalency determination to the department from a credential evaluation agency.
- Update educational program accreditation standards.
- 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.
- Clarify criteria for a certified teacher to be relicensed, including evidence of good moral character and fingerprinting.
- Supplies an effective date for satisfaction of renewal requirements related to continuous professional development (CPD) credits.
- Clarify that a licensee must keep documentation related to satisfying CPD credits for a period of 4 years.
- Provide that a referral for assessment or treatment of swallowing disorders or medically-related communication disorders may come from those licensed to practice medicine, osteopathic medicine, or from an advanced practice registered nurse.

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 333.17601, MCL 333.17607, MCL 333.17609, MCL 333.17610, and MCL 333.17611, 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.

Rescission of R 338.602, which addresses the use of titles, is necessary, because MCL 333.17603 already addresses the use of titles. Rescission of R 338.607, which addresses a certified teacher's application for a limited speech-language pathology license, is necessary, because the timeframe to apply for a license under this rule has closed. The rest 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 guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo covers the subject matter of the rules.

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

Promulgation of the rules will take place 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 by 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 October 27, 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:	2019-077 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:	