

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:

Dietetics and Nutrition – General Rules

5. Rule numbers or rule set range of numbers:

R 338.1401 – R 338.1499

6. Estimated time frame:

12 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 these rules is to provide licensure and continuing education requirements for this profession required by 2024 PA 39, which took effect on April 2, 2025.

The proposed new Dietetics and Nutrition – General Rules will pertain to definitions, human trafficking training, accreditation, examination, temporary licenses, licensure, relicensure, renewal, continuing education, certification, telehealth, orders related to practice of medical nutrition therapy, and code of ethics for dietitian nutritionists.

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.

MCL 333.16145 and MCL 333.16204 authorizes the board to promulgate rules.

MCL 333.16148, MCL 333.16287, MCL 333.18358, and MCL 333.18359 authorizes the department, in consultation with the board, to promulgate rules.

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

333.16141; 333.16145; 333.16148; 333.16174; 333.16204; 333.16287; 333.18358; 333.18359; 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, under MCL 333.16145, except as provided in a specific part of article 15, only a board or task force shall promulgate rules to specify requirements for licenses, registrations, renewals, examinations, and required passing scores.

Under MCL 333.16204, effective for the renewal of licenses or registrations issued under article 15 and expiring after January 1, 1997, if the completion of continuing education is a condition for renewal, the appropriate board shall by rule require an applicant for renewal to complete an appropriate number of hours or courses in pain and symptom management.

Under MCL 333.16287, the department, in consultation with the board, shall promulgate rules to implement MCL 333.16284 and MCL 333.16285. Under MCL 333.18359(1), notwithstanding the requirements of part 161, the department, in consultation with the board, shall by rule prescribe continuing education requirements as a condition of license renewal.

Under MCL 333.18359(2), as required under section 16204, the department, in consultation with the board, shall promulgate rules requiring each applicant for license renewal to complete as part of the continuing education required under subsection (1) of MCL 333.18359 an appropriate number of hours or courses in pain and symptom management.

Under MCL 333.18359(4), the department in consultation with the board shall promulgate rules to establish a code of ethics for licensees and promulgate initial rules to implement part 183A for individuals seeking licensure as a dietitian nutritionist.

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 sets up its own requirements with respect to dietitian nutritionists. 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 Dietetics and Nutrition will receive comments from the public, associations, and licensees. The Board of Dietetics and Nutrition will hold Rules Committee Work Group sessions 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.

This will be a new 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?

This will be a new 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.

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.