

**Office of Regulatory Reinvention**  
111 S. Capitol Avenue; 8th Floor, Romney Building  
Lansing, MI 48933  
Phone: (517) 335-8658 FAX: (517) 335-9512

**REGULATORY IMPACT STATEMENT  
and COST-BENEFIT ANALYSIS (RISCBA)**

**PART 1: INTRODUCTION**

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate the rules must complete and submit this form electronically to the Office of Regulatory Reinvention (ORR) at [orr@michigan.gov](mailto:orr@michigan.gov) no less than 28 days before the public hearing.

**1. Agency Information**

Agency name:	Licensing and Regulatory Affairs		
Division/Bureau/Office:	Bureau of Professional Licensing		
Name, title, phone number, and e-mail of person completing this form:	Dena Marks, Board Analyst 517-335-3679 <a href="mailto:Marksd1@michigan.gov">Marksd1@michigan.gov</a>		
Name of Departmental Regulatory Affairs Officer reviewing this form:	Liz Arasim, Department of Licensing and Regulatory Affairs		

**2. Rule Set Information**

ORR assigned rule set number:	2019 – 024 LR
Title of proposed rule set:	General Rules – Public Health Code

**PART 2: KEY SECTIONS OF THE APA**

**MCL 24.207a “Small business” defined.**

Sec. 7a. “Small business” means a business concern incorporated or doing business in this state, including the affiliates of the business concern, which is independently owned and operated, and which employs fewer than 250 full-time employees or which has gross annual sales of less than \$6,000,000.00.

**MCL 24.232** (8) Except for an emergency rule promulgated under section 48, and subject to subsection (10), if the federal government has mandated that this state promulgate rules, an agency shall not adopt or promulgate a rule more stringent than the applicable federally mandated standard unless the director of the agency determines that there is a clear and convincing need to exceed the applicable federal standard.

(9) Except for an emergency rule promulgated under section 48, and subject to subsection (10), if the federal government has not mandated that this state promulgate rules, an agency shall not adopt or promulgate a rule more stringent than an applicable federal standard unless specifically authorized by a statute of this state or unless the director of the agency determines that there is a clear and convincing need to exceed the applicable federal standard.

(10) Subsections (8) and (9) do not apply to the amendment of the special education programs and services rules, R 340.1701 to R 340.1862 of the Michigan Administrative Code. However, subsections (8) and (9) do apply to the promulgation of new rules relating to special education with the rescission of R 340.1701 to R 340.1862 of the Michigan Administrative Code.

**MCL 24.240 Reducing disproportionate economic impact of rule on small business; applicability of section and MCL 24.245(3).**

Sec. 40. (1) When an agency proposes to adopt a rule that will apply to a small business and the rule will have a disproportionate impact on small businesses because of the size of those businesses, the agency shall consider exempting small businesses and, if not exempted, the agency proposing to adopt the rule shall reduce the economic impact of the rule on small businesses by doing all of the following when it is lawful and feasible in meeting the objectives of the act authorizing the promulgation of the rule:

- (a) Identify and estimate the number of small businesses affected by the proposed rule and its probable effect on small businesses.
  - (b) Establish differing compliance or reporting requirements or timetables for small businesses under the rule after projecting the required reporting, record-keeping, and other administrative costs.
  - (c) Consolidate, simplify, or eliminate the compliance and reporting requirements for small businesses under the rule and identify the skills necessary to comply with the reporting requirements.
  - (d) Establish performance standards to replace design or operational standards required in the proposed rule.
- (2) The factors described in subsection (1)(a) to (d) shall be specifically addressed in the small business impact statement required under section 45.
- (3) In reducing the disproportionate economic impact on small business of a rule as provided in subsection (1), an agency shall use the following classifications of small business:
- (a) 0-9 full-time employees.
  - (b) 10-49 full-time employees.
  - (c) 50-249 full-time employees.
- (4) For purposes of subsection (3), an agency may include a small business with a greater number of full-time employees in a classification that applies to a business with fewer full-time employees.
- (5) This section and section 45(3) do not apply to a rule that is required by federal law and that an agency promulgates without imposing standards more stringent than those required by the federal law.

**MCL 24.245** (3) Except for a rule promulgated under sections 33, 44, and 48, the agency shall prepare and include with the notice of transmittal a **regulatory impact statement** which shall contain specific information (information requested on the following pages).

