

**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 Community and Health Systems

3. Promulgation type:

MCL 24.244 (1)

4. Title of proposed rule set:

Substance Use Disorder Programs

5. Rule numbers or rule set range of numbers:

R 325.1301 to R 325.1139. Requesting to amend one rule: 325.1301 (r)

6. Estimated time frame:

3 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 Substance Use Disorder Program Administrative Rules provide for the regulation of substance use disorder programs. The Bureau of Community and Health Systems (BCHS) needs to have one administrative rule amended as the legal basis for the existing rule was in error.

The current rule 325.1301 (r), is located in Part 1 Definitions and reads
R 325.1301 Definitions.

Rule 1301 (1) As used in these rules:

(r) "Licensee" means either a person or a governmental entity, that holds the license issued under article 6 of the public health code to operate a substance use disorder services program. Unless otherwise specified in these rules, a licensee does not include a person individually licensed under article 15 of the public health code, to provide psychological, medical, or social services through the individual's license and whose recipients are limited to those of the individual licensed professional maintaining and operating the office.

R 325.1301(r) needs to be amended as follows:

(r) "Licensee" means a person, as defined by Section 1106, specifically MCL 333.1106 (4), that holds the license issued under article 6 of the public health code to operate a substance use disorder services program. Unless otherwise specified in these rules, a licensee does not include a person individually licensed under article 15 of the public health code, to provide psychological, medical, or social services through the individual's license and whose recipients are limited to those of the individual licensed professional maintaining and operating the office.

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

Section 6234 of 1978 PA 368 as amended, MCL 333.6234, authorizes the Department of Licensing and Regulatory Affairs to promulgate rules for the licensing of substance use disorders service programs

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

Section 6234 of 1978 PA 368 as amended, MCL 333.6234, authorizes the Department of Licensing and Regulatory Affairs to promulgate rules for the licensing of substance use disorders service programs. The following executive reorganization orders (E.R.O. No.) also provide promulgation authority for these rules, E.R.O. No.: 1991-3, 1994-1, 1996-1, 1996-2, 1997-4, 2009-1, and 2011-4, MCL 333.26321, 333.26322, 330.3101, 445.2001, 333.26324, 333.26327, and 445.2030.

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

No

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.

R 325.1301 (r) does not conform to section 1106 of 1978 PA 368, MCL 333.1106.

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

No

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

No

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?

MCL 24.244 (1)

A. Explain why the rules are being promulgated under 24.244.

The amendment needs to be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, as amended, being MCL 24.244 (1), because the legal basis for the existing rule was in error.