

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:

Crime Victims Compensation - General Rules

5. Rule numbers or rule set range of numbers:

R 18.351 - R 18.367

6. Estimated time frame:

6 months

Name of person filling out RFR:

Talisa Gauthier

E-mail of person filling out RFR:

GauthierT1@michigan.gov

Phone number of person filling out RFR:

517-284-4853

Address of person filling out RFR:

235 S. Grand Avenue, Lansing, MI 48909

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

The purpose of these rules is to further clarify the governing statute of the Crime Victims Compensation program of the requirements and eligibility of the program. The proposed changes will include the elimination of the conflict between the existing administrative rules and the amended statute that became effective on August 12, 2023.

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

The Crime Victim Services Commission has promulgation authority. See MCL 18.353.

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

By authority conferred on the crime victims services commission by section 3 of 1976 PA 223, MCL 18.353.

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

The rules are mandated under MCL 18.353 which states that the Crime Victims Services Commission shall promulgate rules.

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 current rules do conflict with state statutes that were enacted in 2023 , specifically under 1976 PA 223, and need to be updated for consistency. Otherwise, the administrative rules do not conflict or duplicate any similar rules, compliance requirements, or other standards adopted at the state, federal, or regional level.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

Yes. The Crime Victims Compensation has a policy and procedure manual that outlines the instructions and operational functions of the program.

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

The rules are 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.

The administrative rules conflict with the enactment of state statute in 2023, specifically under 1976 PA 223, and need to be updated for consistency. The remainder of the rules do not conflict or duplicate any similar rules, compliance requirements, or other standards adopted at the state, federal, or regional level.

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

There are no recommendations from public comment that are being incorporated.

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.

Since the last evaluation in 2016, the program has undergone a statutory amendment that affected the eligibility, filing limitations, benefit types, and program maximums that have fundamentally changed the program, which necessitated a change in the corresponding administrative 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?

There is still a continued need for the administrative 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.