

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:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Community and Health Systems

3. Promulgation type:

MCL 24.244 (1)

4. Title of proposed rule set:

Homes for the Aged

5. Rule numbers or rule set range of numbers:

R 325.1901, R 325.1924 and R 325.1932

6. Estimated time frame:

3 months

Name of person filling out RFR:

Tammy Bagby

E-mail of person filling out RFR:

BagbyT@michigan.gov

Phone number of person filling out RFR:

517-243-9351

Address of person filling out RFR:

611 W. Ottawa-1st Floor,
Lansing, MI 48933

7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The Homes for the Aged administrative rules provide for the licensing regulation of homes for the aged, including establishing the standard of quality care requirements.

The proposed changes are due to obsolete rules and to comply with the requirements set forth in MCL 333.20171.

The specific rules proposed for revision are:

R 324.1901 (10),(14) and (17)- Definitions
R 325.1924 - Reporting of incidents
R.325.1932 - Medications

The proposed rules incorporate recommendations received from licensed providers and provider associations related to existing requirements and their compliance with MCL 333.20171. The proposed rules will reduce the reporting burden to the state on the providers while still maintaining a provider review process to protect residents.

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

Section 20171 of 1978 PA 368, as amended, MCL 333.20171, authorizes the Department of Licensing and Regulatory Affairs to promulgate rules for Homes for the Aged.

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

By authority conferred on the department of licensing and regulatory affairs by section 427 of 1965 PA 380, MCL 16.527, and section 2233 of 1978 PA 368, MCL 333.2233; and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2015-1, MCL 330.3101, 445.2001, 445.2011, and 400.227.

Section 20171 of 1978 PA 368, as amended, MCL 333.20171, authorizes the Department of Licensing and Regulatory Affairs to promulgate rules for Homes for the Aged.

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

MCL 333.20171 of the Public Health Code mandates the Department to promulgate and enforce rules to implement Article 17 (Facilities and Agencies) of the Code.

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 aware of any rules, compliance requirements, or other standards adopted at the state, regional, or federal level that the proposed rules are in 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?

The subject matter is not currently contained in any guidance, handbook, manual, instruction 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 rules are 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?

MCL 24.244 (1)

A. Explain why the rules are being promulgated under 24.244.

The proposed rules will be promulgated under section 44 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.244(1) because the primary purpose of the amendment is to replace obsolete rules. They will be updated to comport with requirements set forth in MCL 333.20171.