

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

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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:

Osteopathic Medicine and Surgery – General Rules

5. Rule numbers or rule set range of numbers:

R 338.111 – R 338.143

6. Estimated time frame:

12 months

Name of person filling out RFR:

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

The Osteopathic Medicine and Surgery – General Rules pertain to definitions, prescribing of drugs by physician’s assistants, delegation of prescribing controlled substances to advanced practice registered nurses, training in identifying human trafficking, medical education accreditation standards, licensure, licensure by endorsement, educational limited licenses, examination, relicensure, license renewal, and continuing education.

Amendment of the rules will take place to supply revisions of definitions, rescind a display name requirement, include a rule on telehealth, update the code of ethics, revise prescribing of physician’s assistants requirements and delegation of prescribing to advanced practice registered nurses requirements, clarify dates for human trafficking training, update accreditation standards, and revise licensure, licensure by endorsement, educational limited licensure, examination, relicensure, renewals, and continuing education 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 333.16145, MCL 333.16148, MCL 333.16174, MCL 333.16204, MCL 333.16215, MCL 333.16287, MCL 333.17531, 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.

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

Under MCL 333.17533(2), the board shall promulgate rules requiring each applicant for license renewal to complete as part of the continuing education requirement an appropriate number of hours or courses in pain and symptom management.

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.

Rescission of R 338.113, the name of practitioner, display name rule, is necessary, as MCL 333.16191 and MCL 333.16221 already address it.

Rescission of R 338.131, the examination eligibility, limitation on attempts rule, is necessary, as consolidation of the relevant information will take place under another rule that also addresses the COMLEX.

The rest of 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.

No.

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