

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

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Health and Human Services

2. Bureau:

Public Health Administration

3. Promulgation type:

Full Process

4. Title of proposed rule set:

AMENDMENTS TO VITAL RECORDS

5. Rule numbers or rule set range of numbers:

R 325.3251 to R 325.3267

6. Estimated time frame:

6 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.

The general purpose of the Amendments to Vital Records ruleset, R 325.3250 to R 325.3267, is to establish definitions, requirements, and processes needed to amend or change birth and death certificates, and other vital records after they are filed.

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

MDHHS Department Director.

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

By authority conferred on the department of public health by sections 2226, 2233, 2235, and 2896 of the public health code, 1978 PA 368, MCL 333.2226, 333.2233, 333.2235, and 333.2896.

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

The rules are not mandated but permissive as anticipated in MCL 333.2896 to implement procedures, forms, and other requirements of the statewide system of vital records.

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?

These rules form the basis for many vital records internal policies and procedures for amending vital records.

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

The rules were 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.

These rules are mostly consistent with 2011 Model Vital Statistics Act and Regulations published by the National Association of Public Health Statistics and Information Systems (NAPHSIS) in conjunction with the CDC, <https://www.cdc.gov/nchs/data/misc/mvsact92b.pdf>.

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

There have been no relevant complaints, recommendations, or feedback received from the public regarding these rules.

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 last evaluation of the rules was in 2023. Several of the requested changes are due to the ways technology has changed the processing of vital records from paper to electronic.

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?

There is a continued need for these 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

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.