

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:

Licensing of Facilities Psychiatric Hospital/Units

5. Rule numbers or rule set range of numbers:

R 330.1201 - R 330.1299

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 Licensing of Facilities administrative rules provide for the licensing regulation of psychiatric hospitals/units, including establishing the standard of quality care requirements.

The current rule set will be rescinded and recodified into a new rule set, Licensing of Psychiatric Hospitals and Units (2025-33 LR), that will comport with today's practice standards, comply with current law and regulations, and reflect the current organization of state licensing functions.

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

Section 114 and 136 of 1974 PA 258, the mental health code, authorizes the Department of Licensing and Regulatory Affairs to promulgate the rules.

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

By authority conferred on the Department of Licensing and Regulatory affairs by sections 114 and 136 of the mental health code, 1974 PA 258, as amended MCL 330.1114 and MCL 330.1136 and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4 and 2011-4, MCL 330.3101, 445.2001, 445.2011, 445.2025 and 445.2030 of the Michigan Compiled Laws.

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

Section 136, MCL 330.1136 requires the director to promulgate rules to implement specified sections of the code for the maintenance and operation of psychiatric hospitals and psychiatric units as necessary to enable state or private facilities, or both to qualify for federal funds available for patient care or for construction and remodeling of facilities.

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?

The rules are listed in the department's 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 current rule set, Licensing of Facilities (2025-32 LR) will be rescinded and replaced with a new rule set, that will be recodified and updated under 2025-33 LR. The rules revisions are a result of the bureau's project to review, update and improve all rules for licensing health facilities. The project involves internal and external stakeholders.

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 current rule set, Licensing Facilities (2025-32), will be rescinded and replaced with a new rule set, that will be recodified and updated under 2025-33 LR, Licensing Psychiatric Hospitals and Units.

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?

The current rule set, Licensing of Facilities (2025-32) will be rescinded and replaced with a new rule set, that will be recodified and updated under 2025-33 LR, Licensing Psychiatric Hospitals and Units. 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.