

LARA Annual Regulatory Plan 2020-2021

Pursuant to Public Act 306 of 1969

July 1, 2020

Prepared by:

Marlon I. Brown, Director

**Office of Policy and Legislative Affairs
Michigan Department of Licensing
and Regulatory Affairs**



**GRETCHEN WHITMER
GOVERNOR**



**ORLENE HAWKS
DIRECTOR**

Table of Contents

Bureau of Construction Codes	3
Bureau of Community and Health Systems	7
Bureau of Fire Services	11
Bureau of Professional Licensing	14
Public Health Code Professions	14
Occupational Code and Deaf Person’s Interpreters Act Professions	32
Corporations, Securities & Commercial Licensing Bureau	39
Marijuana Regulatory Agency	43
Michigan Liquor Control Commission	46
Michigan Office of Administrative Hearings and Rules	48
Michigan Unarmed Combat Commission	49
Public Service Commission	51

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021.

Construction Code – Part 5. Residential Code – [2019-118 LR] (R 408.30500- R 408.30514)- By authority conferred on the director of the department of licensing and regulatory affairs by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4, 2011-4, MCL 445.201,1 445.2025, and 445.2030. The rules currently adopted by reference Chapters 1 and 2 of the 2015 International Residential Code. The bureau is revising the above rules that are in Part 5. Residential Code to correct conflicts and inconsistencies between the two chapters of the 2015 Michigan Residential Code and the Stille-DeRossett-Hale Single State Construction Code Act 230 PA 1972 and the Skilled Trades Regulation Act, 407 PA 2016.

Construction Code - Part 4. Building - [2019-125 LR] (R 408.30401 – R 408.30499) – By authority of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, MCL 445.2011, 2008-4, MCL 445.2025, and 2011-4, MCL 445.2030. The rules governing the construction, reconstruction, and alteration of existing building within the state is being updated by adopting the **2018 edition** of the International Building Code with amendments, deletions, and additions deemed necessary for use in Michigan.

Construction Code - Part 7. Plumbing Code – [2019-117 LR] (R 408.30701 – R 408.30796) – By authority of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030. The rules are being updated to ensure that the latest methods and technologies are in use in Michigan. These rules will adopt the **2018 edition** of the International Plumbing Code with amendments, deletions, and additions deemed necessary for use in Michigan.

Construction Code - Part 9a. Mechanical Code [2019-131 LR] (R 408.30901 – R 408.30998) – The Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030. The rules are being updated to ensure that the latest methods and technologies are in use in Michigan. These rules will adopt the **2018 edition** of the International Mechanical Code with amendments, deletions, and additions deemed necessary for use in Michigan.

Construction Code - Part 10a. Michigan Energy Code Rules – [] (R 408.31087 – R 408.31090) - By authority of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030. These rules will adopt the **2018 edition** of the International Energy Conservation Code with amendments, deletions and additions deemed necessary for use in Michigan. The commercial energy code rules will be reviewed to ensure consumers benefit from the most current technology related to energy conservation.

Michigan Rehabilitation Code For Existing Buildings - [] (R 408.30551 – R 408.30577) - By authority of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030. The proposed rules will adopt the **2018 edition** of the International Existing Building Code with amendments, deletions, and additions deemed necessary for use in Michigan. The proposed rules will coordinate the rehabilitation code with the adoption of the **2018 edition** of the Michigan construction codes. This will provide the latest standards to protect the health, safety, and welfare of the people by regulating the construction, reconstruction, and alteration of existing buildings within the state. Adoption of these standards may provide cost savings for building owners as a result of the use of the latest materials and technology.

Michigan Elevator Rules - [2019-138 LR] (R 408.7001 – R 408.8695) – By authority of the Elevator Safety Board Act, MCL 408.808, the Elevator Licensing Act, MCL 338.2153, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2017-1, MCL 445.2001, MCL 445.2011, MCL 445.2025, MCL 445.2030, and MCL 339.3102. The rules which establish administrative and operational procedures for implementation of the Elevator Safety Act of 1967 are being updated by adopting certain national standards.

Michigan Boiler Rules – [2019-115 LR] (R 408.4001 – R 408.5609) - By authority sections 4, 4a, and 13c of the Boiler Act, 1965 PA 290, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 408.754, MCL 408.754a, MCL 408.763c, MCL 445.2011, MCL 445.2025, and MCL 445.2030. The rule set will be rescinded as the Skilled Trades Regulation Act has taken effect as of April 4, 2017.

State Plumbing Board Licenses [2019-106 LR] (R 338.921 – R 338.932) – By authority of MCL 338.3523 of the Sate Plumbing Act, 2002 PA 733, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4 and 2011-4, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030. This rule will be rescinded as the Skilled Trades Regulation Act has taken effect as of April 4, 2017.

Board of Mechanical Rules - License Examination Procedures [2019-126 LR] – (338.901 to R 338.914) – By authority of MCL 338.975 of the Forbes Mechanical Contractors Act, 1984 PA 192, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030. This rule set will be rescinded as the Skilled Trades Regulation Act has taken effect as of April 4, 2017.

Electrical Administrative Board Rules [2019-110 LR] (R 338.1001a – R 338.1099) – By authority of the Electrical Administrative Act, 1956 PA 217, MCL 338.883, MCL 338.883j, and MCL 338.888c, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030. This rule set will be rescinded as the Skilled Trades Regulation Act has taken effect as of April 4, 2017.

Manufactured Housing Rules [] - (R 125.1101 to R 125.3069) – By authority of the Mobile Home Commission Act of 1987 PA 96, MCL 125.2304, MCL 125.2305, MCL 123.2306, MCL 123.2309, MCL 123.2322, MCL 123.2325, and MCL 123.1330h, Executive Reorganization Order Nos. 1996-2, 2003-1, 2006-2, 2008-4, and 2011-4, MCL

299.11, MCL 16.732, MCL 445.1981, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030. Rules are being rescinded that exceed statutory authority.

Subdivisions of Land: Part 1. Department of Labor and Economic Growth [2020-12 LR] - (R 560.101 – R 560.135) – By authority of section 105 of 1967 PA 288, and Executive Reorganization Order Nos. 1973-2, 1980-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 299.11, MCL 16.732, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030. The proposed changes address removing sections that overreach the authority of the statute, clarifying the approval path for a specific platting situation, and updating language and procedure to accept new technologies.

Ski Area Safety – General Rules [2019-139 LR] – (R 406.61 – R 408.95)- By authority conferred on the director of the department of licensing and regulatory affairs by section 6 of 1962 PA 199, MCL 408.326; and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030. R 408.65 is being revised to update a reference to the American National Standards Institute (ANSI) standard B77.1 on safety requirements for passenger ropeways – aerial tramways, aerial lifts, surface lifts, tows and conveyors that is adopted by reference in this rule.

Building Officials, Plan Reviewers, and Inspectors [2019-109 LR] (R 408.30001 – R 408.30055) – By authority of the Building Officials and Inspectors Registration Act, 1986 PA 54, MCL 338.2305, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030. This rule set will be rescinded as the Skilled Trades Regulation Act has taken effect as of April 4, 2017.

Skilled Trades Regulation Rules [2019-101 LR] (R 339.5101 to R 339.5699) - By authority of sections 207, 209, and 907 of the Skilled Trades Regulations Act, 2016 PA 407, MCL 339.5207, MCL 339.5209, MCL 339.5907 and Reorganization Order Nos. 2003-1, 2008-4, 2011-4, and 2017-1, MCL 445.2011, MCL 445.2025, MCL 445.2030, and MCL 339.3102. This authority will replace the previous rules promulgation authority under the five repealed Acts.

Barrier Free Design Board [] - (R 125.1001 – R 125.1026) – By authority of the Utilization of Public Facilities by Physically Limited Act, 1966 PA 1, MCL 125.1354, and Executive Reorganization Order Nos. 1996-2, 2003-1, and MCL 445.2001. The Bureau will update the rules for consistency with 1966 PA 1.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

State Plumbing Board Licenses [2019-106 LR] (R 338.921 to R 338.932) Rulemaking documentation will be submitted to rescind this rule due to the Skilled Trades Regulation Act that took effect on April 4, 2017.

Michigan Boiler Rules [2019-115 LR] (R 408.4001 to R 408.5609) Rulemaking documentation will be submitted to rescind this rule due to the Skilled Trades Regulation Act that took effect on April 4, 2017.

Board of Mechanical Rules – License Examination Procedures [2019-126 LR]

(R 338.901 to R 338.914) Rulemaking documentation will be submitted to rescind this rule due to the Skilled Trades Regulation Act that took effect on April 4, 2017.

Electrical Administrative Board Rules [2019-110 LR] (R 338.1001a to R 338.1099) Rulemaking documentation will be submitted to rescind this rule due to the Skilled Trades Regulation Act that took effect on April 4, 2017.

Building Officials, Plan Reviewers, and Inspectors [2019-109 LR] (R 408.30001 to R 408.30055) Rulemaking documentation will be submitted to rescind this rule due to the Skilled Trades Regulation Act that took effect on April 4, 2017.

Manufactured Housing Rule [] (R 125.1130, R 125.1175, R 125.1190, R 125.1192, R 125.1192a, R 125.1202b, R 125.1214a, R 125.1214b, R 125.1214c, R 125.1214f, R 125.1214g, R 125.1214h, R 125.1214i, R 125.1214k, R 125.1302, R 125.1401, R 125.1411, R 125.1413, R 125.1508, R 125.1702, R 125.1702a, R 125.1708, R 125.1709, R 125.1718, R 125.1719, R 125.1720, R 125.1902a, R 125.1934, R 125.1935, R 125.1936, R 125.1937, R 125.1938, R 125.1940, R 125.1940a, R 125.2001, R 125.2005, R 125.2005a, and R 125.2009) are in the process of being rescinded.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No. The Bureau has exercised its mandatory/statutory rulemaking authority.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

(R 408.30049)- In Article #4 of 407- This rule set will be rescinded and will be housed in the new Skilled Trades Regulation Rule Set when promulgated. The current rule would require an applicant to qualify for all disciplines within the trades act to be eligible to be a plan reviewer.

- A. Whether there is a continued need for the rules.

There is need for clarification for Plan Reviewer; Experience (R 408.30049) in article #4 of 407. It is unlikely, as the rule is currently written, that any applicant would qualify as a plan reviewer. The current rule if enforced as written, would require an applicant to have not less than 3 years of experience in Building Construction and Electrical and Mechanical Contracting and Plumbing and would have to hold a license in each of those individual trades.

- B. A summary of any complaints or comments received from the public concerning the rules.

Concern has been expressed over their confusion of what qualifications the applicants need to become a plan reviewer.

- C. The complexity of complying with the rules.

The complexities of complying with the rules are very few applicants will have the skills, education, and experience to qualify as a plan reviewer under the existing rules.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The Building Official Plan Reviewer and Inspectors Rules do not conflict with or duplicate similar rules of regulation.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The date of the last evaluation of the rules was in 2013. There have been no technological or economic conditions or any other factors that have changes regulatory activity covered by the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://www.michigan.gov/lara/0,4601,7-154-89334_10575_17550_17583_85703---,00.html

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

Completed Rules

- Survey and Remonumentation Rules- [ORR 2018-011 LR] (January 8, 2019).
- Part 8. Electrical Rules- [ORR 2017-001 LR] (January 4, 2019).

Outstanding

- Skilled Trades Regulation Rules- [2019-101 LR].
- Michigan Boiler Rules- [2019-115 LR].
- State Plumbing Board Rules- [2019-106 LR].
- Board of Mechanical Rules- License Examination Procedures- [2019-126 LR].
- Electrical Administrative Board Rules- [2019-110 LR].
- Building Officials, Plan Reviewers, and Inspectors- [2019-109 LR].
- Michigan Elevator Rules- [2019-138LR]
- Ski Area Safety Rules- [2019-139LR]
- Subdivisions of Land Rules- [2020-12LR]

Building Code Part 4, Mechanical Code Part 9 rules, Residential Code Part 5 and Plumbing Part 7 are on the outstanding list; however, they are only pending a Public Hearing and are very close to being completed.

Department of Licensing and Regulatory Affairs
Bureau of Community and Health Systems

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021. [Give brief description.]

MOAHR # Not assigned. Licensing Rules for Facilities (Psychiatric Hospital/Unit). R 330.1201 – 330.1299. These rules have not been revised since 1990. They need to be revised to comport with current statutory requirements and best practices.

MOAHR # Not Assigned. A new rule set needs to be promulgated for the training and registration of a certified nurse aide, the permitting of a nurse aide training program, and the permitting of a nurse aide trainer, as required by Public Act 172 of 2017.

MOAHR # Not assigned. Licensing Rules for Substance Use Disorders Services Program. R 325.1301 – 325.1399. These rules were revised in 2018. Additional

requirements have been identified that need further clarification or corrections that were not addressed during the 2018 revision process.

MOAHR # Not Assigned. A new rule set needs to be promulgated for the workforce background check requirements for covered facilities, as required by Public Act 368 of 1978, specifically MCL 333.20173a and 333.20173b.

MOAHR # Not Assigned. Certification of Specialized Programs. R 330.1801 - 330.1809. The certification of specialized program rules are additional requirements that an Adult Foster Care Facility must meet in order for the local community mental health agency (CMH), or a placing agency acting on behalf of the local CMH, to place CMH clients in its Adult Foster Care Facility. An Adult Foster Care facility that applies for and is granted certification of specialized programs is able to accept CMH clients and is eligible for enhanced reimbursement for those services. The Adult Foster Care Advisory Committee will review and recommend changes to modernize the language, rescind rules where appropriate and update to comport with current industry/practice standards.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

The Bureau of Community and Health Systems will recommend rescinding individual rules within the above referenced rule sets but cannot identify until the rules are reviewed as a package. All rule sets are important to the licensing function of the bureau.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The bureau has not failed to promulgate any statutorily required rules or exercise its mandatory/statutory rulemaking.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The Bureau of Community and Health Systems has not identified any rules that are particularly problematic to the industry.

A. Whether there is a continued need for the rules.

The Bureau of Community and Health Systems rules are required by statute.

