

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:

Full Process

4. Title of proposed rule set:

Substance Use Disorder Service Programs

5. Rule numbers or rule set range of numbers:

R 325.1301 - R 325.1399

6. Estimated time frame:

12 months

Name of person filling out RFR:

Tammy Bagby

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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 Programs Administrative Rules provide for the regulation of substance use disorder programs. Additional requirements have been identified that need further clarifications or corrections that were not addressed previously.

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.

MCL 333.6234 states that, “The department may promulgate rules under the administrative procedures act of 1969 for the administration of this part and the licensing of substance use disorder services programs under this part. Rules promulgated under former section 6231 relating to the licensing of substance use disorder services programs remain effective and applicable on and after the effective date of this section until rules are promulgated by the department under this section.”

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 department is not currently aware of any state or federal rules or regulations that the proposed rules conflict with or duplicate.

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?

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 department is not currently aware of any state or federal rules or regulations that the proposed rules conflict with or duplicate.

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

Yes, recommendations have been received since the last revisions and considered for the proposed revisions. Further input is expected at public hearings.

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.

Rules were last revised September 10, 2020.

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.

No