

**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:**

Board of Midwifery

**5. Rule numbers or rule set range of numbers:**

R 338.17101 – R 338.17141

**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 purpose of the Board of Midwifery Rules is to regulate the prelicensure education, licensure, practice, conduct, disclosure and consent, classification of conditions for consultation, referral, and emergent transfer, administration of prescriptions drugs and medications, licensure renewal, relicensure, and continuing education for licensed midwives.

The proposed rules are intended to delete the English proficiency requirement that is being added to the General Public Health Rules, consider broadening a referral for abnormal metabolic infant screening to an abnormal blood spot infant screening, consider referrals for other abnormal infant screening tests, consider regulations for telehealth, and update rules affected by any other modified Public Health Code (Code) provisions.

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

MCL 333.16145 authorizes the Board to promulgate rules necessary or appropriate to fulfill its functions as prescribed in the Article 15 of the Public Health Code.

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

MCL 333.16148; MCL 333.16174; MCL 333.16178; MCL 333.16181; MCL 333.16182; MCL 333.16186; MCL 333.16201; MCL 333.16204; MCL 333.16205; MCL 333.16215; MCL 333.16287; MCL 333.17107; MCL 333.17111; MCL 333.17112; MCL 333.17115; MCL 333.17116; MCL 333.17117; MCL 333.17121; Executive Reorganization Order No. 1991-9, MCL 338.3501; Executive Reorganization Order No. 1996-2, MCL 445.2001; Executive Reorganization Order No. 2003-1, MCL 445.2011, and Executive Reorganization Order No. 2011-4, MCL 445.2030.

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

Yes. Part 171 of the Public Health Code, MCL 333.17101 to MCL 333.17123, effective April 4, 2017, established the formation of the Michigan Board of Midwifery and required the Board to enact rules within 24 months after the effective date of Part 171. MCL 333.16204 states that if a Board requires completion of continuing education as a condition for renewal, it shall require an appropriate number of hours or courses in pain and symptom management. MCL 333.16287 states that the department in consultation with the board, shall promulgate rules to implement sections 16284 and 16285.

**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.**

Each state establishes its own requirements with respect to the licensing requirements of midwives, so there is no federal rule or standard set by a national or state agency that the proposed rules can duplicate or be in conflict with.

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

No. The subject matter of the proposed rules is not currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

**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 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 Department will work with associations, related businesses, and lobbyists in preparing the proposed rules.

**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 promulgated April 6, 2019. There have been no technological factors, economic conditions or other factors that would necessitate amendment of 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?**

Yes, the English language proficiency requirement is no longer necessary in these rules as it has been added to the general rules for all health professions. There are no other changes or developments since implementation of the rules that demonstrate there is no continued need for the rules, or any portion of the rules.

**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