B. A summary of any complaints or comments received from the public concerning the rules.

No specific complaints or comments concerning the rules set have been received.

C. The complexity of complying with the rules.

No rules have been identified for which compliance is considered particularly difficult.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The current rules do not duplicate or conflict with any rules or regulations by the federal government or local units of government.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The Bureau of Community and Health Systems rules are continually reviewed and revised to protect the health, safety, and welfare of Michigan residents.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://www.michigan.gov/lara/0,4601,7-154-89334_63294--,00.html

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

Completed:

MOAHR-2017-95 LR. Complaints. R 325.1213- 325.1217. Authority: MCL 333.21741. Rules set forth the procedures for filing a complaint on a licensed health facility. These rules were rescinded in whole and replaced by a proposed single rule set for health facilities. The rules took effect on February 21, 2020.

MOAHR-2017-96 LR. Public Inspection of License Records. R 325.1281- 325.1282. Authority: MCL 333.21741. Rules set forth the procedures for public inspection of licenses records. These rules were rescinded in whole and replaced by a proposed single rule set for health facilities. The rules took effect on February 21, 2020.

MOAHR-2017-97 LR. Hospice and Hospice Residences licensure rules. R 325.13101 – 325.13543 Authority: MCL 333.20171. These rules provide for the licensing regulations of hospice facilities, including establishing standards of quality care. These rules were rescinded in whole and replaced by a proposed single rule set for health facilities. The rules took effect on February 21, 2020.

MOAHR-2017-98- LR. Minimum Standards for Hospitals. R-325.1001 - 325.1101. Authority: MCL 333.20171. Rules set forth the minimum standards for a licensed hospital. These rules were rescinded in whole and replaced by a proposed single rule set for health facilities. The rules took effect on February 21, 2020.

MOAHR-2017-99 LR. Nursing Homes and Nursing Care Facilities. R-325.20101 – 325.22004. Authority: MCL 333.20171. These rules provide for the licensing regulations of nursing homes, including establishing the standard of quality care requirements for nursing homes, county medical care facilities, and hospital long term care units. These rules were rescinded in whole and replaced by a proposed single rule set for health facilities. The rules took effect on February 21, 2020.

MOAHR-2017-100 LR. Freestanding Surgical Outpatient Facilities. R 325.3801 – 325.3877. Authority: MCL 333.20171. These rules provide for the licensing regulations of freestanding surgical outpatient facilities, including establishing the standards of quality care. These rules were rescinded in whole and replaced by a proposed single rule set for health facilities. The rules took effect on February 21, 2020.

MOAHR-2017-101 LR. New Single Proposed Rule Set for **Licensing Health Facilities or Agencies.** R 325.45101 – 325.45499. This administrative rule set replaces the previous health facility rule sets that were rescinded (listed above). Most of the rule sets listed above had undergone periodic review and revision. However, they **had not** undergone a comprehensive review and revision to comport with today’s practice standards; to harmonize with current federal law and regulations; and to reflect the current organization of state licensing functions. The new rule set is consistent across the different types of health facilities and agencies (unless differences are necessary), is uniform insofar as reasonable, is free of unnecessary repetition of federal and state statutory and regulatory language and eliminates unnecessary and obsolete rules. The rules took effect on February 21, 2020.

MOAHR 2018-32 LR. Licensing Rules for **Child Care Centers.** R 400.8101-400.8840. These rules provide for the licensing regulations of Child Care Centers, including establishing standards of quality care. The Child Care Organization Act (1973 PA 116) was amended in 2017 and became effective March 28, 2018. The rules were reviewed and updated to reflect new legislation, modernization of language, and rescind rules where appropriate. The rules took effect on December 18, 2019.

MOAHR 2018-29 LR. Licensing Rules for **Family and Group Child Care Homes.** R 400.1901-400.1963. These rules provide for the licensing regulations of Family and Group Child Care Homes, including establishing standards of quality care. The Child Care Organization Act (1973 PA 116) was amended in 2017 and became effective March 28, 2018. The rules were reviewed and updated to reflect new legislation, modernization of language, and rescind rules where appropriate. These rules took effect on December 13, 2019.

Bureau has not yet submitted Request for Rulemaking approval.

MOAHR # Not Assigned. Certification of Specialized Programs. R 330.1801 - 330.1809. The certification of specialized program rules are additional requirements that an Adult Foster Care Facility must meet in order for the local community mental health agency (CMH), or a placing agency acting on behalf of the local CMH, to place CMH clients in its Adult Foster Care Facility. An Adult Foster Care facility that applies for and is granted certification of specialized programs is able to accept CMH clients and is eligible for enhanced reimbursement for those services. The Adult Foster Care Advisory Committee will review and recommend changes to modernize the language, rescind rules where appropriate and update to comport with current industry/practice standards.

MOAHR # Not Assigned. A new rule set needs to be promulgated for the training and registration of a certified nurse aide, the permitting of a nurse aide training program, and the permitting of a nurse aide trainer, as required by Public Act 172 of 2017.

MOAHR # Not assigned. Licensing Rules for Facilities (Psychiatric Hospital/Unit). R 330.1201 – 330.1299. These rules have not been revised since 1990. They need to be revised to comport with current statutory requirements and best practices.

MOAHR # Not assigned. Licensing Rules for Substance Use Disorders Services Program. R 325.1301 – 325.1399. These rules were revised in 2018. Additional

requirements have been identified that need further clarification or corrections that were not addressed during the 2018 revision process

MOAHR # Not Assigned. A new rule set needs to be promulgated for the workforce background check requirements for covered facilities, as required by Public Act 368 of 1978, specifically MCL 333.20173a and 333.20173b.

Department of Licensing and Regulatory Affairs
Bureau of Fire Services

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021. [Give brief description.]

MOAHR 2019-21 LR - Fire Fighters Training Council General Rules. Authority: MCL 29.376, Section 16 of Public Act 291 of 1966. R 29.401 – R 29.415 deal with administrative procedures and processes governing the scope, authority and conduct of the Michigan Fire Fighters Training Council and the approval and certification of courses, instructors, institutions, and firefighter credentials in the state. Public Act 144 of 2017, effective January 31, 2018, amended PA 291 and the current rule set does not reflect the requirements in the current statute, as amended.

MOAHR Number Not Assigned – Fireworks Safety General Rules. R 29.2901 - 29.2929. Authority: MCL 28.470(1) and 28.470(2). The Fireworks Safety Act (Public Act 256 of 2011) was amended by Public Act 634 of 2018, which took effect on December 28, 2018. Because the current rule set does not reflect the requirements in the current statute, as amended, the Fireworks Safety General Rules are being revised to implement the provisions added to the Act under PA 634.

MOAHR Number Not Assigned - Storage and Handling of Gaseous and Liquefied Hydrogen Systems. R 29.7201 - R 29.7299. Rules regulating the storage and handling of hydrogen. These rules will be rescinded in whole and replaced by the adoption of a national standard for the regulation of these systems.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

MOAHR Number Not Assigned - Storage and Handling of Gaseous and Liquefied Hydrogen Systems. R 29.7201 - R 29.7299. Rules regulating the storage and handling of hydrogen. These rules will be rescinded in whole and replaced by the adoption of a national standard for the regulation of these systems.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

None.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

MOAHR 2019-21 LR – Fire Fighters Training Council General Rules. R 29.401 – R 29.415. The current rule set does not reflect some of the requirements in the current statute, as amended.

MOAHR Number Not Assigned – Fireworks Safety General Rules. R 29.2901 - 29.2929. The current rule set does not reflect some of the requirements in the current statute, as amended.

MOAHR Number Not Assigned – Storage and Handling of Gaseous and Liquefied Hydrogen Systems. R 29.7201 - R 29.7299. Rules regulating the storage and handling of hydrogen. These rules will be rescinded in whole and replaced by the adoption of a national standard for the regulation of these systems.

A. Whether there is a continued need for the rules.

The Bureau of Fire Services has determined that there is a need for these rules to protect public health, safety, and welfare.

B. A summary of any complaints or comments received from the public concerning the rules.

MOAHR 2019-21 LR – Fire Fighters Training Council General Rules. R 29.401 – R 29.415 The fire industry has requested clarification on the process to meet the professional qualification standards as established in Public Act 291 of 1966, as amended. A rules rewrite is needed to clarify the standard to be compliant with Public Act 291 of 1966.

MOAHR Number Not Assigned – Storage and Handling of Gaseous and Liquefied Hydrogen Systems. R 29.7201 - R 29.7299. There has been a request to update a specific portion of the rules pertaining to testing.

C. The complexity of complying with the rules.

MOAHR 2019-21 LR – Fire Fighters Training Council General Rules. R 29.401 – R 29.415 Difficult to comply with the current rule set and amended law.

MOAHR Number Not Assigned – Fireworks Safety General Rules. R 29.2901 - 29.2929. The current rule set does not align with some of the requirements in the amended law.

MOAHR Number Not Assigned – Storage and Handling of Gaseous and Liquefied Hydrogen Systems. R 29.7201 - R 29.7299. The current rules do not adopt by reference a recognized national standard.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

There is no conflict or duplication of similar rules or regulations.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

MOAHR 2019-21 LR – Fire Fighters Training Council General Rules. R 29.401 – R 29.415 This rule set was last updated in 2016, however, it must be updated again to reflect the current statute.

MOAHR Number Not Assigned – Fireworks Safety General Rules. R 29.2901 - 29.2929. The current rule set does not align with some of the requirements in the amended law. Rule updates began in 2019 and a request for rulemaking was submitted

and subsequently withdrawn. A revised request for rulemaking will be resubmitted this year.

MOAHR Number Not Assigned – Storage and Handling of Gaseous and Liquefied Hydrogen Systems. R 29.7201 - R 29.7299. The rules were updated in 2008 and references 1999 codes contained within pamphlets available at the time. The National Fire Protection Association (NFPA) has developed and issued a new, comprehensive standard accounting for updates to technology and understanding of the industry.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

Bureau of Fire Services main website: www.michigan.gov/bfs

A link to ORR’s administrative rules for Bureau of Fire Services

https://www.michigan.gov/lara/0,4601,7-154-89334_42271_42370---,00.html

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

In Progress:

MOAHR 2019-21 LR – Fire Fighters Training Council General Rules. R 29.401 – R 29.415. The bureau anticipates this rule set will be completed by October 1, 2020.

Outstanding:

MOAHR Number Not Assigned – Fireworks Safety General Rules. R 29.2901 - 29.2929. The bureau anticipates a request for rulemaking will be submitted by October 2020.

MOAHR 2017-085 LR: Storage and Handling of Gaseous and Liquefied Hydrogen Systems. Rules update will begin upon the lifting of restrictions imposed by the COVID-19 outbreak.

Future:

MOAHR Number Not Assigned: Office of State Fire Safety Board Organization, Operation and Procedure. R 29.3101 – R 29.3401. This rule set is outdated and has not been updated since the Fire Marshal Division left the Department of State Police. The bureau plans to begin updating this rule set once the above listed rule sets have been completed.

MOAHR Number Not Assigned: State-Owned and Leased Buildings Fire Safety Rules. MCL 29.3c (1)(b.) R 29.1501 – R 29.1509 deal with state-owned and leased buildings fire safety and have not been updated since 2001. The bureau plans to begin updating this rule set once the above listed rule sets have been completed.

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing

Public Health Code Professions

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021. [Give brief description.]

MOAHR #2020-8 LR Acupuncture: (Authority: 1978 PA 368, MCL 333.16141, 333.16145, MCL 333.16148, MCL 333.16174, MCL 333.16201, MCL 333.16204, MCL 333.16205, MCL 333.16287, MCL 333.16515, MCL 333.16517, and MCL 333.16525, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 330.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.) These rules will be updated and amended to comply with all requirements under the public health code, including licensure, license renewals, and continuing education requirements for acupuncturists pursuant to 2019 PA 140.

MOAHR #2020-16 LR Athletic Trainers: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.16178, MCL 333.16186, MCL 333.16204, MCL 333.16205, MCL 333.16215, MCL 333.16287, MCL 333.17904, MCL 333.17905, 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.) The rules will be revised to provide clarity pertaining to education, continuing education, including the changes required in MCL 333.17905, as amended on January 27, 2020, training, testing requirements, licensure, relicensure, renewal, and telehealth services. The rule pertaining to the minimum English language standard will be rescinded.

MOAHR #2020-35 LR Audiology: (Authority: 1978 PA 368, MCL 333.16145, 333.16148, 333.16801, and 333.16811, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1 and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.) The rules will be revised to update the names of the approved examinations, update educational standards, and require completion of continuing education before the end of the license cycle.

MOAHR #2019-84 LR Chiropractic: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.16401, MCL 333.16412, MCL 333.16423, and MCL 333.16431, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.) The rules will be revised to include updated continuing education requirements and continuing education sponsor requirements.

MOAHR #2020-33 LR Counseling: (Authority: 1978 PA 368, MCL 333.16141, MCL 333.16145, MCL 333.16148, MCL 333.16201, MCL 333.18101, MCL 333.18106, MCL 333.18107, and MCL 333.18111, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030.) The proposed changes include reorganization of the rules and substantive changes to amend the rules to be consistent with recently passed 2019 PA 96; update higher institution educational program regional accreditation standards; update Council for Accreditation of Counseling and Related Educational Programs (CACREP) accreditation standards; clarify the educational training program requirements for applicants who are graduates of non-CACREP accredited programs; include a future increased credit hour requirement for applicants who are graduates of non-CACREP accredited programs, to coincide with future CACREP imposed requirements; graduates of non-accredited postsecondary institutions must bear the expense and supply an educational program

equivalency determination to the department from a credential evaluation agency; revise the human trafficking rule to include a date of promulgation; add the National Clinical Mental Health Counseling Examination (NCMHCE) as another approved examination for licensure; and add a rule that addresses the requirements for license renewal.

MOAHR #2020-27 LR Dentistry: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.16611, MCL 333.16625, MCL 333.16631, MCL 333.16644, 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.) The rules will be amended to add provisions regulating and licensing dental therapists and to clarify: definitions, prelicensure education, licensure, examinations, limited licenses, licensure by endorsement, specialties, delegation and supervision of dental assistants and dental hygienists, training for general anesthesia, intravenous conscious sedation, and enteral sedation, licensure renewal, relicensure, requirements for disposal of dental amalgam, and continuing education for dentists, dental therapists, dental assistants and dental hygienists.

