

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:	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:	Andria Ditschman DitschmanA@michigan.gov

2. Rule Set Information

Title of proposed rule set:	Pharmacy - Pharmacy Technicians
Rule number(s) or range of numbers:	R 338.3651 – 338.3665
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 purpose of the Board of Pharmacy - Pharmacy Technicians Rules is to regulate the prelicensure programs, examinations, licensure, licensure renewal, relicensure, continuing education, and delegation of activities and functions for pharmacy technicians.</p> <p>The proposed rules are intended to: clarify the type of examination required for licensure; clarify the licensure requirements; add an English proficiency requirement; clarify the requirements for licensure by endorsement; clarify the examination requirements; add the minimum requirements for a pharmacy technician education or training program; clarify the requirements for relicensure; clarify the continuing education requirements; clarify the process for review of continuing education; and clarify the activities and functions that may be delegated to a pharmacy technician.</p>

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, 333.16148, 333.16184, 333.16201, 333.16204, 333.16205, 333.17731, 333.17739, 333.17739a, 333.17739b, and 17739c, and 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; and 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.

Each state establishes its own requirements with respect to the educational, licensing, continuing education, and delegation of activities and functions of pharmacy technicians so there is no federal rule or standard set by a national or state agency that the proposed rules can duplicate or be in conflict with.

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 these rules is not currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

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 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.

The Michigan Board of Pharmacy voted to open the rules at the regularly scheduled board meeting on December 17, 2017. Please see attached copy of the minutes from that 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:	2019-078 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:	