### PART 3: AGENCY RESPONSE

Please provide the required information using complete sentences. **Do not answer any question with “N/A” or “none.”**

#### Comparison of Rule(s) to Federal/State/Association Standards:

1. Compare the proposed rule(s) to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.

Each state establishes its own requirements with respect to license and registration renewal and English proficiency requirements for licensure or registration. Consequently, there are no federal rules or standards set by a national or state agency to which the proposed rules can be compared.

**A. Are these rule(s) required by state law or federal mandate?**

The rules are required or authorized by state statute including the following: MCL 333.16145, MCL 333.16194, MCL 333.16201, and MCL 333.16221(e)(iv)(B) and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030.

The rules are not federally mandated.

- B. If these rule(s) exceed a federal standard, identify the federal standard or citation, describe why it is necessary that the proposed rule(s) exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.**

The rules do not exceed a federal standard.

2. Compare the proposed rule(s) to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.

The proposed rules are consistent with the standards required by the Public Health Code and are largely consistent with the requirements of other states in the Great Lakes region. Every state in the Great Lakes region provides for the length of a license or registration cycle and license or registration renewal dates.

The states in the Great Lakes region differ in their requirements for demonstrating a working knowledge of the English language if an applicant has been foreign trained, but all states in the Great Lakes region require testing to demonstrate a working knowledge of the English language for some professions. Most commonly, the professions requiring this testing for licensure are nursing and physical therapy.

- A. If the rule(s) exceed standards in those states, explain why and specify the costs and benefits arising out of the deviation.

The rules requiring a foreign-trained applicant for licensure or registration to demonstrate a working knowledge of the English language vary from state to state within the Great Lakes region. Michigan requires a foreign-trained applicant for licensure or registration under the Public Health Code to demonstrate a working knowledge of the English language, MCL 333.16174. This requirement benefits Michigan citizens by ensuring that a licensee or registrant is able to communicate effectively with his or her patients or clients.

3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rule(s).

There are no other laws, rules, or other legal requirements that may duplicate, overlap, or conflict with the proposed rules.

- A. Explain how the rule has been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.

No coordination is needed because there are no other applicable federal, state, or local laws that regulate the areas addressed in the proposed rules.

4. If MCL 24.232(8) applies and the proposed rule(s) is more stringent than the applicable federally mandated standard, **a statement of specific facts that establish the clear and convincing need to adopt the more stringent rule(s) and an explanation of the exceptional circumstances that necessitate the more stringent standard** is required below:

There is no applicable federally mandated standard.

5. If MCL 24.232(9) applies and the proposed rule(s) is more stringent than the applicable federal standard, **either the statute that specifically authorizes the more stringent rule(s) or a statement of the specific facts that establish the clear and convincing need to adopt the more stringent rule(s) and an explanation of the exceptional circumstances that necessitate the more stringent standard** is required below:

There is no applicable federal standard.

#### Purpose and Objectives of the Rule(s):

6. Identify the behavior and frequency of behavior that the proposed rule(s) are designed to alter.

The intended purpose of the proposed rules is set forth below:

**R 338.7001** This rule provides definitions used in this rule set. New definitions will be added for “issue date” and “limitation,” and the definition of “code” will be amended. The additions and amendment are designed to increase the reader’s understanding of terms as they are used in the rule set.

**R 338.7001a** This rule provides for biennial license and registration renewal. Amendments will be made to clarify when a license or registration must be renewed, and the renewal date for optometry, pharmacy, and physician’s assistants will be changed to the date of the year when the licensee’s license was issued. The proposed rule will add midwifery and advise that the renewal date will be the date of the year when the licensee’s license was issued. The rule is designed to advise a licensee or registrant of the renewal date for his or her biennial license or registration.

**R 338.7002** This rule provides for triennial license and registration renewal. Amendments will be made to clarify when a license or registration must be renewed, and the renewal date for dentistry, medicine, osteopathic medicine and surgery, podiatric medicine and surgery, and veterinary medicine will be changed to the date of the year when the licensee’s license was issued. The rule is designed to advise a licensee or registrant of the renewal date for his or her triennial license or registration.

**R 338.7002a** This is a new proposed rule that will be added to provide for quadrennial license renewal. The rule will provide that the date of renewal for behavior analysts will be the date of the year when the licensee’s license was issued. The rule is designed to advise a licensee of the renewal date for his or her quadrennial license.