MOAHR #2020-37 LR Genetic Counseling: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.16174, MCL 333.16287, MCL 333.17091, MCL 333.17092, and MCL 333.17096 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.) This is a new profession created by PA 624 of 2018 and became effective on March 28, 2019. The proposed new rules will supply requirements for telehealth, training standards to identify victims of human trafficking, licensure, relicensure, renewal, and continuing education. The proposed rules will further supply a certification requirement.

MOAHR #2020-5 LR Massage Therapy: (Authority: 1978 PA 368, MCL 333.16145, 333.16148, 333.16287, 333.17959, 333.17961, 333.17965, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.)

The rules will be revised to add a telehealth rule. The educational requirements will be revised to clarify which curriculum an applicant must have completed to be licensed based on his or her massage therapy school enrollment date. The requirements of the supervised student clinic will be clarified, and the educational standards will be updated. The licensure by endorsement rule will be revised to reflect consistency with MCL 333.17959. The rule pertaining to relicensure will be reorganized and clarified. The minimum English language standard will be rescinded. The rules pertaining to professional ethics will be revised and the client records rule will be rescinded. Other rules may be revised for clarity.

MOAHR #2020-36 LR Medicine: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.16215, MCL 333.17031, MCL 333.17033, and MCL 333.17048 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.) The proposed substantive changes to the rules will amend the rules to provide clarification of definitions and the meaning of terms used in the rules; 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 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 medical school accreditation standards; provide updated postgraduate training program standards; provide clarifying language regarding the requirements for medical licensure; provide clarifying language regarding the requirements for foreign medical graduates; 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 United States Medical Licensing Examination (USMLE), including adding specific criteria that would allow certain applicants to request a variance from the board regarding the time frame to complete the USMLE; rescind the rule related to limitations on USMLE attempts and insert the relevant information under another rule that also addresses the USMLE; provide clarifying language regarding the requirements for a clinical academic license; add criteria related to good moral character and fingerprinting as conditions for relicensure and other relevant criteria; provide clarifying language regarding the requirements for license renewal; include information that clarifies when continuing education hours related to pain and symptom management must first be obtained; include additional clarifying information related to qualifying continuing education activities; and rescind the rule related to an English language standard.

MOAHR #2019-140 LR Nursing Home Administrators: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.16178, MCL 333.16287, MCL 333.17309, and Executive Reorganization Nos. 1991-9, 1996-2, 2003-1, 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.) The proposed rules will provide clarity pertaining to the education, training, testing requirements, licensing, and continuing education for nursing home administrators. A rule will be added pertaining to telehealth services. The rule pertaining to the minimum English language standard will be rescinded.

MOAHR #2020-28 LR Occupational Therapy: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.16204, MCL 333.18307, MCL 333.18309, MCL 333.18313, 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.) The proposed rules will: add statutory references; delete the rule on prohibited conduct; update references to educational program standards; clarify when an applicant may sit for an exam; clarify the requirements for licensure of an occupational therapist and occupational therapist assistant who have graduated from a non-accredited post-secondary institution; clarify when and how an applicant must meet an English proficiency requirement by deleting the current rule and relying on a Public Health Code general rule; clarify that a limited license for supervised practice for an occupational therapist or occupational therapist assistant whose registration has lapsed may be renewed 1 time; allow supervised practice experience to be supervised by an occupational therapist in or out of the state of Michigan; clarify the continuing education requirements for an occupational therapist or occupational therapist assistant whose license has lapsed; clarify that an occupational therapist must initiate and direct the evaluation of a patient before delegating limited assessments, tasks or intervention to an occupational therapy assistant; and clarify that one-half of continuing education may be completed in person or through live webinars.

MOAHR # 2020 – XX LR Optometry: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.17431, 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.) These rules will be revised to rescind the minimum English language standard. The rule pertaining to the accumulation of continuing education will be revised to clarify that the credits must be earned before the applicant applies for license renewal. The rule related to licensure by endorsement will be clarified. Further rule revisions may be made for clarity.

MOAHR 2020-42 LR Osteopathic Medicine and Surgery: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.16204, MCL 333.16215, 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.) The proposed substantive changes to the rules will amend the rules to provide clarification of definitions and the meaning of terms used in the rules; 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 Comprehensive Osteopathic Medical Licensing Examination (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 and other relevant criteria; provide clarifying language regarding the requirements for license renewal; include information that clarifies when continuing education 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.

MOAHR #2019-86 LR Pharmacy – Animal Euthanasia and Sedation Rules:

(Authority: 1978 PA 368, MCL 333.16145, MCL 333.17722, MCL 333.7333, 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.) The rules will be updated so they are consistent with statutory changes.

MOAHR #2019-22 LR Pharmacy – Continuing Education: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.16184, MCL 333.16201, MCL 333.16204, MCL 333.16205, MCL 333.17731, MCL 333.17737, MCL 333.17767, 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.) The proposed rules: clarify the requirements for license renewal; add the requirement to provide proof of having taken the 1-time training in opioids and controlled substance awareness as well as 1 hour in pharmacy ethics and jurisprudence; allow a request for a waiver of continuing education if the request is filed before the expiration date of the license; add requirements to the standards for

approval of continuing education courses and programs; place the acceptable continuing education activities in a table; and automatically approve programs and courses offered or approved by certain entities. The JCAR package has been submitted to the Regulatory Affairs Officer for review and approval.

MOAHR 2019-57 LR Pharmacy – Controlled Substances: (Authority: 1978 PA 368, MCL 333.7301, 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.) The rules will be updated to require licensees who hold or apply for a controlled substances license or who are delegated to, allowed by a practice agreement, or ordered to prescribe or dispense a controlled substance, to complete a controlled substance training. The rules will also be updated to modify the requirements for the electronic system for monitoring schedules 2, 3, 4, and 5 controlled substances. This set was withdrawn from JCAR with permission to address JCAR's concerns. The Department will resubmit the rules with modifications for another public hearing.

MOAHR #2018-39 LR Pharmacy – General Rules: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148; MCL 333.16174, MCL 333.16175, MCL 333.16178, MCL 333.16182, MCL 333.16186, MCL 333.17722, MCL 333.17731, MCL 333.17737, MCL 333.17746, MCL 333.17748, MCL 333.17748a, MCL 333.17748b, MCL 333.17751, MCL 333.17753, MCL 333.17757, MCL 333.17760, MCL 333.17767, 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.) The proposed rules have been reorganized and substantially rewritten to provide for rules that encompass all the necessary requirements for licensing and regulating the practice for pharmacists, pharmacies, and manufacturers and wholesale distributors of drugs and devices. The draft rules include parts for general provisions, pharmacist licenses, pharmacy licenses, manufacturer licenses, wholesale distributor licenses, and the practice of pharmacy. The JCAR package has been submitted to the Regulatory Affairs Officer for review and approval.

MOAHR 2020-29 LR Pharmacy Technicians: (Authority: 1978 PA 368, MCL 333.16145; MCL 333.16148; MCL 333.16184, MCL 333.16201, MCL 333.16204, MCL 333.16205, MCL 333.17731, MCL 333.17737, MCL 333.17739, MCL 333.17739a, MCL 333.17739b, MCL 333.17739c, 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.) The proposed rules will: establish a minimum passing score on examinations; clarify when and how an applicant must meet an English proficiency requirement by deleting the current rule and relying on a Public Health Code general rule; establish a review process for examinations; require additional pharmacy technician program requirements; require good moral character, and finger prints for relicensure; add a pharmacy ethics and jurisprudence continuing education requirement; add requirements to the standards for approval of continuing education courses and programs; and allow a pharmacist to delegate certain activities and functions to a pharmacy technician.

MOAHR #2020-24 LR Podiatric Medicine and Surgery: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, and MCL 333.18001 and Executive Reorganization Order Nos. Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 330.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.) The minimum English

language standard will be rescinded. The licensure by endorsement rule will be revised to clarify requirements. Further rule revisions may be made for clarity.

MOAHR #2019-104 LR Public Health Code Disciplinary Proceedings: (Authority MCL 333.16141, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030). A comprehensive review of the rules will be completed to determine which rules need to be amended, updated, or added. Several rules may be rescinded because they are unnecessary or there is a need for reorganization and clarity.

MOAHR #2019-135 LR Public Health Code General Rules: (Authority 1978 PA 368, MCL 333.16145; MCL 333.16194; MCL 333.16201; MCL 333.16221; MCL 338.3501; MCL 445.2001; MCL 445.2011; MCL 445.2030). The proposed rule revisions add new definitions and clarify some terms previously defined; update renewal dates for optometry, pharmacy, physician's assistants, dentistry, medicine, osteopathic medicine and surgery, podiatric medicine and surgery, and veterinary medicine; add renewal information for licensed midwifery and behavior analysts; add a rule advising a foreign trained applicant that he or she must demonstrate a working knowledge of the English language to be licensed or registered under the public health code.

MOAHR #2020-17 Respiratory Care: (Authority: 1978 PA 368; MCL 333.16145, MCL 333.16148, MCL 333.16174, MCL 333.16287, MCL 333.18709, 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). The proposed rules will be amended to provide clarity pertaining to education, licensure, relicensure, and telehealth services. The rule requiring an applicant to demonstrate a working knowledge of the English language will be rescinded.

MOAHR #2019-103 LR Sanitarians: (Authority: 1978 PA 368, MCL 333.2226, MCL 333.16145, MCL 333.16148, MCL 333.16215(6), MCL 333.16625, and MCL 333.16644, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2011-4, and MCL 330.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.) These rules will be amended and updated for clarity and understanding.

MOAHR #2019-81 LR Social Work: (Authority: MCL 333.16145, MCL 333.16148, MCL 333.16287, MCL 333.18516, and MCL 333.18518 and Executive Order Nos. 1991-9, 1996-2, 2003-01, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030). These rules will be revised to add a telehealth rule and requirements for relicensure of a bachelor's and master's social worker who holds a license in another state. The rule for registering a social service technician will be clarified. The rules will also clarify the experience that must be accumulated for a limited license bachelor's social worker and a limited master's social worker to be fully licensed. Amendments will be made to clarify the renewal restriction on a limited license. Amendments will be made to the rules pertaining to registration and licensure by endorsement and the continuing education rules. The rule pertaining to board approval of continuing education programs will be rescinded because board approved programs are now identified in the acceptable continuing education rule.

MOAHR #2019-77 LR Speech – Language Pathology: (Authority: 1978 PA 368, 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.)

The proposed substantive changes to the rules will amend the rules to 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; 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; and 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.

MOAHR #2019-108 LR Veterinary Medicine: (Authority 1978 PA 368, MCL 333.16145, MCL 333.16148, 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.) A review of these rules will be completed to determine if revisions are needed to ensure compliance with controlled substances training requirements, to eliminate the use of the term "patient" from the rules, to add a telehealth rule, and to determine if the rules pertaining to inspections of veterinary facilities and storage of drugs should be rescinded. Further rule revisions may be made for clarity.

Rule sets that will begin the promulgation process this year:

Behavior Analysts: (Authority: 1978 PA 368, MCL 333.16145, 333.16148, 333.18257, and 333.18259, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.) The rules will be revised to include revised ethical standards.

Licensed Midwifery: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148, MCL 333.17101, Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 330.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.) The proposed rules will clarify when and how an applicant must meet an English proficiency requirement by deleting the current rule and relying on a Public Health Code general rule.

Marriage and Family Therapy: (Authority: 1978 PA 368, MCL 333.16145, 333.16148, 333.16901, 333.16903, 333.16909, and 333.16913, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.) The rules will be revised to include revised educational standards.

Nursing: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.17201, Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 330.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.) The proposed rules will: add telenursing provisions; clarify the number of years an examination score is valid; clarify who can sit for the examinations; add organizations to the list of continuing education approved providers; and clarify when and how an applicant must meet an English proficiency requirement by deleting the current rule and relying on a Public Health Code general rule.

Pharmacy – Centralized Prescription Processing Pharmacies: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.17722, MCL 333.17753, 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.) The rules will be updated.

Pharmacy – Controlled Substances: (Authority: 1978 PA 368, MCL 333.7301, 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.) The rules will be updated so they are consistent with statutory changes. The Pharmacy Controlled Substances rules are currently open and have been provided an identification number of MOAHR # 2019-57 LR. The bureau is planning on reopening this rule set after #2019-57 LR completes the rulemaking process and the rules are filed with the Office of the Great Seal.

Pharmacy – General Rules: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.16148; MCL 333.16174, MCL 333.16175, MCL 333.16178, MCL 333.16182, MCL 333.16186, MCL 333.17722, MCL 333.17731, MCL 333.17737, MCL 333.17746, MCL 333.17748, MCL 333.17748a, MCL 333.17748b, MCL 333.17751, MCL 333.17753, MCL 333.17757, MCL 333.17760, MCL 333.17767, 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.) The rules will be updated to add tele-pharmacy provisions and remote pharmacy licensure requirements. The Pharmacy General Rules are currently open and have been provided an identification number of MOAHR # 2018-39 LR. The bureau is planning on reopening this rule set after #2018-39 LR completes the rulemaking process and the rules are filed with the Office of the Great Seal.

Pharmacy – Program for Utilization of Unused Prescription Drugs: (Authority: 1978 PA 368, MCL 333.16145, MCL 333.17722, MCL 333.17775, 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.) The rules will be updated.

Physical Therapy: (Authority: 1978 PA 368, MCL 333.16141, 333.16145, 333.16148, 333.16174, 333.16201, 333.16204, 333.16205, 333.16206, 333.16215, 333.16287, and 333.17823 and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1 and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.) Requirements pertaining to a minimum English language standard will be rescinded.

Psychology: (Authority: 1978 PA 368, MCL 333.16145, 333.16148, 333.18201, 333.18223, and 333.18233, and Executive Reorganization Order Nos. 1991-9, 1996-2,

2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.) The minimum English language standard will be rescinded.

