

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

MOAHR-Rules@michigan.gov

**REQUEST FOR RULEMAKING (RFR)**

**1. Department:**

Insurance and Financial Services

**2. Bureau:**

Insurance

**3. Promulgation type:**

Full Process

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

Pharmacy Benefit Manager Licensure and Regulation Act

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

R 500.31 - R 500.39

**6. Estimated time frame:**

12 months

**Name of person filling out RFR:**

Ryan Durkin

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**Address of person filling out RFR:**

530 West Allegan Street, Lansing, Michigan 48933

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

Pursuant to the pharmacy benefit manager licensure and regulation act, 2022 PA 11, the general purpose of these rules is to establish the following: fees for license applications and renewals; the license renewal schedule; standards regarding fines; suspension of licensure, restriction of licensure, and revocation of licensure.

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

The director has mandatory rulemaking authority under section 13 of the pharmacy benefit manager licensure and regulation act, 2022 PA 11, MCL 550.823.

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

MCL 550.823; MCL 550.821(2)(b); MCL 550.821(10)(b); MCL 550.821(11).

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

Yes, the rules are mandated by section 13 of the pharmacy benefit manager licensure and regulation act, 2022 PA 11, MCL 550.823.

**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?**

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.**

These rules are the first promulgated under the pharmacy benefit manager licensure and regulation act, 2022 PA 11, which becomes effective on January 1, 2024, and is the first act in Michigan to license and regulate pharmacy benefit managers specifically as such. There are no similar regional or federal licensing requirements for pharmacy benefit managers.

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

No.

**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.**

Not applicable; the rules are not amendments to an existing rule set.

**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?**

Not applicable; the rules are not amendments to an existing 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