**R 338.7002b** This is a new proposed rule that will advise an applicant for licensure or registration that he or she must demonstrate a working knowledge of the English language if the applicant’s educational or training program was taught outside the United States. Exceptions are provided for those trained in English-speaking countries. This is a statutory requirement, MCL 333.16174. This rule is designed to inform an applicant for licensure or registration of this requirement.

**A.** Estimate the change in the frequency of the targeted behavior expected from the proposed rule(s).

The proposed rules are not expected to change the frequency of any behavior.

**B.** Describe the difference between current behavior/practice and desired behavior/practice.

**R 338.7001** This rule provides definitions used in this rule set. The proposed addition of new definitions and clarification of “code” is intended to improve a reader’s understanding of the rules using these terms.

**R 338.7001a** This rule provides for biennial license and registration renewal. The proposed amendments are intended to inform a licensee or registrant when his or her biennial license or registration must be renewed.

**R 338.7002** This rule provides for triennial license and registration renewal. The proposed amendments are intended to inform a licensee or registrant when his or her triennial license or registration must be renewed.

**R 338.7002a** This is a new proposed rule that will be added to provide for quadrennial license renewal. The proposed rule is intended to inform a licensee when his or her quadrennial license must be renewed.

**R 338.7002b** This is a new proposed rule that will advise an applicant for licensure or registration that he or she must demonstrate a working knowledge of the English language if the applicant’s educational or training program was taught outside the United States. It is intended to inform an applicant for licensure or registration of this requirement.

C. What is the desired outcome?

**R 338.7001** This rule provides definitions used in this rule set. The desired outcome is better reader understanding.

**R 338.7001a** This rule provides for biennial license and registration renewal. The desired outcome is timely renewal of a biennial license or registration.

**R 338.7002** This rule provides for triennial license and registration renewal. The desired outcome is timely renewal of a triennial license or registration.

**R 338.7002a** This is a new proposed rule that will be added to provide for quadrennial license renewal. The desired outcome is timely renewal of a quadrennial license.

**R 338.7002b** This is a new proposed rule that will advise an applicant for licensure or registration that he or she must demonstrate a working knowledge of the English language if the applicant's educational or training program was taught outside the United States. The desired outcome is applicant compliance with MCL 333.16174.

7. Identify the harm resulting from the behavior that the proposed rule(s) are designed to alter and the likelihood that the harm will occur in the absence of the rule.

**R 338.7001** This rule provides definitions used in this rule set. The proposed changes are designed to avoid misunderstanding and assist an applicant, licensee, or registrant in complying with the rules.

**R 338.7001a** This rule provides for biennial license and registration renewal. The proposed rules are designed to inform a licensee or registrant regarding the license or registration renewal date and to assist the licensee or registrant in complying with renewal requirements.

**R 338.7002** This rule provides for triennial license and registration renewal. The proposed rules are designed to inform a licensee or registrant regarding the license or registration renewal date and to assist the licensee or registrant in complying with renewal requirements.

**R 338.7002a** This is a new proposed rule that will be added to provide for quadrennial license renewal. The proposed rules are designed to inform a licensee regarding the license renewal date and to assist the licensee or registrant in complying with renewal requirements.

**R 338.7002b** This is a new proposed rule that will advise an applicant for licensure or registration that he or she must demonstrate a working knowledge of the English language if the applicant's educational or training program was taught outside the United States. The desired outcome is applicant compliance.

A. What is the rationale for changing the rule(s) instead of leaving them as currently written?

**R 338.7001** The rationale for changing this rule is to prevent reader misunderstanding and to include new definitions for terms used in the proposed rule set.

**R 338.7001a** The rationale for changing this rule is to provide clarification for renewal of a biennial license or registration and advise that the renewal date for midwifery, optometry, pharmacy, and physician's assistants will be the date of the year when the licensee's license was issued.

**R 338.7002** The rationale for changing this rule is to provide clarification for renewal of a triennial license or registration and advise that the renewal date for dentistry, medicine,

osteopathic medicine and surgery, podiatric medicine and surgery, and veterinary medicine will be changed to the date of the year when the licensee’s license was issued.

**R 338.7002a** The rationale for adding this rule is to provide renewal information for behavior analysts.

**R 338.7002b** The rationale for adding this rule is to advise a foreign-trained applicant for licensure or registration that he or she must demonstrate a working knowledge of the English language by scoring 80 or above on the Test for English as a Foreign Language-Internet Based Test (TOEFL-IBT).