Task Force on Physician’s Assistants: (Authority: 1978 PA 368, MCL 333.16145, 333.16148, 333.17060, and 333.17068, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.) The rules will be revised to include revised educational standards.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

Acupuncture: R 338.13015 and R 338.13030, which pertain to applicants with nonaccredited training and educational program standards adopted by reference, respectively, will be rescinded because the proposed amendments to the rules will adopt by reference standards that have provisions pertaining to nonaccredited training and educational programs. **R 338.13020**, which pertains to renewal requirements will be rescinded because acupuncturists must now be licensed.

Athletic Trainers—General Rules: R 338.1321a, which pertains to the minimum English language standard for licensure will be rescinded because the standard for all Article 15 professions will be in the Public Health Code General Rules.

Dentistry: R 338.11107, which pertains to advertising will be rescinded as there is no statutory authority to promulgate this rule. **R 338.11117**, which pertains to violations of the Public Health Code will be rescinded as there is no statutory authority to promulgate this rule. **R 338.11123**, which pertains to training standards for identifying victims of human trafficking is being rescinded as it is being moved to the licensure provisions in the rules. **R 338.11222**, which pertains to licensure to practice dental hygiene for graduates from a school not in compliance with board standards will be rescinded because the board requires that all hygienists graduate from a school that meets the board’s standards. **R 338.11241 and R 338.11245**, which pertain to requirements for retaking the dental assistant examination will be rescinded because the examination will no longer be offered by the department. **R 338.11402 through R 338.11410**, which pertain to delegation and assignment will be rescinded as the requirements will be provided in a table. **R 338.11505**, which pertains to the general requirements of a specialty license will be rescinded because the requirements do not apply to all specialty licenses, so the requirements have been added where appropriate. **R 338.11604**, which pertains to the reporting or morbidity and mortality to the board will be rescinded as the information is not being collected or used at this time. **R 338.11704b and R 338.11704c**, which pertain to relicensure will be rescinded as the requirements will be provided in a table.

Medicine: R 338.2403, which contains an English language requirement, will be rescinded.

Nursing Home Administrators—General Rules: R 339.14013, which pertains to the minimum English language standard for licensure will be rescinded because the standard for all Article 15 professions will be in the Public Health Code General Rules.

Occupational Therapy- General Rules: R 338.1213, which pertains to the English language requirement will be rescinded as all health professions will rely on a Public Health Code general rule regarding the English language.

Optometry—General Rules: R 338.304, which pertains to the minimum English language standard for licensure will be rescinded because the standard for all Article 15 professions will be in the Public Health Code General Rules.

Pharmacy – General Rules: The proposed rules have been reorganized and substantially rewritten to provide for rules that encompass all the necessary requirements for licensing and regulating the practice for pharmacists, pharmacies, and manufacturers and wholesale distributors of drugs and devices, therefore, **all but one rule**, which is referenced by number in the public health code, are being reorganized or rescinded.

Pharmacy – Pharmacist Continuing Education: R 338.3045, which pertains to renewal of a license in Michigan for a pharmacist residing or practicing in another state, will be rescinded because all pharmacist license renewals should be processed under the acceptable continuing education for licensees in R 338.3044.

Podiatric Medicine and Surgery—General Rules: R 338.8102a, which pertains to the minimum English language standard for licensure will be rescinded because the standard for all Article 15 professions will be in the Public Health Code General Rules.

Psychology – General Rules: R 338.2523, which contains a minimum English language requirement, will be rescinded.

Public Health Code-Disciplinary Rules: R 338.1605 will be rescinded because the rule pertains to the disciplinary subcommittee of a board and MCL 333.16216 sets these requirements. The rule is not needed. **R 338.1606** and **R 338.1607** will be rescinded and the text revised and relocated to other rules for clarity. **R 338.1609** and **R 338.1612** will be rescinded because they duplicate MCL 333.16233.

Respiratory Care—General Rules: R 338.2202b, which pertains to the minimum English language standard for licensure will be rescinded because the standard for all Article 15 professions will be in the Public Health Code General Rules.

Sanitarians: R 338.3910, the prohibited conduct rule, will be rescinded, as the conduct is already regulated by law elsewhere, namely MCL 333.16221 and MCL 333.18413.

Social Work-General Rules: R 338.2965, which pertains to the board’s approval of continuing education programs will be rescinded as that information has now been included in the acceptable continuing education rule.

Veterinary Medicine-General Rules: R 338.4913, which pertains to sanitation requirements and inspection reports related to veterinary facilities will be rescinded because the department does not conduct inspections of veterinary facilities. **R 338.4920**, which pertains to the safeguards for drugs will be rescinded because it is outdated and requirements for the dispensing and storage of drugs is regulated both other federal and state laws and regulations.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

Dental Therapy: Public Act 463 of 2018 mandated that by March 28, 2020, 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 regulate dental therapists.

MCL 333.16174 requires the department to establish minimum standards for the purpose of determining whether an applicant has a working knowledge of the English language. A minimum standard has not been established by some professions, and the rules vary by profession. A new

rule will be added to the Public Health Code General Rules that will be establish a uniform standard that will be applicable to all health care professions licensed under Article 15.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Board of Pharmacy: The Board of Pharmacy has seven different rule sets and is the board with the bureau's most extensive set of regulations. This is due in part to the nature of the profession. State of Michigan requirements are found in both Articles 7 and 15 of the Michigan Public Health Code. Additionally, two different federal agencies, the Food and Drug Administration and the Drug Enforcement Administration also regulate pharmacy practices. Technology relating to pharmacy practice is constantly being upgraded. Further, the regulation of the practice of pharmacy is the related to the opioid epidemic, and regulation and best practices are constantly changing. The rules have not kept up.

- A. Whether there is a continued need for the rules.

Administrative rules are required as long as the profession is required to be licensed or registered by the Public Health Code, PA 368 of 1978, as amended. The administrative rules ensure the board's ability to require the appropriate education and training to competently practice in the state and to effectively discipline licensees who violate the Public Health Code, PA 368 of 1978, as amended.

- B. A summary of any complaints or comments received from the public concerning the rules.

Licensed Midwifery: The Board of Licensed Midwifery received comments from the public prior to the public comment period, during the public comment period, and after the public comment period. Multiple associations and member of the public requested: limitations on the scope or practice of licensed midwives; mandatory consultation or transfers to other health professionals for more involved medical situations involving a pregnant woman or an infant; limitations on licensed midwives from handling a pregnancy involving a previous cesarean birth, breech presentation, or twins or multiple gestation; limiting licensing midwives from other states; require an examination before relicensure of a licensed midwife who allowed their license to lapse; reduce the licensure cycle to two years; require additional informed disclosure and consent requirements with a pregnancy involving a previous cesarean birth, breech presentation, or twins or multiple gestation; increase the list of prohibited conduct; require additional reporting; increase the amount of continuing education, and require more education in pharmacology.

Nursing: The Board of Nursing received comments for the public hearing from a member of the public, Baker College School of Nursing, the American Nurses Association, and Mid-Michigan College regarding clarifying the eligibility requirements for the NCLEX examination, specifying the requirements of a board approved NCLEX review course, clarifying that students must do their clinical experience in a psychiatric mental health nursing setting that is specific to psychiatric mental health, making a site visit mandatory for initial program approval, clarifying how classes offered at additional locations will be reviewed by the Board, modifying the educational credentials of a program director, continuing the existing requirements for a program preceptor, and clarifying that "compiled statistics" are those provided by the National Council of State Boards of Nursing.

Occupational Therapy: The Board of Occupational Therapy received comments for the public hearing from a member of the public, the Michigan Occupational Therapy Association Inc., the American Occupational Therapy Association, Inc., and Hope Network Neuro Rehabilitation regarding the prohibited conduct provisions in the rules and the delegation of

limited assessments, tasks, or interventions to an occupational therapy assistant by an occupational therapist.

Pharmacy: The Board of Pharmacy received comments from stakeholders regarding both the Pharmacist Continuing Education rules and the Pharmacy-General rules. The comments are currently being evaluated by the Board.

Physical Therapy – General Rules: The Board of Physical Therapy received comments for the public hearing from a member of the public and the Michigan Physical Therapy Association regarding the requirements for licensure applicants who have nonaccredited education, the requirements for a physical therapist who delegates acts, tasks, or functions, and the rules pertaining to approved continuing education. After consideration of the comments for the public hearing, the board did not agree to make any changes to the proposed rules pertaining to the requirements for licensure applicants who have nonaccredited education. However, the board agreed to make changes to the proposed rules pertaining to the requirements for a physical therapist who delegates acts, tasks, or functions, and to the proposed rules pertaining to approved continuing education. The changes included adding language that provided clarification over the applicability of the proposed rules.

C. The complexity of complying with the rules.

The Bureau of Professional licensing has not identified any rules for which compliance to is considered particularly difficult.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

Pharmacy – General Rules: The proposed rules require that pharmacies comply with all federal requirements regarding controlled substances when discontinuing operations, and with security standards for the protection of protected health information set forth in the Health Insurance Portability and Accountability Act. The rules adopt the pharmaceutical compounding standards of the United States Pharmacopeia (USP), published by the United States Pharmacopeial Convention, and the regulations regarding good manufacturing practices for finished pharmaceuticals set forth in 21 CFR sections 211.1 to 211.208 (1978). Some aspects of the practice of pharmacy, such as the labeling of prescription drugs, are regulated by the Federal Food, Drug, and Cosmetic Act of 2016, 21 USC sections 351 to 399f and have been adopted by the proposed rules. There are no federal rules or standards set by a national or state agency that the proposed rules exceed.

The rest of the rule sets regulated by the Bureau of Professional Licensing are not in conflict or duplicative of federal or local government rules or regulations. Any rule that is duplicative of recent statutory changes will be rescinded.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

Acupuncture: The rules were last amended on January 10, 2019. Statutory changes requiring the profession to be licensed were made effective March 4, 2020. There have been no other technological, economic conditions, or other factors that have changed regulatory activity covered by the rules.

Athletic Trainers: The rules were last amended on November 19, 2019. Statutory changes were made effective January 27, 2020 pertaining to the professional standards of care for the practice of athletic training and the requirements for continuing education. There have been no other technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Audiology: The rules were last amended in 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Behavior Analysts: The rules were first promulgated in 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Chiropractic: The rules were last amended on January 6, 2019. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Counseling: The rules were last amended in 2016, to include training standards for identifying victims of human trafficking. There have been no technological factors, economic conditions that necessitate amendment of the rules. However, the passage of 2019 PA 96 requires that the rules be amended to conform with the new statute.

Dentistry: The rules were last amended on January 6, 2017. 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 regulate dental therapists. There have been no technological factors, economic conditions or other factors that would necessitate amendment of the rules.

Genetic Counseling: This is a newly regulated profession under Medicine, created by Public Act 624 of 2018. The initial rule set is in the promulgation process.

Licensed Midwifery: The rules were established in 2019. There have been no technological factors, economic conditions or other factors that would necessitate amendment of the rules.

Marriage and Family Therapy: The rules were last amended in 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Massage Therapy: The rules were last amended January 10, 2019. There have been no technological, economic conditions, or other factors that have changed regulatory activity covered by the rules.

Medicine: The rules were last amended in 2016. However, the enactment of Public Act 379 of 2016 and Public Act 499 of 2016 require the rules to be amended to comply with statutory changes enacted after the amendments occurred. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

Nursing: The rules were last amended on April 6, 2020. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Nursing Home Administrators: The rules were last amended on May 20, 2019. There have been no technological factors, economic conditions, or other factors that would necessitate

amendment of the rules

Occupational Therapy: The rules were last amended on October 19, 2017. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Optometry: The rules were last amended November 19, 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Osteopathic Medicine and Surgery: The rules were last amended in 2016. However, the enactment of Public Act 368 of 2016 and Public Act 499 of 2016 require the rules to be amended to comply with statutory changes enacted after the amendments occurred. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

Pharmacy – Animal Euthanasia and Sedation Rules: The rules were promulgated in 2013. The enactment of Public Act 34 of 2018 require the rules to be amended to comply with the statutory changes enacted after the rules were promulgated. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Pharmacy - Centralized Prescription Processing Pharmacies: The rules were last amended in 2008. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Pharmacy – Continuing Education: The rules were last amended in 2007. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Pharmacy – Controlled Substances: The rules were last amended on January 3, 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Pharmacy – General Rules: The rules were last amended October 24, 2017. Various statutory amendments require the rules to be amended. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Pharmacy - Pharmacy Technicians: The rules were promulgated in 2016. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Pharmacy – Program for Utilization of Unused Prescription Drugs: The rules were promulgated in 2014. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Physical Therapy: The rules were last amended on December 20, 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Podiatric Medicine and Surgery: The rules were last amended on September 4, 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Psychology: The rules were last amended on December 6, 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Public Health Code - Disciplinary Proceedings: The rules were last amended in 2015. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Public Health Code- General Rules: The rules were last amended in January 7, 2019. The Bureau has begun implementing new licensing software. This rule set is updated as new health professions are added to the system. There have been no economic conditions or other factors that would necessitate amendment of rules.

Respiratory Care: The rules were last amended on May 20, 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Sanitarians: The rules were last amended in 2016. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Social Work: The rules were last amended January 10, 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Speech-Language Pathology: The rules were last amended in 2016. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Task Force on Physician’s Assistants: The rules were last amended in 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Veterinary Medicine: The rules were last amended January 4, 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

The Bureau of Professional Licensing recognizes the Michigan Office of Administrative Hearings and Rules’ website as the only legal version of the administrative rules. As such, the bureau’s rules can be found at this link under “Licensing and Regulatory Affairs” and “Professional Licensing.”
https://dtmb.state.mi.us/ARS_Public/AdminCode/AdminCode

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

Completed:
MOAHR #2018-62 LR Athletic Trainers: The rules were filed with the Office of the Great Seal on November 19, 2019 and became effective on November 19, 2019.

MOAHR #2018-31 LR Licensed Midwifery: The rules were filed with the Office of the Great Seal on August 1, 2019 and became effective on August 1, 2019.

MOAHR #2018-33 LR Nursing: The rules were filed with the Office of the Great Seal on April 6, 2020 and became effective on April 6, 2020.

