

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Health and Human Services

2. Bureau:

Children's Services Agency

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Child Caring Institutions

5. Rule numbers or rule set range of numbers:

R 400.4101 - 400.4666

6. Estimated time frame:

12 months

Name of person filling out RFR:

Mary Brennan

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

These rules address the licensing requirements for child caring institutions in the state. They provide the minimal standards for staff qualifications, facility requirements, licensing, and fire safety. The rules were last updated in 2019. Federal law requirements have changed, and new issues have evolved that require a review of the entire rule set to address such current issues involving LGBT youth, vaccinations, and variance requirements. Further, there are conflicts within the child caring institution, child placing agencies, and foster family and group home rules that need to be amended for consistency for the contracted agencies providing services.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

Department Director

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

Section 2, 1973 PA 116, MCL 722.112, and E.O. No. 2015-4, MCL 400.227.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

MCL 722.112(1) requires the DHHS to create and maintain rules for child care organizations.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

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

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

A Technical Advisor handbook was created as an explanation for the rules. This handbook will need amendment.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

The rules were listed on the department's annual regulatory plan for the current year.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

The proposed rules will incorporate recommendations from the public and contracted agencies received during public forums and statutorily-required workgroup under MCL 722.112.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The rules were last amended in 2019. Neither technology or economic conditions have changed the regulatory activity covered by the rules.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

The rules are still required. Rules that are obsolete will be rescinded.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No