8. Describe how the proposed rule(s) protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.

**R 338.7001** This rule provides definitions used in this rule set. The proposed changes will protect the health, safety, and welfare of Michigan citizens by ensuring that the terms used in this rule set are clearly defined, which will aid an applicant, licensee, or registrant in understanding and complying with the rules.

**R 338.7001a** This rule provides for biennial license and registration renewal. The proposed rule will protect the health, safety, and welfare of Michigan citizens by ensuring that a licensee or registrant renews his or her license or registration on time.

**R 338.7002** This rule provides for triennial license and registration renewal. The proposed rule will protect the health, safety, and welfare of Michigan citizens by ensuring that a licensee or registrant renews his or her license or registration on time.

**R 338.7002a** This is a new proposed rule that will be added to provide for quadrennial license renewal. The proposed rule will protect the health, safety, and welfare of Michigan citizens by ensuring that a licensee or registrant renews his or her license or registration on time.

**R 338.7002b** This is a new proposed rule that will advise an applicant for licensure or registration that he or she must demonstrate a working knowledge of the English language if the applicant’s educational or training program was taught outside the United States. The proposed rule will protect the health, safety, and welfare of Michigan citizens by ensuring that a licensee or registrant can communicate effectively with his or her patient or client.

9. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.

No rules can be rescinded.

**Fiscal Impact on the Agency:**

Fiscal impact is an increase or decrease in expenditures from the current level of expenditures, i.e. hiring additional staff, higher contract costs, programming costs, changes in reimbursement rates, etc. over and above what is currently expended for that function. It does not include more intangible costs or benefits, such as opportunity costs, the value of time saved or lost, etc., unless those issues result in a measurable impact on expenditures.

10. Describe the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings).

The proposed rules are not expected to have a fiscal impact on the agency.

11. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rule(s).

No agency appropriation has been made nor has a funding source been provided for expenditures associated with rescinding this rule.

12. Describe how the proposed rule(s) is necessary and suitable to accomplish its purpose, in relationship to the burden(s) it places on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.

**R 338.7001** This rule provides definitions used in this rule set. The proposed rule does not place a burden on an individual.

**R 338.7001a** This rule provides for biennial license and registration renewal. The proposed rule does not place a burden on an individual.

**R 338.7002** This rule provides for triennial license and registration renewal. The proposed rule does not place a burden on an individual.

**R 338.7002a** This is a new proposed rule that will be added to provide for quadrennial license renewal. The proposed rule does not place a burden on an individual.

**R 338.7002b** This is a new proposed rule that will advise an applicant for licensure or registration that he or she must demonstrate a working knowledge of the English language if the applicant's educational or training program was taught outside the United States. The burden on the individual to take the TOEFL-IBT is outweighed by the benefit to the citizens of Michigan because it will ensure that a licensee or registrant can communicate effectively with his or her patient or client. There is no other way to ensure that an applicant possesses a working knowledge of the English language.

- A. Despite the identified burden(s), identify how the requirements in the rule(s) are still needed and reasonable compared to the burdens.

The estimated cost to take the TOEFL-IBT is \$195.00. However, the cost is outweighed by the benefit of ensuring that an applicant who was foreign trained can communicate effectively with patients, clients, and staff. Further, the rule is required by statute.

#### Impact on Other State or Local Governmental Units:

13. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for such other state or local governmental units as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

There are no anticipated increases or decreases in revenues to state or local governmental units as a result of the proposed rules.

- A. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

There are no anticipated increases or decreases in costs to state or local governmental units as a result of the proposed rules.

14. Discuss any program, service, duty or responsibility imposed upon any city, county, town, village, or school district by the rule(s).

There are no anticipated or intended programs, services, duties, or responsibilities imposed on any city, county, township, village, or school district as a result of these proposed rules

A. Describe any actions that governmental units must take to be in compliance with the rule(s). This section should include items such as record keeping and reporting requirements or changing operational practices.

There are no anticipated actions that a governmental unit must take to comply with these proposed rules.

15. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rule(s).

No appropriations have been made to any governmental units as a result of these rules. No additional expenditures are anticipated or intended with the proposed rules.

**Rural Impact:**

16. In general, what impact will the rule(s) have on rural areas?

The proposed rules are not expected to impact rural areas. The proposed rules apply to an individual licensed or registered under the Public Health Code, regardless of his or her location.