MOAHR #2018-37 LR Optometry: The rules were filed with the Office of the Great Seal on November 19, 2019 and became effective on November 19, 2019.

MOAHR #2018-23 LR Physical Therapy: The rules were filed with the Office of the Great Seal on December 20, 2019 and became effective on December 20, 2019.

MOAHR #2018-106 Podiatric Medicine and Surgery: The rules were filed with the Office of the Great Seal on September 3, 2019 and became effective on September 3, 2019.

MOAHR #2018-107 LR Psychology: The rules were filed with the Office of the Great Seal on December 6, 2019 and became effective on December 6, 2019.

Outstanding:

MOAHR #2019-53 LR Acupuncture: The Request for Rulemaking was withdrawn as the changes to the rules needed to be expanded due to the passage of 2019 PA 140.

MOAHR #2019-63 LR Counseling: This rule set was withdrawn after the passage of 2019 PA 96. The draft is being edited to coordinate with statutory guidelines. The new set number is **MOAHR 2020-33 LR Counseling**. (Authority: 1978 PA 368, MCL 333.16141, MCL 333.16145, MCL 333.16148, MCL 333.16201, MCL 333.18101, MCL 333.18106, MCL 333.18107, and MCL 333.18111, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030.) The proposed changes include reorganization of the rules and substantive changes to amend the rules to be consistent with recently passed 2019 PA 96; update higher institution educational program regional accreditation standards; update Council for Accreditation of Counseling and Related Educational Programs (CACREP) accreditation standards; clarify the educational training program requirements for applicants who are graduates of non-CACREP accredited programs; include a future increased credit hour requirement for applicants who are graduates of non-CACREP accredited programs, to coincide with future CACREP imposed requirements; graduates of non-accredited postsecondary institutions must bear the expense and supply an educational program equivalency determination to the department from a credential evaluation agency; revise the human trafficking rule to include a date of promulgation; add the National Clinical Mental Health Counseling Examination (NCMHCE) as another approved examination for licensure; and add a rule that addresses the requirements for license renewal.

MOAHR 2018-35 LR Dentistry: The Michigan Office of Administrative Hearings and Rules withdrew the Request for Rulemaking for this set for inactivity. It was assigned a new number. MOAHR #2019-83 LR Dentistry. Subsequently, MOAHR #2019-83 LR was *withdrawn* in order to comply with the Department's decision to remove the rule pertaining to English proficiency. The plan is to place the English proficiency rule, which contains minimum exam passing standards, in the Public Health Code General Rules. Thus, the same standard will be applied to all health professions regulated by Article 15 of the Public Health Code for consistency. updated MOAHR number is 2020-27 LR.

MOAHR # 2019-82 Genetic Counseling: This rule set was withdrawn and restarted in order to comply with the Department's decision to remove the rule pertaining to English proficiency. The plan is to place the English proficiency rule, which contains minimum exam passing standards, in the Public Health Code General Rules. Thus, the same standard will be applied to all health professions regulated by Article 15 of the Public Health Code for consistency. The updated MOAHR number is 2020-37 LR.

MOAHR #2019-54 LR Medicine: This rule set was withdrawn and restarted in order to comply with the Department's decision to remove the rule pertaining to English proficiency. The plan is to place the English proficiency rule, which contains minimum exam passing standards, in the Public Health Code General Rules. Thus, the same standard will be applied to all health professions regulated by Article 15 of the Public Health Code for consistency. The updated MOAHR number is 2020-36 LR.

MOAHR #2018-34 LR Occupational Therapy: This rule set was withdrawn and restarted in order to comply with the Department's decision to remove the rule pertaining to English proficiency. The plan is to place the English proficiency rule, which contains minimum exam passing standards, in the Public Health Code General Rules. Thus, the same standard will be applied to all health professions regulated by Article 15 of the Public Health Code for consistency. The updated MOAHR number is 2020-28 LR.

MOAHR #2019-76 LR Osteopathic Medicine and Surgery: This rule set was withdrawn and restarted in order to comply with the Department's decision to remove the rule pertaining to English proficiency. The plan is to place the English proficiency rule, which contains minimum exam passing standards, in the Public Health Code General Rules. Thus, the same standard will be applied to all health professions regulated by Article 15 of the Public Health Code for consistency. The updated MOAHR number is 2020-42 LR.

MOAHR #2019-86 LR Pharmacy – Animal Euthanasia and Sedation Rules: The RFR was approved by MOAHR on August 28, 2019. The rules are in the drafting stage.

MOAHR #2019-22 LR Pharmacy – Continuing Education: The JCAR package has been submitted to the Regulatory Affairs Officer for review and approval.

MOAHR #2019-57 LR Pharmacy – Controlled Substances: The rules were withdrawn from JCAR with permission on 10-16-19. The Bureau is revising the draft rules to address JCAR's concerns and will resubmit a revised draft.

MOAHR #2018-39 LR Pharmacy – General Rules: The JCAR package has been submitted to the Regulatory Affairs Officer for review and approval.

MOAHR #2019-78 LR Pharmacy - Pharmacy Technicians: This rule set was withdrawn and restarted in order to comply with the Department's decision to remove the rule pertaining to English proficiency. The plan is to place the English proficiency rule, which contains minimum exam passing standards, in the Public Health Code General Rules. Thus, the same standard will be applied to all health professions regulated by Article 15 of the Public Health Code for consistency. The updated MOAHR number is 2020-29 LR.

MOAHR #2019-24 LR Public Health Code – General Rules: This rule set was withdrawn and restarted under **MOAHR #2019-135 LR Public Health Code General Rules** in order to comply with the Department's decision to add a uniform rule pertaining to

English proficiency. MCL 333.16174(1)(d) requires licensees and registrants to have a working knowledge of the English language as determined in accordance with minimum standards established for that purpose by the Department. Having a uniform standard that is applied to all health professions regulated by Article 15 of the Public Health Code will provide consistency in regulation.

MOAHR #2019-103 Sanitarians: A public hearing on the proposed rules was held on May 22, 2020 and the JCAR Report was submitted to the Regulatory Affairs Officer.

MOAHR #2019-81 LR Social Work: MOAHR approved the draft rules on May 21, 2020 and approved the Regulatory Impact Statement on June 1, 2020. A public hearing will be scheduled.

MOAHR #2019-77 LR Speech-Language Pathology: This rule set will be recalled and restarted in order to comply with the Department’s decision to remove the rule pertaining to English proficiency. The plan is to place the English proficiency rule, which contains minimum exam passing standards, in the Public Health Code General Rules. Thus, the same standard will be applied to all health professions regulated by Article 15 of the Public Health Code for consistency. The proposed changes include:

Speech-Language Pathology: (Authority: 1978 PA 368, 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.) The proposed substantive changes to the rules will amend the rules to 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; 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; requirements related to an English language standard will be removed.

MOAHR #2019-108 LR Veterinary Medicine: The RFR was approved by MOAHR on November 25, 2019. The rules are in the drafting stage.

Pharmacy – Program for Utilization of Unused Prescription Drugs: The rules were opened by the board on June 12, 2019.

Pharmacy - Centralized Prescription Processing Pharmacies: The rules were opened by the board in June 2019.

Department of Licensing and Regulatory Affairs Bureau of Professional Licensing

Occupational Code and Deaf Person’s Interpreters Act Professions

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

MOAHR #2020-30 LR Accountancy – General Rules: 1980 PA 299, MCL 339.205, 339.308, 339.721, 339.725, 339.726, 339.728, and 339.729, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, being MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030). The proposed rules will update the definitions of terms used in the rule set to remove terms that are defined under the Occupational Code, 1980 PA 299, 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.

MOAHR #2019-28 LR Cosmetology – General Rules: (Authority: 1980 PA 299, MCL 339.205, MCL 339.308, MCL 339.1203, MCL 339.1205 and Executive Reorganization Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, MCL 445.2025, MCL 445.2030). The proposed rules will clarify definitions used in the rule set; inform applicants of the requirements pertaining to examinations, licensure by reciprocity, and relicensure; sunset the provisions of a branch facility license; update the curriculum requirements for licensure; update requirements pertaining to operational standards of a school of cosmetology and a cosmetology establishment; and update requirements pertaining to sanitation standards and standards of acceptable practice for the profession. A public hearing was held on 12/17/2019.

MOAHR #2020-6 LR Landscape Architects: (Authority: 1980 PA 299, MCL 339.205, MCL 339.2203, MCL 339.2205 and Executive Reorganization Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, MCL 445.2025, MCL 445.2030). A comprehensive review of the rules will be completed to determine which rules need to be amended and updated.

MOAHR #2020-23 LR Occupational Code Disciplinary Proceedings: (Authority MCL 339.205 and Executive Reorganization Orders Nos. 1991-9, 1996-2, 2003-1, 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.0230). A comprehensive review of the rules will

be completed to determine which rules need to be amended, updated, or added. Rules that are out- of-date or need to be reorganized for clarity will be rescinded.

MOAHR #2019-141 LR Occupational Code Renewals: (Authority: MCL 339.202, MCL 339.205, and Executive Reorganization Order Nos. 1991-9, 2003-1, 2008-4, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030). The proposed rules will add definitions for clarity. The rules regarding annual renewals will be revised to relocate licenses that are no longer renewed annually and add barber student instructor licenses. The rule regarding licenses and registrations that renew biennially will be revised to modify the date of renewal for barbers and cosmetologists to the date that the license was issued and reorganize the licenses into alphabetical order. A new rule will be added to provide for triennial license renewals for real estate brokers and salespersons. Residential builders and maintenance and alterations contractors will be moved from the rule regarding biennial license renewals to the rule for triennial license renewals.

MOAHR #2019-31 LR Professional Engineers – General Rules: (Authority: 1980 PA 299, MCL 339.308, MCL 339.205, MCL 339.2004, MCL 339.2009, MCL 339.2013 and Executive Reorganization Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, MCL 445.2025, MCL 445.2030). The proposed rules will revise the definitions of terms used in the rules; revise the education, experience, and examination requirements that must be satisfied to receive a license; add a new rule that will provide relicensure requirements; update the requirements pertaining to the seal of a professional engineer; revise the types of activities that are acceptable for satisfying the continuing education requirements; and update the rules pertaining to the standards of conduct. This rule set was sent to JCAR on 3/12/2020.

MOAHR #2019-44 LR Professional Surveyors – General Rules: (Authority: 1980 PA 299, MCL 339.205, MCL 339.308, MCL 339.2004, MCL 339.2009, MCL 339.2013 and Executive Reorganization Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, MCL 445.2025, MCL 445.2030). The proposed rules will clarify definitions of terms used in the rules; revise the education, experience, and examination requirements that must be satisfied to receive a license; update the requirements pertaining to the seal of a professional surveyor; add a new rule that will provide relicensure requirements; and add a new table that will outline the types of activities that are acceptable for satisfying the continuing education requirements. This rule set was sent to JCAR on 3/2/2020.

MOAHR #2018-70 LR Qualified Interpreter - General Rules: (Authority: 1982 PA 204, MCL 393.508a, Executive Order No. 1996-2, 2003-1, 2011-4, 2014-5, and 2017-8, MCL 445.2001, MCL 445.2011, MCL 445.2030, MCL 445.2035, and MCL 445.2036). The proposed rules will clarify the following: the scope of the rules; definitions; credential requirements; standard levels; special endorsements; procedures for application; certification; listing as a qualified interpreter; renewals and testing; minimum standards of practice; grievance and complaint procedures; procedures for discipline; exceptions, waivers, and exemptions to the rules; educational standards for licensure; use of video remote interpreting; renewals and continuing education requirements. The proposed rules will add an interpreter training permit and supervisor requirements, and the requirements for qualified deaf interpreter certification.

MOAHR #2019-114 LR Real Estate Appraisers: (Authority MCL 339.205, MCL 339.308, MCL

339.2605, and MCL 339.2617, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030). The proposed rules will add an exemption from the Uniform Standards of Professional Appraisal Practice standards; add a rule clarifying the requirements for a supervisory certified appraiser; add a rule regarding a nonresident temporary permit; and clarify the requirements for appraiser preclosure education and continuing education approval.

MOAHR #2019-80 LR Real Estate Brokers and Salespersons: (Authority MCL 339.205, MCL 339.308, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030). A comprehensive review of the preclosure education rules will be completed to determine if the rules need to be amended, updated, or if additional requirements should be added. Other rules may need to be updated or revised for clarity.

Rule sets that will begin the promulgation process this year:

Barbers: (Authority: 1980 PA 299, MCL 339.205, MCL 339.308, MCL 339.1110, MCL 339.1112 and Executive Reorganization Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, MCL 445.2025, MCL 445.2030). The rules will be amended to be consistent with the statutory changes to Article 11 of the Occupational Code, effective May 4, 2020. Further revisions may be made for clarity.

Cosmetology – General Rules: (Authority: 1980 PA 299, MCL 339.205, MCL 339.308, MCL 339.1203, MCL 339.1205 and Executive Reorganization Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, MCL 445.2025, MCL 445.2030). The rules will be amended to be consistent with the statutory changes to Article 12 of the Occupational Code effective April 26, 2020, and May 4, 2020. Further revisions may be made for clarity. The Cosmetology rules are currently open and have been provided an identification number of MOAHR 2019-28 LR. The bureau is planning on reopening this rule set after MOAHR #2019-28 LR completes the rulemaking process and the rules are filed with the Office of the Great Seal.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

MOAHR #2020-30 LR Accountancy: R 338.5110, which pertains to the uniform CPA exam generally, will be rescinded, since the contents will be consolidated in to only one rule that pertains to the uniform CPA exam, under **R 338.5110a**. **R 338.5112**, which pertains to exam windows, will be rescinded, since applicants now must simply pass all sections of the uniform CPA exam within a rolling 18-month period beginning on the date the first section is passed, rather than specific exam windows that fall within the rolling 18-month period.

