

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:

Massage Therapy – General Rules

5. Rule numbers or rule set range of numbers:

R 338.701 - R 338.752

6. Estimated time frame:

12 months

Name of person filling out RFR:

Dena Marks

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

The massage therapy general rules pertain to the licensure, relicensure, and license renewal of massage therapists.

The rules will be reviewed and amended to provide clarity pertaining to education, training, requirements for licensure, continuing education, and ethics. All rules will be reviewed, updated, and revised as needed.

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

The department in consultation with the board.

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

MCL 333.16145, MCL 333.16148, MCL 333.17961, MCL 333.17963, MCL 333.17965, Executive Reorganization Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.

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

MCL 333.16145 requires the board to promulgate rules to specify the requirements for licenses, renewals, examination, and required passing scores. MCL 333.17963 requires the board to promulgate rules to create a code of professional ethics. MCL 333.17965 requires the board to promulgate rules requiring at least 18 hours of continuing education as a condition for license renewal.

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?

The subject matter of the rules is not currently contained in any guidance, 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.

No, however, questions and comments have been directed to board members and the department by licensees concerning approved educational programs, ethics standards, and continuing education requirements. These rules will be reviewed and amended as necessary to clarify the issues that have been raised.

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 rules were last amended on November 21, 2022. There has been no change in technology, economic conditions, or any other factor that has changed the regulatory activity since the last evaluation.

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?

No.

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.