A. Describe the types of public or private interests in rural areas that will be affected by the rule(s).

The proposed rules are not expected to affect public or private interests in rural areas.

**Environmental Impact:**

17. Do the proposed rule(s) have any impact on the environment? If yes, please explain.

The proposed rules do not have an environmental impact.

**Small Business Impact Statement:**

18. Describe whether and how the agency considered exempting small businesses from the proposed rule(s).

The proposed rules impose requirements on individual licensees and registrants rather than small businesses. Even if a licensee's or registrant's work place qualifies as a small business, the department could not exempt his or her business because it would create a disparity in the regulation of the profession.

19. If small businesses are not exempt, describe (a) how the agency reduced the economic impact of the proposed rule(s) on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rule(s) upon small businesses as described below, per MCL 24.240(1)(a)-(d), or (b) the reasons such a reduction was not lawful or feasible.

The rules cannot exempt small businesses because the rules do not directly regulate small businesses. The rules regulate individual licensees and registrants. Further, the Public Health Code requires the included professions to be licensed or registered, and the licensee or registrant may work in a small business.

While a licensee or registrant may work independently or as part of a small business, the law does not allow the rules to exempt these individuals from the requirements of these rules. However, the impact on a licensee or registrant who works as part of a small business is minimized in the proposed rules, as the rules are written broadly. The proposed rule changes will have minimal or no impact on a licensee or registrant. As a result, a licensee or registrant, whether in small business or not, should not be significantly impacted by the changes.

A. Identify and estimate the number of small businesses affected by the proposed rule(s) and the probable effect on small business.

The proposed rules will impact individuals only. They will have no effect on a small business.

**B.** Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rule after projecting the required reporting, record-keeping, and other administrative costs.

The agency did not establish separate compliance or reporting requirements for small businesses.

**C.** Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.

The agency did not consolidate or simplify compliance and reporting requirements with the proposed rules as the proposed rules have no impact on small businesses.

**D.** Describe how the agency established performance standards to replace design or operation standards required by the proposed rule(s).

The agency did not establish performance standards to replace design or operation standards required by the proposed rules.

**20.** Identify any disproportionate impact the proposed rule(s) may have on small businesses because of their size or geographic location.

The proposed rules impact the actions of an individual licensee or registrant rather than small businesses. Therefore, there is no disproportionate impact on a small business because of its size or geographic location.

**21.** Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rule(s).

The proposed rules affects a licensee or registrant rather than small businesses. Therefore, there is no separate cost for a small business.

**22.** Analyze the costs of compliance for all small businesses affected by the proposed rule(s), including costs of equipment, supplies, labor, and increased administrative costs.

There will be no increased costs of compliance for a small business concerning the costs of equipment, supplies, labor, or administrative costs.

**23.** Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rule(s).

There are no expected legal, consulting, or accounting services costs that a small business would incur in complying with the proposed rules.

**24.** Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.

There are no expected costs to a small business that will cause economic harm to a small business or the marketplace as a result of the proposed rules.

**25.** Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.

The proposed rules have no cost impact on a small business, so no exemption was considered.

**26.** Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.

The proposed rules have no impact on a small business, so no exemption was considered.

**27.** Describe whether and how the agency has involved small businesses in the development of the proposed rule(s).

No small businesses were involved in the development of the proposed rules.

A. If small businesses were involved in the development of the rule(s), please identify the business(es).

No small businesses were involved in the development of the proposed rules.

**Cost-Benefit Analysis of Rules (independent of statutory impact):**

28. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.

There are no estimated compliance costs with these rule amendments on businesses or groups.

A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rule(s).

No businesses or groups will be directly affected or benefitted by the proposed rules. No additional costs will be imposed on any businesses or groups.

B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.

No additional costs will be imposed on businesses or other groups as a result of the proposed rules.

29. Estimate the actual statewide compliance costs of the proposed rule(s) on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.

A cost is associated with the renewal of a license or registration, but the proposed rules do not address that cost. The proposed rules only establish license and registration renewal dates. The estimated cost for a foreign-trained applicant to take the TOEFL-IBT is \$195.00.

A. How many and what category of individuals will be affected by the rules?

A foreign-trained applicant will be required to take the TOEFL-IBT.

B. What qualitative and quantitative impact does the proposed change in rule(s) have on these individuals?

The estimated cost for a foreign-trained applicant to take the TOEFL-IBT is \$195.00.

30. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rule(s).

There are no cost reductions for businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

31. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rule(s). Provide both quantitative and qualitative information, as well as your assumptions.

The benefits as a result of the proposed rules include ensuring that licensees and registrants will be aware of renewal timelines and that foreign-trained applicants will be able to communicate effectively with clients and patients.

32. Explain how the proposed rule(s) will impact business growth and job creation (or elimination) in Michigan.

The rules are not expected to have an impact on business growth or job creation.

33. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

There is not expected to be a disproportionate affect due to industrial sector, segment of the public, business size, or geographic location.

34. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of a proposed rule(s) and a cost-benefit analysis of the proposed rule(s).

Illinois:

<http://ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1319&ChapAct=225%26nbsp%3BILCS%26nbsp%3B90%2F&ChapterID=24&ChapterName=PROFESSIONS+AND+OCCUPATIONS&ActName=Illinois+Physical+Therapy+Act%2E>;

<http://ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1319&ChapAct=225%26nbsp%3BILCS%26nbsp%3B90%2F&ChapterID=24&ChapterName=PROFESSIONS+AND+OCCUPATIONS&ActName=Illinois+Physical+Therapy+Act%2E>

Indiana: <http://iga.in.gov/legislative/laws/2018/ic/titles/025#25-1>

Kentucky: <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=44609>

Minnesota: [https://www.revisor.mn.gov/rules/6305.0400/?keyword\\_type=all&keyword=nurse+english](https://www.revisor.mn.gov/rules/6305.0400/?keyword_type=all&keyword=nurse+english)

New York: <http://www.op.nysed.gov/english.htm>

Ohio:

<https://otptat.ohio.gov/Portals/0/laws/Ohio%20PT%20Practice%20Act%20as%20of%20May%201%202018.pdf?ver=2018-05-02-143519-423>; <http://codes.ohio.gov/oac/4723-7-04v1>

Pennsylvania: <https://www.pacode.com/secure/data/049/chapter21/s21.23.html>

Wisconsin: [http://docs.legis.wisconsin.gov/code/admin\\_code/pt/2/01/8/c](http://docs.legis.wisconsin.gov/code/admin_code/pt/2/01/8/c)

A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., which demonstrate a need for the proposed rule(s).

There were no estimates made because the rules impact an applicant, licensee, or registrant. No estimate could consider the setting where a licensee or registrant may use his or her license or registration. Because the rules impact all licensees and registrants in the same way, the assumption made was that no additional cost or benefit would result from the proposed rules.

#### Alternatives to Regulation:

35. Identify any reasonable alternatives to the proposed rule(s) that would achieve the same or similar goals. Include any statutory amendments that may be necessary to achieve such alternatives.

The rules are required by statute; there is no reasonable alternative to the proposed rules.

A. In enumerating your alternatives, include any statutory amendments that may be necessary to achieve such alternatives.

There is no reasonable alternative to the proposed rules.

36. Discuss the feasibility of establishing a regulatory program similar to that in the proposed rule(s) that would operate through private market-based mechanisms. Include a discussion of private market-based systems utilized by other states.

It is not feasible to establish a regulatory program similar to the proposed rules because state statute requires that the department promulgate rules pertaining to the renewal of licenses and registrations regulated by the Public Health Code, MCL 333.16194(1).

37. Discuss all significant alternatives the agency considered during rule development and why they were not incorporated into the rule(s). This section should include ideas considered both during internal discussions and discussions with stakeholders, affected parties, or advisory groups.

The rules pertaining to the expiration dates of licenses and registrations are required by the Public Health Code, MCL 333.16194(1). Since the rules are required by statute, private market-based systems cannot serve as an alternative.

**Additional Information:**

38. As required by MCL 24.245b(1)(c), describe any instructions on complying with the rule(s), if applicable.

The rules will explicitly inform licensees and registrants of renewal dates. The renewal information will be clearly listed on the website and application for renewal.

A foreign-trained applicant should take the TOEFL-IBT to demonstrate that he or she possesses a working knowledge of the English language.

-----  
 ↓ **To be completed by the ORR** ↓

**PART 4: REVIEW BY THE ORR**

Date RISCBA received:	3-27-2019 / 5-16-19
Date RISCBA approved:	<b>5/16/19</b>
Date of disapproval:	
Explanation:	