

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:

Podiatric Medicine and Surgery – General Rules

5. Rule numbers or rule set range of numbers:

R 338.8101 - R 338.8145

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.

This rule set pertains to the licensure, relicensure, and license renewals of podiatrists.

The rules will be amended to review the impact of the amendment to MCL 333.16186 on applicants applying for licensure by endorsement. The rule pertaining to the examinations required for licensure will be reviewed and revised as needed to reflect changes that have been made to the American Podiatric Medical Licensing Examination. All rules will be reviewed and revised as needed for clarity and to provide up-to-date information.

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

The department in consultation with the board.

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

MCL 333.16145, 333.16148, 333.16174, 333.16178, 333.16182, 333.16186, 333.16204, 333.16205, 333.16287, 333.18031, and 333.18033, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.

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

MCL 333.16145 requires the board to promulgate rules to specify the requirements for licenses, renewals, examination, and required passing scores.

MCL 333.16287 requires the department, in consultation with the board, to promulgate rules to implement MCL 333.16284 and MCL 333.16285.

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.

The 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 subject matter of the rules is not currently contained in any guidance, 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 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.

No, however, during the public comment period for the most recent rule set (MOAHR # 2020-024 LR), two comments were submitted concerning R 338.8104 stating that the rule should be amended to eliminate the requirement to take the Part II Clinical Skills Patient Encounter (CSPE), if the CSPE was cancelled. Rule 338.8104 was not included in the draft rule set during the last promulgation cycle so the suggestions could not be implemented then. The bureau is proposing to make the change at this time.

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 last amended October 28, 2021. MCL 333.16186 was amended effective March 24, 2021. The endorsement rule will be reviewed and amended as needed in light of the statutory 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?

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.

Yes