

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 an 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 <u>person completing this form</u> :	Andria M. Ditschman Senior Analyst DitschmanA@michigan.gov 517-241-9255

2. Rule Set Information:

Title of proposed rule set:	Dentistry – General Rules
Rule number(s) or range of numbers:	R 338.11101 – R 338.11821
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:

The purpose of the Dentistry – General Rules is to regulate the prelicensure education, licensure, licensure renewal, relicensure, and continuing education, for dentists, dental therapists, registered dental assistants, and registered dental hygienists; delegation and assignment of dental procedures; dental specialties; anesthesia; intravenous conscious sedation, and enteral sedation training requirements; and, requirements for disposal of dental amalgam.

The proposed rules are intended to: update references to standards; modify definitions; add statutory references; delete obsolete provisions; require licensees to have a working knowledge of the English language; clarify which examinations are acceptable to the Board; clarify the requirements for a registered dental assistant who fails an examination; clarify the provisions that relate to limited licenses; clarify when the Board of Dentistry will accept regional examinations; clarify and place the relicensure requirements in tables; clarify and place delegated and assigned dental procedures for dental auxiliaries in a table; clarify the requirements for specialty licenses issued by the Board; clarify the training required for administration of general anesthesia, intravenous conscious sedation, and enteral sedation; clarify the requirements for renewal of a license and continuing education for dentists, registered dental assistants, and registered dental hygienists; place the acceptable continuing education activities in a table; add a procedure for Board approval of continuing education; clarify the procedure to dispose of dental amalgam; and add rules pursuant to Public Act 463 of 2018, which requires the Department in consultation with the Board to promulgate any rules the Department considers necessary to implement sections 16651 to 16658 of the Public Health Code, MCL 333.16651 to 333.16658.

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.

Public Act 463 of 2018 mandates that the Department, in consultation with the Board, promulgate rules the Department considers necessary to implement sections 16651 to 16658 of the Public Health Code, MCL 333.16651 to 333.16658, which regulates dental therapists.

Rule promulgation authority includes: MCL 333.16145; MCL 333.16148; MCL 333.16174; MCL 333.16178; MCL 333.16182; MCL 333.16186; MCL 333.16201; MCL 333.16204; MCL 333.16205; MCL 333.16215(6); MCL 333.16608; MCL 333.16611; MCL 333.16625; MCL 333.16626; MCL 333.16631; MCL 333.16644; 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: prelicensure education, licensure, licensure renewal, relicensure, and continuing education for dentists, dental therapists, registered dental assistants, and registered dental hygienists; delegation and assignment of dental procedures; dental specialties; anesthesia, intravenous conscious sedation, and enteral sedation training requirements; and, requirements for disposal of dental amalgam.

The rules are not in conflict with and do not duplicate or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

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 Dentistry voted to open the rules at the regularly scheduled board meeting on June 8, 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 MOAHR ↓

Date RFR received:8-21-2019

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

MOAHR assigned rule set number:	2019-083 LR
Date of approval:	8/26/19

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

Date of disapproval:	
Explanation:	