

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

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Health and Human Services

2. Bureau:

Behavioral Health and Developmental Disabilities Administration

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Financial Liability for Mental Health Services

5. Rule numbers or rule set range of numbers:

R 330.8005 – R 330.8284

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 administrative rules that apply to the determination of an ability to pay (ATP) for individuals receiving mental health services. The process outlined for establishing the ATP in a Community Mental Health setting is not consistent with Federal guidelines for determining ATP and as a result, Community Mental Health Services Programs (CMHPSP) are not able to be accredited by Health Resources and Services Administration (HRSA) to enter into their loan forgiveness program for medical professionals.

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

The department director.

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

By authority conferred on the department of health and human services by sections 114 and 842 of 1974 PA 258, being sections MCL 330.1114 and MCL 330.1842.

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

MCL 330.1842 mandates the promulgation of rules to carry out the statutory intent of the Act regarding a person's ability to pay for mental health services.

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 Michigan rules are not consistent with the current HRSA regarding the ability to pay for mental health services. The CMHSPs cannot become accredited under HRSA standards to enter into loan forgiveness programs until the Michigan rules align with HRSA.

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

The subject matter of the rules is contained in guidelines, forms with instructions, manuals, and other documents.

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

The rules are 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. The rules require amendment to meet the federal standards.

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

Comments from the public and providers indicate that the rules as written are preventing the CMHSPs from being able to be accredited by HRSA to enter into their loan forgiveness program. HRSA requires that ATP is based on federal standards and MI ATP is not.

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.

These rules were last promulgated in 1997 with many of the rules existing since 1979. Changes regarding federal standards regarding a person's ability to pay and for the current CMHSPs to have the authority to enter into loan forgiveness programs are the catalyst for this rule change.

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?

As stated above, the HRSA standards are the goal that DHHS has a continued need for 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.

No