

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

MOAHR-Rules@michigan.gov

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:

Occupational Therapists - General Rules

5. Rule numbers or rule set range of numbers:

R 338.1191 – R 338.1252

6. Estimated time frame:

12 months

Name of person filling out RFR:

Dena Marks

E-mail of person filling out RFR:

MarksD1@michigan.gov

Phone number of person filling out RFR:

517-335-3679

Address of person filling out RFR:

611 W. Ottawa Street
P.O. Box 30670
Lansing, MI 48909

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

The purpose of the Board of Occupational Therapist – General Rules is to regulate the prelicensure education, licensure, licensure renewal, relicensure, and continuing education for occupational therapists and occupational therapy assistants.

The proposed rules will be reviewed and amended as needed concerning the requirements for licensure. Additionally, continuing education rules will be reviewed and revised as needed to reflect the activities and continuing education providers and activities approved by the board. All rules will be reviewed and revised as needed to update rules and provide greater clarity.

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

MCL 333.16141 authorizes the department to promulgate rules to promote the effective and consistent administration of Article 15 of the Public Health Code.

MCL 333.16148, MCL 333.16287, MCL 333.18307, and MCL 333.18309 authorizes the department, in consultation with the board, to promulgate rules.

MCL 333.16145 authorizes the board to promulgate rules necessary or appropriate to fulfill its functions as prescribed in the Article 15 of the Public Health Code.

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

MCL 333.16141; MCL 333.16145; MCL 333.16148; MCL 333.16174; MCL 333.16175; MCL 333.16178; MCL 333.16186; MCL 333.16186a; MCL 333.16204; MCL 333.16205; MCL 333.16215; MCL 333.16287; MCL 333.18307; MCL 333.18309; MCL 333.18313; Executive Reorganization Order No. 1991-9, MCL 338.3501; Executive Reorganization Order No. 1996-2, MCL 445.2001; Executive Reorganization Order No. 2003-1, MCL 445.2011; and Executive Reorganization Order No. 2011-4, MCL 445.2030.

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

Yes, the department in consultation with the board is required to promulgate rules as follows: to set forth the minimum standards for licensure pursuant to MCL 333.18307 and MCL 333.18309; to include training standards for identifying victims of human trafficking, pursuant to MCL 333.16148; to complete continuing education hours in pain and symptom management for an applicant for licensure renewal, if continuing education is a condition for renewal, pursuant to MCL 333.16204; and to regulate telehealth, pursuant to MCL 333.16287.

There is no constitutional mandate.

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.

Each state establishes its own requirements with respect to occupational therapists and occupational therapy assistants. 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. The subject matter of these rules is not currently contained in any guideline, 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.

The Board of Occupational Therapy will receive comments from the public, associations, and licensees. Rules Committee Work Sessions will be held with the public.

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 on April 26, 2023. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

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, there are no changes or developments since implementation of the last rule set that demonstrates there is no 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.

Yes

Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.