MOAHR #2019-28 LR Cosmetology-General Rules: R 338.2131, which pertains to the definition of “equivalent,” will be rescinded because the definition will be moved to R 338.2101, which pertains to definitions. **R 338.2133**, which pertains to credit of school and apprenticeship hours, will be rescinded because the revised requirements will be moved to R 338.2138, which pertains to school and apprenticeship program requirements. **R 338.2134**, which pertains to enrollment, will be rescinded because it is duplicative of MCL 339.1214(1) and the proposed changes under R 338.2136 and R 338.2138. **R 338.2137**, which pertains to student and apprenticeship supplies, will be rescinded because it is duplicative of the proposed changes under R 338.2132 and R 338.2162. **R 338.2139**, which pertains to the state board examination, will be rescinded because revised

requirements will be moved to R 338.2138 and R 338.2121a. **R 338.2151**, which pertains to the application to become an apprentice, will be rescinded because the Occupational Code does not require apprentices to seek authorization to become an apprentice. **R 338.2153**, which pertains to apprenticeship program examinations and grades, will be rescinded because the Occupational Code does not require rules pertaining to apprenticeship training exams for apprentices. **R 338.2161a, R 338.2161b, and R 338.2162a**, which pertain to crossover training hours for cosmetology, will be rescinded because they conflict with revisions proposed under R 338.2133. **R 338.2173, R 338.2176, R 338.2178, R 338.2179, R 338.2179a, R 338.2179b, R 338.2179c, R 338.2179d, and R 338.2179f**, which pertain to health, safety, and sanitation requirements, will be rescinded because they are duplicative of, and conflict with, revisions proposed under R 338.2171 and R 338.2171a. **R 338.2179h**, which pertains to false, confusing, or misleading statements in advertising, will be rescinded because it is duplicative of MCL 338.604.

MOAHR #2020-6 LR Landscape Architects: R 339.19023 pertaining to required experience and for licensure will be rescinded and the information relocated so all licensure information will be included in part 3 of the proposed rules. **R 339.19025**, pertaining to the required examination for licensure will be rescinded and the information relocated so all information regarding the required education and examination will be included in part 2 of the proposed rules.

MOAHR #2020-23 LR Occupational Code – Disciplinary Proceedings: R 339.1726 will be rescinded as it inconsistent with the requirements of MCL 339.508.

MOAHR #2019-31 LR Professional Engineers-General Rules: R 339.16024, which pertains to the seal of a professional engineer, will be rescinded because revised requirements pertaining to the seal will be moved to R 339.16032. **R 339.16033 and R 339.16034**, which pertain to standards of conduct, will be rescinded because revised requirements pertaining to standards of conduct will be moved to R 339.16031. **R 339.16042, R 339.16043, and R 339.16044**, which pertain to continuing education requirements, will be rescinded because revised requirements pertaining to continuing education will be moved to R 339.16040 and R 339.16041.

MOAHR #2019-44 LR Professional Surveyors-General Rules: R 339.17301, which pertains to the seal of a professional surveyor, will be rescinded because revised requirements pertaining to the seal will be moved to R 339.16045. **R 339.17507, R 339.17508, and R 339.17509**, which pertain continuing education requirements, will be rescinded because revised requirements pertaining to continuing education will be moved to R 339.17505 and R 339.17506.

MOAHR #2018-70 LR Qualified Interpreter - General Rules: R 393.5005, which pertains to verification of interpreter qualifications, will be rescinded because the subject of the rule is in the Public Health Code. **R 393.5023 to R 393.5026**, which pertain to types of interpreters, will be rescinded because the types of interpreters have been reorganized and renamed. **R 393.5027**, which pertains to exceptions from the rules, will be rescinded as the rule is being moved and modified. **R 393.5032**, which pertains to reciprocity for an applicant for certification, will be rescinded because all qualified interpreters must meet the certifications requirements in Michigan to practice in Michigan. **R 393.5058**, which pertains to waivers, will be rescinded because waivers are contained in the state law. **R 393.5075**, which pertains to hearings, will be rescinded because it is being moved to R 393.5072a. **R 393.5083**, which pertains to continuing education requirements for endorsements, will be rescinded because the continuing education requirements have been included in R 393.5081. **R 393.5086**, which pertains to independent study for continuing education, will be rescinded, as all continuing education will be included in R 393.5081.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

Landscape Architect: MCL 339.2203 requires the director to appoint an ad hoc committee and the department to adopt rules regarding continuing education requirements and programs, exceptions to the licensure standards, and sanction recommendations for certain violations. An ad hoc committee has been appointed by the director and will be meeting to work on revisions to the rules.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The Bureau of Professional Licensing has not identified any rules that are problematic to the industry or need to be revised to determine a more business-friendly approach.

- A. Whether there is a continued need for the rules.

The Occupational Code-related rules of the Bureau of Professional Licensing are required by statute: hence, there is a continued need for the rules.

- B. A summary of any complaints or comments received from the public concerning the rules.

The Bureau of Professional Licensing has not received any complaints or comments from the public regarding these rules.

Engineers: Comments were received expressing concern that there were limitations on the number of providers of continuing education. However, the rules are quite generous as far as potential CE providers. R 339.16041(1)(c) allows attendance at a seminar, in-house course, workshop, or professional or technical presentation related to professional engineering to count as CE. This means any organization that offers a seminar, in-house course, workshop, or professional or technical presentation related to professional engineering could count as CE. The problem stems from a few organizations demanding that their particular name/entity be specifically listed in the rules. It is simply unnecessary.

Real Estate Brokers and Salespersons: Comments have been received regarding the precensure course requirements and licensure testing. These issues have been discussed by the subcommittee reviewing the rules. Changes have been made to the extent possible under statute.

- C. The complexity of complying with the rules.

The Bureau of Professional Licensing has not identified any rules for which compliance is considered particularly difficult.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The current rules do not duplicate or conflict with any rules or regulations by the federal government or local units of government.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

MOAHR #2020-30 LR Accountancy: The rules were last amended on January 9, 2019. There have been no other technological factors or economic conditions that would necessitate amendment of the rules.

MOAHR #2019-28 LR Cosmetology-General Rules: The rules were last amended in January 2017. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

MOAHR #2020-6 LR Landscape Architects: The rules were last amended in 2014. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

MOAHR #2020-23 LR Occupational Code Disciplinary Proceedings: The rules were last amended in 2015. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

MOAHR #2018-108 LR Occupational Code – Renewals: The rules were last amended in 2019. The bureau has begun implementing new licensing software. This rule set is updated as Occupational Code professions are added to the system. There have been no economic conditions that would necessitate amendment of rules.

MOAHR #2019-31 LR Professional Engineers-General Rules: The rules were last amended in 2014. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

MOAHR #2019-44 LR Professional Surveyors-General Rules: The rules were last amended in 2014. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

MOAHR 2019-144 LR Real Estate Appraisers: The rules were last amended in 2018. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

MOAHR #2019-80 LR Real Estate Brokers and Salespersons: The rules were last amended in 2018. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

MOAHR #2018-70 LR Qualified Interpreter - General Rules: The rules were promulgated in 2014. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

Barbers: The rules were last amended November 4, 2019. Statutory changes effective May 4, 2020 require rule revisions. There have been no other technological factors or economic conditions that would necessitate amendment of the rules.

Cosmetology – General Rules: The current rule set, MOAHR 2019-28 LR will likely be promulgated in 2020. There are statutory changes effective April 26, 2020, and May 4, 2020, that will make revisions necessary. The set will be immediately opened after NOAHR 2019-28 LR is promulgated. There are no other technological factors or economic conditions that would necessitate amendment of the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

The Bureau of Professional Licensing recognizes the Michigan Office of Administrative Hearings and Rules' website as the only legal version of the administrative rules. As such, the bureau's rules can be found at this link under "Licensing and Regulatory Affairs" and "Professional Licensing." https://dtmb.state.mi.us/ARS_Public/AdminCode/AdminCode

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

Completed:

MOAHR #2019-43 LR Architects – General Rules: This set was promulgated on 2/20/2020.

MOAHR #2018-65 LR Barbers: This rule set was promulgated on 11/4/2019.

Outstanding:

2019-60 LR Accountancy General Rules: The rule set was recalled and restarted under MOAHR 2020-30 LR because the primary purpose of the originally proposed revised rules was 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 and different expiration dates. The Department later canceled the license expiration date change.

MOAHR #2019-28 LR Cosmetology-General Rules: A public hearing was held on December 17, 2019 and the JCAR Report was submitted to the RAO on May 28, 2020.

MOAHR #2019-105 LR Occupational Code Disciplinary Proceedings: The bureau withdrew MOAHR 2019-105 LR and then submitted a new RFR that MOAHR approved and assigned the tracking number of MOAHR #2020-23 LR. This rule set was recalled and restarted in order to discuss proposed changes with other bureaus within the department.

MOAHR #2019-134 LR Occupational Code Renewals: The bureau withdrew MOAHR #2019-134 and submitted a new RFR that MOAHR approved and assigned the tracking number of MOAHR #2019-141 LR. The rule set was recalled and restarted in order to discuss proposed changes with our bureaus within the department.

MOAHR #2019-31 LR Professional Engineers-General Rules: The rules were temporarily withdrawn from JCAR on June 10, 2020. BPL will revise the draft rules to address JCAR's concerns and resubmit.

MOAHR 2019-114 LR Real Estate Appraisers: The draft rules were submitted to MOAHR on 6-4-20.

MOAHR # 2019-44 LR Surveyors-General Rules: The rules were submitted to JCAR on March 3, 2020.

MOAHR #2018-70 LR Qualified Interpreters-General Rules: The draft rules were submitted to MOAHR on May 21, 2020. MOAHR edited the draft rules on June 4, 2020. BPL will add the MOAHR edits to the draft rules and resubmit the draft.

Department of Licensing and Regulatory Affairs
Corporations, Securities & Commercial Licensing Bureau

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021. [Give brief description.]

MOAHR# 2020-14 LR Securities Procedural: CSCL will rescind the entirety of this ruleset, R 451.2101 to R 451.3503.

MOAHR # 2020-15 LR Prepaid Funeral & Cemetery Sales: CSCL determined that certain rules rescinded during the last revision of the Prepaid Funeral and Cemetery Sales rules resulted in the removal of rules necessary to protect consumers who have purchased prepaid funeral and cemetery services. Rescinded R 339.32 required Prepaid Funeral and Cemetery Sales Act registrants to submit an annual report of prepaid contract sales for the previous year to CSCL. However, Section 8 of the Act requires only that annual reports be submitted to CSCL on the renewal of a registration every three years on a form prescribed by CSCL. It is necessary to review this information more often than every three years to ensure that customers' money is not being misappropriated and is placed with an authorized escrow agent. In practice, the form prescribed by CSCL requires this report to be submitted to it annually, but CSCL would like to have a rule that affirms this practice and removes the possibility of any confusion between the form's language and the statutory language. Rescinded R 339.22 required registrants to maintain numbered, preprinted contracts in sequential order. Since the elimination of R 339.22, several registrants' books and records are in disarray, which makes CSCL audits more time-consuming, making it more difficult for limited resources to be allocated to audit other funeral establishments or cemeteries. In the case of cemeteries, it also makes the cost of the audits, which are required to be borne by the cemetery under the Cemetery Regulation Act, higher. Restoration of R 339.22 would require registrants to organize prepaid contracts in sequential order. This allows CSCL's auditors to efficiently and accurately conduct audits of registrants' prepaid contract books and records while preventing future violations of the Prepaid Funeral and Cemetery Sales Act. Furthermore, CSCL plans to add to R 339.23 a mandatory contract provision requiring that payments associated with an executed prepaid contract be payable to the name of the authorized escrow agent rather than to the registrant. This would prevent registrants from commingling money belonging to a contract buyer with a registrant's general business account.

MOAHR # Not assigned - Mortuary Science: The entire ruleset will be reviewed and updated to address needed health, safety, and welfare concerns to correspond with the statutory requirements of Articles 6 and 18 of the Occupational Code, being MCL 339.601 – MCL 339.606 and MCL 339.1801 – MCL 339.1812. CSCL drafted revisions to the existing ruleset in consultation with the Michigan Board of Examiners in Mortuary Science. The proposed ruleset rescinds or amends large portions of the existing ruleset and makes changes to address health, safety, and welfare concerns seen in the industry today. [House Bill 4437](#) and [Senate Bill 696](#) are pending in the legislature and would amend Article 18 of the Occupational Code. CSCL is waiting to submit a request for rulemaking until the final status of the legislation is known to determine if further edits to the rules are required.

MOAHR # Not assigned - Limousine, Taxicab, and Transportation Network Company: CSCL is currently working on a new ruleset that will administer portions of the Limousine, Taxicab, and Transportation Network Company Act. The new rules will add detail necessary for CSCL to implement and assist registrants in complying with the insurance and zero-tolerance policy requirements in the act while also establishing auditing and complaint procedures. Furthermore, the ruleset will require registrants to update their

contact information, and name should it change. CSCL continues to review the Act and how other states and jurisdictions regulate transportation companies to develop rules that better protect the health, safety, and welfare of consumers and facilitate registrants' knowledge of and compliance with the requirements of the Act.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

MOAHR# 2020-14 LR Securities Procedural: CSCL determined the Securities Procedural rules are obsolete and will rescind the entirety of the ruleset, R 451.2101 to R 451.3503.

MOAHR # Not assigned - Mortuary Science: R 339.18927, R 339.18930, R 339.18933, and would be rescinded under a draft proposed ruleset. R 339.18937 would be rescinded if Senate Bill 696 and House Bill 4437 pass.

3. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.

Professional Employer Organization Regulatory Act (2010 PA 370) rules:

MCL 338.3745 states: “[T]he department shall promulgate consistent and necessary rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as considered necessary to implement this act.” The agency determined that rules are not necessary to administer the program.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

MOAHR # Not assigned - Mortuary Science: R 339.18921 and R 339.18922 would be revised in a proposed amended ruleset to reflect national and industry-wide standards for mortuary science license applicants. Rule 339.18937 would be revised to provide additional flexibility over the one-manager-to-one funeral establishment requirement currently present in the Mortuary Science rules or will be rescinded in its entirety upon the passage of Senate Bill 696 and House Bill 4437.

A. Whether there is a continued need for the rules.

MOAHR# 2020-14 LR Securities Procedural: There is not a continued need for this ruleset.

