

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

## REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Office of Regulatory Reinvention (ORR) before initiating any changes or additions to the rules. Submit copy to the ORR at [orr@michigan.gov](mailto:orr@michigan.gov).

### 1. Agency Information

Agency name:	Licensing and Regulatory Affairs
Division/Bureau/Office:	Bureau of Professional Licensing
Agency contact person name, e-mail, and phone:	Dena Marks, Analyst <a href="mailto:Marksd1@michigan.gov">Marksd1@michigan.gov</a> 517-335-3679

### 2. Rule Set Information

Title of proposed rule set:	Podiatric Medicine and Surgery -- General Rules
Rule number(s) or range of numbers:	R 338-8101 – R 338.8145
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes.

### 3. Estimated timetable for completion, or statutory deadline, if applicable:

1 year.
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### 4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

<p>The Podiatric Medicine and Surgery General Rules pertain to the licensure, relicensure, and license renewals for podiatrists. The current rules contain outdated and incomplete information which will be updated and amended.</p> <p>The rules will be amended to clarify the definition of the term “code” and to amend the subrule informing the reader that a term defined in the Public Health Code has the same meaning when used in these rules.</p> <p>A new rule will be added that will require an applicant trained outside of the United States to demonstrate a working knowledge of the English language by achieving a score of 80 or more on the Test of English as a Foreign Language Internet-Based Test pursuant to MCL 333.16174.</p> <p>The current rule on training for identifying victims of human trafficking will be revised to include the dates when the training is required for a current licensee applying for renewal and for an applicant for initial licensure.</p> <p>The current rule pertaining to licensure by examination will be amended to update examination, residency, and preceptorship information. The rule regarding the required</p>
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examination will be amended to update the information on required components and passing scores.

The current rule on licensure by endorsement will be amended for clarity and to update examination information.

The current rule regarding educational limited licenses will be amended to update examination information and to advise that a limited license will be renewed for not more than 5 years.

The current rules pertaining to relicensure will be amended to update continuing education requirements and to reorganize the information into a chart form to make it easier to use, and the current rule pertaining to relicensure after a lapse of 3 years or more will be rescinded because the information has been included in the new chart.

The current rule regarding accreditation standards will be amended for clarity. The rule pertaining to patient records will be rescinded as it duplicates MCL 333.16213 and is not needed.

The current rule pertaining to license renewal will be amended to clarify that continuing education must be completed before the licensee applies for renewal and to add a subrule regarding the department's authority to audit a renewal applicant's continuing education credits.

The current rule regarding acceptable and required continuing education and the limitations on earning continuing education will be revised for clarity and to amend the required continuing education credits to include 3 hours of pain and symptom management, 1 hour of medical ethics, and 2 hours of controlled substances prescribing. Amendments will also be made regarding the information that a licensee must submit if audited.

The current rule pertaining to board approved continuing education will be revised for clarity.

A new rule will be added regarding telehealth. The rule is required by MCL 333.16287.

**5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.**

MCL 333.16145, MCL 333.16148, MCL 333.16174, MCL 333.16178, MCL 333.16182, MCL 333.16186, MCL 333.16204, MCL 333.16205, MCL 333.16287, MCL 333.18031, MCL 333.18033, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.

**6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.**

Each state establishes its own requirements with respect to the licensing requirements of podiatrists, so there is no federal rule or standard set by a national or state agency that the proposed rules can duplicate or be in conflict with.

**7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?**

The subject matter of the rules is not currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo.

**8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:**

These rules will be promulgated using the full rulemaking process.

**9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.**

The proposed rules do not incorporate any recommendation of any Advisory Rules Committee.

**10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.**

The Michigan Board of Podiatric Medicine and Surgery voted to open the rules at the regularly scheduled board meeting on March 15, 2018.

**11. Reviewed by the following Departmental Regulatory Affairs Officer:**

Liz Arasim  
Department of Licensing and Regulatory Affairs

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↓ To be completed by the ORR ↓

Date RFR received: 12-3-2018

**Based on the information in this RFR, the ORR concludes that there are sufficient policy and legal bases for approving the RFR.**

ORR assigned rule set number:	<b>2018-106 LR</b>
Date of approval:	<b>1/10/19</b>

**Based on the information in this RFR, the ORR is not approving the RFR at this time.**

Date of disapproval:	
Explanation:	