

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 Community and Health Systems

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Homes for the Aged

5. Rule numbers or rule set range of numbers:

R 325.1901 - R 325.1981

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 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 revisions are:

R 325.1901 Definitions.

R 325.1922 Admission and retention of residents.

R 325.1923 Employee's health.

R 325.1967 Resident rooms.

R 325.1969 Additional resident area requirements in certain homes.

R 325.1918 NEW RULE Complaint filed with the department; procedure.

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 these rules would 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?

Yes, the rules are listed on the 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?

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.

This rule set does 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 proposed rules incorporate recommendations received from licensed providers and provider associations related to existing requirements and their compliance with MCL 333.20171.

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.

Technology, economic conditions, or other factors have not changed the regulatory activity covered by the rules since the last evaluation.

R 325.1901 Definitions – Last revised in 2023.

R 325.1922 Admission and retention of residents. – Last revised in 2017.

R 325.1923 Employee's health. – Last revised in 2017.

R 325.1967 Resident rooms. – Last revised in 2004.

R 325.1969 Additional resident area requirements in certain homes. – Last revised in 2004.

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 are no changes or developments that demonstrate there is no continued need for the rules or any portion of 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.

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.