

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

611 W. Ottawa Street
Lansing, MI 48909
Phone: 517-335-8658 Fax: 517-335-9512

REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Professional Licensing

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Counseling - General Rules

5. Rule numbers or rule set range of numbers:

R 338.1751 - R 338.1781

6. Estimated time frame:

12 months

Name of person filling out RFR:

Weston MacIntosh

E-mail of person filling out RFR:

MacIntoshW1@michigan.gov

Phone number of person filling out RFR:

517-241-9269

Address of person filling out RFR:

611 W. Ottawa St.

P.O. Box 30670

Lansing, MI 48909

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

The Counseling – General Rules pertain to education, limited licensure, licensure, licensure by endorsement, license renewal, and supervisor training requirements for counselors.

Amendment of the rules will take place to supply revisions on definitions, accreditation standards, education, human trafficking training, limited licensure requirements, examination, licensure requirements, licensure by endorsement, license renewal, and supervisor training requirements.

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

The department director in consultation with the Board.

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

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.

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

MCL 333.18107(1)(b) requires the department in consultation with the board to promulgate rules to establish standards to approve qualified programs under Part 181 (Counselors) of the Public Health Code for licensure of professional counselors. MCL 333.18111(1)(b) requires the department in consultation with the board to establish standards to approve qualified programs under Part 181 (Counselors) of the Public Health Code for licensure of limited licensed counselors.

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 proposed rules do not duplicate or conflict with other federal or state regulations.

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

No guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo covers the subject matter of the rules.

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

Yes.

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 proposed rules do not exceed other federal or state regulations.

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

The rules incorporate the changes that came about as a result of 2019 PA 96, which amended MCL 333.18101, MCL 333.18107, MCL 333.18111, and MCL 333.18115, and added MCL 333.18106, MCL 333.18112, MCL 333.18114, and MCL 333.18116, and became effective January 27, 2020.

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.

Amendment of the rules last took place in 2016. No technological factors, economic conditions, or other factors make amendment of the rules necessary.

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?

No.

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.

Yes