MOAHR # 2020-15 LR Prepaid Funeral & Cemetery Sales: There is a continued need for the rules to protect the welfare of persons having purchased prepaid funeral or cemetery sales contracts from registrants who may misappropriate or be tempted to misappropriate funds belonging to contract buyers under the Prepaid Funeral and Cemetery Sales Act. Such registrants are also providers of the services and merchandise and are typically either funeral establishments separately licensed under the Occupational Code or cemeteries separately registered under the Cemetery Regulation Act.

MOAHR # Not assigned - Mortuary Science: There is a continued need for the rules to protect the health, safety, and welfare of the public as they are served by mortuary science practitioners regulated under the Occupational Code.

MOAHR # Not assigned - Limousine, Taxicab, and Transportation Network Company: CSCL determined there is a need for rules to clarify the zero-tolerance and insurance requirements under the Limousine, Taxicab, and Transportation Network Company Act and rules to protect the health, safety, and welfare of transportation consumers while also

promoting registrants' understanding of and compliance with the Act.

B. A summary of any complaints or comments received from the public concerning the rules.

MOAHR# 2020-14 LR Securities Procedural: CSCL staff has not received complaints about the Securities Procedural rules.

MOAHR # 2020-15 LR Prepaid Funeral & Cemetery Sales: Discussion regarding proposed rule revisions continues internally within CSCL, and proposed rules have not yet been submitted to relevant consumer and industry groups. Thus, CSCL received no public complaints or comments regarding this ruleset.

MOAHR # Not assigned - Mortuary Science: CSCL reviewed draft revisions to the existing mortuary science ruleset received from the Bureau of Professional Licensing. CSCL revised it in consultation with the Michigan Board of Examiners in Mortuary Science. CSCL also plans on working with industry representatives before submitting an RFR. CSCL is waiting to submit a request for rulemaking until the final status of pending House Bill 4437 and Senate Bill 696 that would significantly amend Article 18 of the Occupational. No public complaints or comments were received regarding this ruleset.

MOAHR # Not assigned - Limousine, Taxicab, and Transportation Network Company: Currently, there is no ruleset under the Limousine, Taxicab, and Transportation Network Company Act. No rules have been submitted to relevant consumer and industry groups. Thus, CSCL received no public complaints or comments.

C. The complexity of complying with the rules.

MOAHR# 2020-14 LR Securities Procedural: It may be confusing for some parties to contested case proceedings to reconcile the application of the Securities Procedural Rules with the hearing office's general procedural rules and provisions of the administrative procedures act. These rules were promulgated before the Michigan Uniform Securities Act, MCL 451.2101 *et seq.* repealed the predecessor Uniform Securities Act, MCL 451.501 *et seq.*, effective in 2009, and before several other statutes that relied on the ruleset were rescinded or significantly amended. CSCL determined, after consultation with the other agencies that administer or used to administer those other statutes that they no longer relied on this obsolete ruleset.

MOAHR # 2020-15 LR Prepaid Funeral & Cemetery Sales: Compliance with the Prepaid Funeral and Cemetery Sales Act is complex due to the need to protect consumers that purchase prepaid funeral and cemetery contracts while also balancing the interests of the sellers of prepaid funeral and cemetery services in the efficient operation of business, particularly where profit margins have decreased due to customers increasingly choosing cremation over more costly burials.

MOAHR # Not assigned - Mortuary Science: Compliance with the Occupational Code as it relates to the practice of Mortuary Science and operation of funeral establishments within Michigan is complex in some circumstances. Issues include compliance with industry and Michigan application requirements, including exam requirements, accreditation standards, and applicant trainee requirements. Licensed individuals must deal with the complexity of adhering to best practices developed by the mortuary science industry and public health and safety requirements that are reflected in the administrative rules along with various other federal, state, and local laws affecting the care, custody, and transportation of the deceased. These laws are administered by a variety of different state, federal, and local agencies.

MOAHR # Not assigned - Limousine, Taxicab, and Transportation Network Company: The rules CSCL is considering would make it easier for registrants to determine how to comply with the Limousine, Taxicab, and Transportation Network Company Act's zero-tolerance policy and insurance requirements.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

MOAHR# 2020-14 LR Securities Procedural: The Securities Procedural rules are largely duplicative of the hearing office's general procedural rules.

MOAHR # 2020-15 LR Prepaid Funeral & Cemetery Sales: The current rules do not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

MOAHR # Not assigned - Mortuary Science: The current rules and proposed amendments do not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government. The Occupational Code cross-references other state, local, or federal laws concerning the care, custody, or transportation of dead human bodies and renders those violations also violations of the Occupational Code.

MOAHR # Not assigned - Limousine, Taxicab, and Transportation Network Company: The rules would not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

MOAHR# 2020-14 LR Securities Procedural: The Securities Procedural Rules were last updated in 1983. Much has changed in the structure of state government in that time, including the hearing office's 2015 adoption of its general procedural rules and the 2009 adoption of the Michigan Uniform Securities Act and rescission of its predecessor Uniform Securities Act. The Procedural Rules largely reflect the same procedural standards applicable to other contested case proceedings but also reflect outdated and obsolete statutory references and schemes.

MOAHR # 2020-15 LR Prepaid Funeral & Cemetery Sales: The Prepaid Funeral & Cemetery Sales rules were last evaluated in January 2020. COVID-19 has had an economic and health impact on the mortuary science and cemetery industries. While designated as essential businesses and seeing an influx of requests for their services during the pandemic, funeral homes and cemeteries had to adjust their business practices to protect their employees and their customers. Before the COVID-19 Pandemic, cremation services were on the rise and burial services declined, making it difficult for smaller cemeteries to maintain their business due to a lack of or appreciably less prepaid sales.

MOAHR # Not assigned - Mortuary Science: CSCL drafted a ruleset in consultation with the Michigan Board of Examiners in Mortuary Science in November of 2018 and CSCL awaits the status of House Bill 4437 and Senate Bill 696 that would amend Article 18 of the Occupational Code. Over the last several years, CSCL has increased inspections, audits, and enforcement of Article 18 and the Mortuary Science rules due to several notable complaints involving egregious violations of health and safety requirements and the misappropriation of

funds discovered during that time.

MOAHR # Not assigned - Limousine, Taxicab, and Transportation Network Company: A potential ruleset was last evaluated in February 2020. Limousines, taxis, and transportation network companies have seen a reduction in demand for their services due to COVID-19 that experts are predicting may not immediately recover with the advent of a vaccine or effective treatment and the lifting of stay at home orders.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

CSCL provides links to the administrative rules in the upper right-hand corner of each profession's webpage under the heading "Quick Links": [Administrative Rules](#)

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

OUTSTANDING

MOAHR # Not assigned - Proprietary Schools: The Proprietary Schools program was transferred on August 11, 2019 to the Department of Labor and Economic Opportunity under Executive Order 2019-13.

MOAHR# 2020-14 LR Securities Procedural: LARA's RAO filed the strike-bold and nonstrike-bold version of the rules on May 1, 2020 and anticipates the rescission of the rules to be completed within the July 1, 2019, to June 30, 2020 timeline, if not sooner.

MOAHR # 2020-15 LR Prepaid Funeral & Cemetery Sales: CSCL anticipates filing an updated RFR within the July 1, 2020, to June 30, 2021 timeline.

MOAHR # Not assigned - Mortuary Science: The rules are on hold pending House Bill 4437 and Senate Bill 696 that would substantially amend Article 18 of the Occupational Code.

MOAHR # Not assigned - Limousine, Taxicab, and Transportation Network Company: CSCL anticipates filing an RFR within the July 1, 2020, to June 30, 2021 timeline.

Department of Licensing and Regulatory Affairs
Marijuana Regulatory Agency

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021. [Give brief description.]

The following topic-based rule sets will be revised to comport with newly adopted legislation, and to provide additional clarity/consistency to marijuana businesses and update regulations to continue to ensure the safety, security, and integrity of the operations of marijuana businesses.

Marijuana Licensees (MOAHR # not assigned): R 420.101-R 420.199. Authority: Section 206 of the medical marijuana facilities licensing act, 2016 PA 281, MCL 333.27206; sections 7 and 8 of the Michigan Regulation and Taxation of Marijuana Act,

2018 IL 1, MCL 333.27957 and 333.27958; and Executive Reorganization Order No. 2019-2, MCL 333.27001.

Marihuana Sampling and Testing (MOAHR # not assigned): R 420.301-R 420.399. Authority: Section 206 of the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27206; sections 7 and 8 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27957 and 333.27958; and Executive Reorganization Order No. 2019-2, MCL 333.27001.

Marihuana Infused Products and Edible Marihuana Product (MOAHR # not assigned): R 420.401-R 420.499. Authority: Section 206 of the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27206; sections 7 and 8 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27957 and 333.27958; and Executive Reorganization Order No. 2019-2, MCL 333.27001.

Marihuana Sale or Transfer (MOAHR # not assigned): R 420.501-R 420.599. Authority: Section 206 of the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27206; sections 7 and 8 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27957 and 333.27958; and Executive Reorganization Order No. 2019-2, MCL 333.27001.

Marihuana Employees (MOAHR # not assigned): R 420.601-R 420.699. Authority: Section 206 of the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27206; sections 7 and 8 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27957 and 333.27958; and Executive Reorganization Order No. 2019-2, MCL 333.27001.

Marihuana Hearings (MOAHR # not assigned): R 420.701-R 420.799. Authority: Section 206 of the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27206; sections 7 and 8 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27957 and 333.27958; and Executive Reorganization Order No. 2019-2, MCL 333.27001.

Marihuana Disciplinary Proceedings (MOAHR # not assigned): R 420.701-R 420.799. Authority: Section 206 of the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27206; sections 7 and 8 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27957 and 333.27958; and Executive Reorganization Order No. 2019-2, MCL 333.27001.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

No rule sets will be obsolete, superseded, or rescinded.

3. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.

No. However, there is a need to promulgate rules to establish clarity and consistency regarding the process for excluding individuals from marijuana facilities pursuant to Section 303 of the medical

marihuana facilities licensing act, 2016 PA 281, MCL 333.27303 and R 420.16(6) of the topic-based rules.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

None. When the rules were opened in 2019, MRA reviewed previous comments, conducted workgroups, and considered the implication of the rules on the existing medical market and newly launching adult-use market. Rules were reviewed and numerous rules revised with considerations in mind such as being a business-friendly method of regulation. This is partly why the rules were done with a topic-based approach.

- A. Whether there is a continued need for the rules.

Yes, there is continued need for the licensing and regulation of marijuana facilities and establishments as statutory requirements for licensing are still in effect.

- B. A summary of any complaints or comments received from the public concerning the rules.

The rule sets listed as completed in Q.6 went through the official rulemaking process, which included public comment. No additional comments have been received.

- C. The complexity of complying with the rules.

The complexity of complying with the rules sets is average as the regulated industry is familiar and generally compliant with the rule requirements as to some extent these rules were in place prior to their recent filing.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rule sets are not in conflict nor do they duplicate federal or local government rules or regulations. If there are duplicative rules, they will be identified and rescinded/amended when the rules are open for review.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

2019/2020 - There have been no technological, economic conditions, or other factors that have changed regulatory activity covered by the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://www.michigan.gov/lara/0,4601,7-154-89334_79571_82631---,00.html

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

Complete: 2018-095 LR - Michigan Medical Marihuana. The Agency does not intend to make any revisions to the rules between July 1, 2020 and June 30, 2021. The rule set was updated and took effect on October 25, 2019.

The following topic-based rule sets were promulgated and took effect on June 22, 2020:
MRA-2019-67-LR. Marihuana Licenses.
MRA-2019-68-LR. Marihuana Licensees.

MRA-2019-69-LR. Marihuana Operations.
 MRA-2019-70-LR. Marihuana Sampling and Testing.
 MRA-2019-71-LR. Marihuana Infused Products and Edible Marihuana Product.
 MRA-2019-72-LR. Marihuana Sale or Transfer.
 MRA-2019-73-LR. Marihuana Employees.
 MRA-2019-74-LR. Marihuana Hearings.
 MRA-2019-75-LR. Marihuana Disciplinary Hearings.
 MRA-2019-88-LR. Industrial Hemp Rule for Marihuana Businesses.

Department of Licensing and Regulatory Affairs
Michigan Liquor Control Commission

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021. [Give brief description.]

R 436.1011 Prohibited conduct of licensees, agent, or employees in the **General Rules** needs to be updated to supply parameters, guidance, standards, criteria, or quantifiers to identify narcotics paraphernalia.

R 436.1403 Hours and days of operation in the **On-Premises Licenses** rules and **R 436.1503 Hours and days of operation** in the **Off-Premises Licenses** rules need to be updated based upon certain statutory changes in the Michigan Liquor Control Code of 1998.

R 436.1811 Industrial manufacturers in the **Spirits** rules needs to be updated as the TTB no longer issues basic permits under the Federal Alcohol Administration Act for a manufacturer that secures alcohol and alcoholic liquor for non-beverage purposes.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

R 436.572 Definition in the **Special License for Sale of Alcoholic Liquor at Retail for Consumption on the Premises** rules because special license is defined in the Michigan Liquor Control Code of 1998.

R 436.1141 SDD license; population requirement in the **Licensing Qualification** rules because the subject matter is now covered in the Michigan Liquor Control Code of 1998 under MCL 436.1533.

R 436.1319 Cooperative advertising in the **Advertising** rules because the subject matter is now covered in the Michigan Liquor Control Code of 1998 under MCL 436.1610d.

R 436.1329 Displays in the **Advertising** rules because the subject matter is now covered in the Michigan Liquor Control Code of 1998 in MCL 436.1610b.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The Liquor Control Commission has exercised all its mandatory/statutory rulemaking authority.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The alcoholic beverage industry interests are not only divided into a three-tier system (manufacturers, wholesalers, and retailers) but interests are also divided into applicants for alcoholic beverage licenses and those who hold alcoholic beverage licenses. Therefore, what may be problematic to an applicant may be advantageous to a current license holder. Likewise, what may be sought after by the retail licensed tier may be objectionable to the manufacturer or wholesaler licensed tier. Consequently, it is complicated to identify what is problematic to the industry as a whole.

