

**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:**

Health and Human Services

**2. Bureau:**

Policy and Legislative

**3. Promulgation type:**

Full Process

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

Schedule of Monetary Civil Penalties for Violations of MDHHS Orders and Rules

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

R 325.101 to R 325.110

**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 proposed rules establish a schedule of monetary civil penalties for violations of Michigan Department of Health and Human Services (MDHHS) orders and rules, consistent with MCL 333.2262(1). In the absence of such a rule, enforcement of MDHHS orders and rules is primarily carried out through the criminal justice system per MCL 333.2261. Misdemeanor charges are rarely brought and are often not the most effective or efficient means to enforce MDHHS orders and rules.

**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 on the Director of the Department of Health and Human Services under section 2262 of 1978 PA 368, MCL 333.2262.

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

The rules are not mandated by any applicable constitutional or statutory provision.

**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?**

The proposed rules are not the subject matter 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?**

The proposed rules were not listed on the department's annual regulatory plan as rules to be processed for the current year.

**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.

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

The proposed rules do not incorporate the recommendations received by the public through complaints or comments.

**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. No existing ruleset is being amended.

**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 changes or developments. This is a new rule set.

**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