

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

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Lansing, MI 48909  
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**REQUEST FOR RULEMAKING (RFR)**

**1. Department:**

Health and Human Services

**2. Bureau:**

Policy and Legislative

**3. Promulgation type:**

Full Process

**4. Title of proposed rule set:**

Michigan Physician Orders for Scope of Treatment

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

R 325.81 to R 325.99

**6. Estimated time frame:**

6 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.**

The purpose of these rules is to comply with the statutory mandate of MCL 333.5676(1)(c) in creating a form and instructions on how to complete the form, reauthorize, and/ or revoke the form. Michigan Physician's Orders for Scope of Treatment (MI POST) is an optional, 1 page, 2-sided medical order documenting a person's wish regarding his or her care in a health crisis. MI POST is a part of the advance care planning process that include choices about Cardiopulmonary Resuscitation (CPR), critical care, and other wanted care. It is intended to guide care only if the person cannot tell others what to do at that time. MI POST is signed by the patient/patient representative and the physician, nurse practitioner, or physician's assistant. MI POST's intended population is people with serious advanced illness or frailty.

**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.).**

By authority conferred upon the director of health and human services pursuant to 1978 PA 368, sections 2233 and 5676, MCL 333.2233 and 333.5676.

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

The rules are required under MCL 333.5676(1)(c).

**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 conflict with or duplicate similar rules, 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?**

There will be instructions that accompany the form.

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

The rules were not listed on the department's annual regulatory plan.

**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. MI-POST fills a gap that cannot be met by an advance directive or an out-of-hospital Do-Not-Resuscitate (DNR) form. Emergency Medical Services (EMS) are required by law to provide aggressive treatment unless otherwise directed by a medical order. In the absence of a POST form patients will receive advanced cardiac life support, including CPR, endotracheal intubation, and defibrillation by emergency medical personnel based on standard protocols. In addition, DNR forms address cardiac life support and are only applicable when a person is not breathing and has no pulse. The POST form is more specific and addresses additional medical interventions such as intubation, transport, antibiotics, cardioversion, tube feeding, and hospitalization.

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

Yes, approximately 148 comments were received from February 7, 2019 – April 9, 2019.

Comments were reviewed by the MI POST committee, established through statute, and were incorporated into the rules (as appropriate). Additionally, comments helped to revise the actual form and accompanying instructional sheet.

**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.**

This is a new rule set.

**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?**

This is a new rule set and the rules are statutorily required under MCL 333.5676.

**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