A. Whether there is a continued need for the rules.

The General Rules, Licensing Qualification Rules, Advertising Rules, Hearings and Appeals Practice Rules, Church or School Hearings, Declaratory Rulings, and Financial Responsibility Rules overall apply to persons licensed in all tiers of the alcoholic beverage industry (manufacturers, wholesalers, and retailers). The remaining rule sets apply to specific subsets of licensees as follows: Special License Rules (pertain to non-profit organizations for lawful fundraising events); Special Permit Rules (pertain to hospitals, charitable institutions, and military establishments located in the state for the purchase of spirits for their own use); On-Premises Rules (pertain to licensees that sell alcoholic liquor for on premises consumption such as restaurants, bars, nightclubs, etc.); Off-Premises Rules (pertain to licensee that sell alcoholic liquor for consumption off the premises such as grocery stores, drug stores, convenience food stores, etc.); Beer Rules (pertain to outstate sellers, wholesalers and brewers); Wine Rules (pertain to manufacturers, wholesalers, and outstate sellers); Spirit Rules (pertain to authorized distribution agents, sellers of alcohol, industrial manufacturers, and limited alcohol buyers); and Vendor Representative and Salesperson Rules (pertain to persons employed by manufacturers, outstate sellers, and wholesalers to assist in the sale, delivery, and promotion of alcoholic beverages). These rule sets are important to the mission and function of the agency.

B. A summary of any complaints or comments received from the public concerning the rules.

No specific complaints or comments have been received from the public concerning the rule sets.

C. The complexity of complying with the rules.

Complying with the above-referenced rule sets is somewhat complex based upon the multifaceted nature of the industry. However, the regulated businesses are generally familiar with the rules and typically compliant with the various requirements.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The Beer, Wine, and Spirits rule sets incorporate federal statutes relative to obtaining basic permits and/or labeling requirements as a condition for obtaining manufacturing licenses and label approval for alcoholic liquor products sold in Michigan.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The **General Rules** were updated in 2016; the **Beer Rules** were updated in 2017; and the **Wine Rules** were updated in 2017.

R 436.1117 of the **Licensing Qualifications** was rescinded effective May 12, 2017.

R 436.1133 of the **Licensing Qualifications** was rescinded effective April 17, 2018

The last major revisions of the remaining rule sets were completed in 2000 and 2004.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

The Michigan Liquor Control Commission has two primary links to the existing administrative rules. The first link is on the front page of the website and is titled [Code and Rule Book](#). The second link is titled [Administrative Rules \(MOAHR Website\)](#) in the Commission Documents Library under Commission Codes and Rules. This link takes you to the MOAHR page search for the Michigan Administrative Code.

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

R 436.1011 Prohibited conduct of licensees, agent, or employees in the **General Rules** is outstanding as the bureau waited for the Marijuana Regulatory Agency to promulgate rules to avoid conflicting rules. **R 436.1403 Hours and days of operation in the On-Premises Licenses rules** and **R 436.1503 Hours and days of operation in the Off-Premises Licenses rules** remain outstanding.

No rules were completed in the 2020 ARP.

Department of Licensing and Regulatory Affairs Michigan Office of Administrative Hearings and Rules

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021. [Give brief description.]

MOAHR # 2018-18 LR Administrative Hearing Rules, R 792.10101 to R 792.11903:

The general purpose of the rule set is to govern the practice and procedures for all administrative hearings conducted by MOAHR, allowing for different procedures in specific types of hearings. The purpose of the proposed changes is to refine certain rules to clarify current practices, reflect statutory changes and department reorganizations, eliminate duplicative or unnecessary rules, and promote greater efficiency and fairness.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

R 792.10414 is being rescinded during the rules process.

R 792.10601 – R 792.10609 are being rescinded during the rules process.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

MOAHR has not failed to promulgate or utilize any statutorily required rules.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The MOAHR rules are procedural rather than substantive, and MOAHR is not aware that any of the rules are problematic to any industries.

A. Whether there is a continued need for the rules.

There is a continued need for the rules to address the practice and procedure for the different case types handled by MOAHR.

B. A summary of any complaints or comments received from the public concerning the rules.

MOAHR is not aware of any complaints from the public concerning the rules, although some comments have been received that have prompted a review of certain rules to promote greater efficiency.

C. The complexity of complying with the rules.

Because the Administrative Hearing Rules provide procedural safeguards for the parties to administrative hearings before MOAHR, and because the parties who practice before the agency regularly are generally familiar with the applicable rules, the complexity of complying with the rules is minimal.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The Administrative Hearing Rules did not conflict with applicable federal requirements when they were adopted, and proposed rule revisions will ensure continued compliance with any applicable federal procedural requirements. Rules adopted by local units of government would not apply to MOAHR administrative proceedings.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The Administrative Hearing Rules were last evaluated prior to their adoption in 2015.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://dtmb.state.mi.us/ORRDocs/AdminCode/1799_2018-018LR_AdminCode.pdf

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

The proposed revisions to the Administrative Hearing Rules identified in the 2017 ARP remain outstanding, as indicated above.

Department of Licensing and Regulatory Affairs
Michigan Unarmed Combat Commission

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021. [Give brief description.]

MOAHR # Not assigned - Unarmed Combat: Amateur Kickboxing and Muay Thai events in Michigan stopped based on the changes to the UCRA that went into effect on February 10, 2016. The changes broadened the definition of “unarmed combat” to include “any other form of competition in which a blow is usually struck”. The Commission is reviewing the requirements of the UCRA and the rules of engagement from other jurisdictions to evaluate the potential need for an additional regulatory structure that would allow the sanctioning of Kickboxing and Muay Thai events in Michigan. Also, the Commission is researching rules that would require ring officials to obtain experience,

establishing minimum purse contracts, and preventing promoters with a suspended license from indirectly promoting unarmed combat events in violation of a settlement or a final order issued by the Commission. Statutory changes may or may not precede any new rulemaking activity, depending on how the Michigan Unarmed Combat Commission chooses to approach the regulation of other unarmed combat sports and licensees.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission

The Michigan Unarmed Combat Commission may recommend rescinding individual rules within the unarmed combat ruleset but cannot identify any particular rule at this time.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The Commission has not failed to promulgate any statutorily required rules.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

While the adoption of the most recent unarmed combat rules takes a step in the right direction, the Mixed Martial Arts industry would like to see more uniformity with other states or adoption of the Association of Boxing Commissions And Combative Sports Unified Rules of Mixed Martial Arts.

A. Whether there is a continued need for the rules.

There is a continued need for the rules to protect the health, safety, and welfare of contestants in amateur and professional unarmed combat sports regulated under this Act.

B. A summary of any complaints or comments received from the public concerning the rules.

During public comment at the Michigan Unarmed Combat Commission's Meetings, licensed ring officials have commented on the lack of experience among referees and judges. Furthermore, members of the kickboxing community have expressed frustration with the inability to promote kickboxing events and encouraged the commission to adopt rules.

C. The complexity of complying with the rules.

Compliance with the Michigan Unarmed Combat Regulatory Act and the unarmed combat rules is complex due to balancing the interests of unarmed combat contestants and promoters in growing unarmed combat sports in Michigan while also ensuring contestant and event safety.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The unarmed combat rules do not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The unarmed combat rules were last reviewed in their entirety in December 2019. Due to the Coronavirus, unarmed combat events are canceled until the temporary suspension of activities that are not necessary to sustain or protect life has been lifted. There are no other technological, economic conditions, or other factors that have changed the regulatory activity

covered by the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

The Michigan Unarmed Combat Commission provides links to the administrative rules at the bottom of its webpage under the heading “Quick Links”: [Administrative rules](#).

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

Completed:

MOAHR # 2018 - 105 LR Unarmed Combat: The rules were filed with the Office of the Great Seal on October 16, 2019, and take effect on October 16, 2019.

Outstanding:

MOAHR # Not assigned - Unarmed Combat: The Commission anticipates filing an RFR within the July 1, 2019, to June 30, 2020 timeline.

Department of Licensing and Regulatory Affairs Public Service Commission

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021. [Give brief description.]

MOAHR # 2019-059 Michigan Gas Safety Standards R 460.20101–R 460.20606: The rules will be revised to adopt by reference current federal regulations governing gas safety along with updating certain other technical standards contained in these rules. The proposed rules also will add record retention periods. The RFR for this rule set was approved on June 24, 2019. Informal rule approvals were received on February 27, 2020. The RIS was approved on March 10, 2020.

MOAHR # 2019-61 Technical Standards for Gas Service R 460.2301-460.2384: This rule set will be amended to add cybersecurity rules and to reflect updated national standards. The JCAR package was updated on March 12, 2020. These rules are waiting final JCAR review and approval.

MOAHR # 2019-087 Electric Interconnection and Net Metering Standards R 460.601a-460.656: The PSC will separate these two rule sets, adopting Federal Energy Regulatory Commission interconnection standards by reference, adopting a legally enforceable obligation definition, and adding rules addressing distributed generation as authorized by Section 173 of 2016 PA 342, MCL 460.1173. The PSC submitted an RFR in 2019 which was approved on September 4, 2019 but voided by MOAHR on March 10, 2020. The PSC intends to submit an RFR in 2020.

MOAHR # 2019-124 Responsibilities of Providers of Basic Local Exchange Service that Cease to Provide the Service R 484.1002-484.1009: The RFR for this rule set was approved on November 20, 2019. Informal rule approvals were received on December 17, 2019 and December 26, 2019. The RIS was approved on February 20, 2020. COVID-19 caused the cancellation of the public hearing. On April 21, 2020, the PSC received approval of a new NOPH. The public hearing will occur in July 2020.

MOAHR # 2019-137 (previously 2018-042) Preservation of Records of Electric, Gas, and Water Utilities R 460.2501-460.2582: These rules have not been updated since 1980 and do not

reflect modern forms of communication. This rule set has an approved RFR and RIS. The RIS was approved on February 18, 2020.

MOAHR # not yet assigned - Service Quality and Reliability Standards for Electric Distribution Systems. R 460.701-460.752. Depending on the findings and recommendations of the Statewide Energy Assessment Report, the PSC may consider changes to these service quality rules and may submit an RFR in late 2020.

MOAHR # not yet assigned - Technical Standards for Electric Service R 460.3101-460.3908: These rules are revised on a regular basis to reflect updated national standards that are adopted by reference. The PSC may also consider adding cybersecurity provisions.

MOAHR # not yet assigned - Consumer Standards and Billing Practices for Electric and Natural Gas Service. R 460.101-460.169: These rules may be revised to reflect changes to the Technical Standards for Electric Service. Metering inaccuracies and billing adjustment provisions may be move to this rule set.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

The PSC is not aware of any rules that are obsolete or superseded, or that are candidates for rescission at this time.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

Alternative Gas Suppliers. (Authority: MCL 460.9(8)). The Commission may adopt rules regarding the regulation of alternative gas suppliers and natural gas utilities with regard to customer choice issues, including the unauthorized switching of customers, billing for unauthorized services, and the licensing of alternative gas suppliers. The Commission has been successful in dealing with these matters on a case-by-case basis and does not currently contemplate any rulemaking.

Siting Transmission Lines. (Authority: MCL 460.574). The Commission may adopt rules regarding the siting of major transmission lines. The Commission has been successful in dealing with these matters on a case-by-case basis and does not currently contemplate any rulemaking.

Wastewater. (Authority: MCL 460.6(2)). The Commission may regulate the rates, fares, fees, and charges of private, investor-owned wastewater utilities. The Commission has not yet been approached by a wastewater project to be regulated under this statutory provision.

Clean, Renewable, and Efficient Energy Rules. (Authority: MCL 460.1191(2)). Implementation of 2008 PA 295 was carried out through the temporary order provided for under MCL 460.1191(1). The Commission does not contemplate any rulemaking.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The PSC is currently unaware of any rules that are particularly problematic to industry. All rules are promulgated after extensive stakeholder involvement. The electric and gas safety and technical standards require regular updates to keep up with mandated federal standards and changes in communications and technology; and certain telecommunications rules require regular re-promulgation because they otherwise sunset. The Electric Interconnection and Net Metering Standards rulemaking may be controversial among various business interests, and therefore the PSC

is undertaking an extensive stakeholder process to identify and work through issues prior to issuing the initial draft of the new rules and rule revisions.

A. Whether there is a continued need for the rules.

Not applicable – please see answer to No. 4.

B. A summary of any complaints or comments received from the public concerning the rules.

Not applicable – please see answer to No. 4.

C. The complexity of complying with the rules.

Not applicable – please see answer to No. 4.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

Not applicable – please see answer to No. 4.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

Not applicable – please see answer to No. 4.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

The PSC has a web page for laws, administrative rules, guidelines & decisions. The web page specifically indicates that “These rules and guidelines are linked to the State Office of Regulatory Reinvention”. The name has not yet been changed.
https://www.michigan.gov/mpsc/0,9535,7-395-93309_93437_93467---,00.html

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

Completed:

MOAHR # 2016-057 Michigan Gas Safety Standards R 460.20101-460.20606: These rules took effect January 3, 2019.

MOAHR # 2017-091 Technical Standards for Electric Service R 460.3101-460.3908: These rules took effect January 9, 2019.

MOAHR # 2018-001 Consumers Standards and Billing Practices for Electric and Gas Residential Service R 460.101-460.169: These rules took effect January 8, 2019.

MOAHR # 2018-002 Code of Conduct R 460.10101-460.10113: These rules took effect January 9, 2019.

MOAHR # 2018-027 Unbundled Network Element and Local Interconnection Services Rules R 484.71-484.75: These rules took effect April 19, 2019.

MOAHR # 2018-030 Basic Local Exchange Service Customer Migration Rules R 484.81-484.90: These rules take effect June 17, 2019.

MOAHR # 2019-030 Technical Standards for Electric Service R 460.3101-460.3908.

MOAHR # 2018-042 Preservation of Records of Electric, Gas, and Water Utilities R 460.2501-460.2582: This rule set was voided and replaced by #2019-137.

Outstanding:

MOAHR # 2019-059 Michigan Gas Safety Standards R 460.20101-R 460.20606.

MOAHR # 2019-61 Technical Standards for Gas Service R 460.2301-460.2384.