

AGENCY REPORT TO THE JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)

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 Michigan Office of Administrative Hearings and Rules (MOAHR) at MOAHR-Rules@michigan.gov.

1. Agency Information:

Agency name:	Health and Human Services	
Division/Bureau/Office:	Policy and Planning	
Name, title, phone number, and e-mail of person completing this form:	Jared Welehodsky, , Department Analyst, 517-284-4761, welehodskyj@michigan.gov	
Name of Departmental Regulatory Affairs Officer reviewing this form:	Mary E. Brennan	

2. Rule Set Information:

MOAHR assigned rule set number:	2019-045 HS
Title of proposed rule set:	Nonopioid Directive

3. Purpose for the proposed rules and background:

Recognizing the current opioid epidemic in this state, patients may now have the completed form added to their records to advise medical facilities and personnel their decision to reject opioids as part of treatment options.
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4. Summary of proposed rules:

Mandatory rule promulgation under MCL 333.9145 to develop procedures for recording, disclosure, or distribution of data relating to a nonopioid directive form or the transmission of a nonopioid directive form that complies with state and federal confidentiality and consent laws, rules, and regulations
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5. List names of newspapers in which the notice of public hearing was published and publication dates (attach copies of affidavits from each newspaper as proof of publication).

Battle Creek Enquirer, July 2, 2019; Oakland Press, July 2, 2019; Marquette Mining Journal, June 28, 2019

6. Date of publication of rules and notice of public hearing in *Michigan Register*:

August 1, 2019

7. Time, date, location, and duration of public hearing:

9:00 a.m.-12:00 p.m., Tuesday, August 13, 2019, 333 S. Grand Avenue, Room 1G, Lansing, MI 48909.
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8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

https://dtmb.state.mi.us/ORRDocs/RIS/1941_2019-045HS_ris.pdf

9. List of the name and title of agency representative(s) attending public hearing:

Dr. Catherine Reid, Bureau of State Hospital and Behavioral Administrative Services; Deborah Bach-Stante, Office of Nursing Programs; Jared Welehodsky, Policy and Planning

10. Persons submitting comments of support:

No submissions

11. Persons submitting comments of opposition:

No submissions

Michigan Office of Administrative Hearings and Rules
611 West Ottawa Street; 2nd Floor, Ottawa Building
Lansing, MI 48933
Phone: (517) 335-8658 FAX: (517) 335-9512

12. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments Made at Public Hearing	Written Comments	Agency Rationale for Change	Rule Number & Citation Changed
1.	No public comment				
2.					
3.					
4.					

13. Date report completed:

<u>August 19, 2019</u>

AFFIDAVIT OF PUBLICATION
ENQUIRER MEDIA
77 East Michigan Ave, Battle Creek 49017
State of Michigan, County of Livingston

IN THE MATTER OF: NOTICE-BCE3657581

MI DEPT OF HEALTH & HUMAN SERV

MI DEPT OF HEALTH & HUMAN SERV
333 S GRAND AVE FL 5

LANSING, MI 48933

Being duly sworn, says that he/she is authorized by the publisher of Battle Creek Enquirer, to swear that a certain notice, a copy of which is annexed here to, was published in the following publication:

1. Published in the English language for the dissemination of general and/or legal news, and
2. Has a bonfide list of paying customers or has been published at least once a week in the same community without interruption for at least 2 years, and
3. Has been established, published and circulated at least once a week without interruption for at least one (1) year in the community where the publication is to occur.

Battle Creek Enquirer, 07/02/19



Gillis Benedict

SUBSCRIBED AND SWORN TO BEFORE ME THIS 3rd DAY OF July,
2019



GINA ANNE HUFF
Notary Public State of Michigan
County of Livingston
My commission expires March 9, 2023

Acting in the County of Livingston

0003657581, LSJ-L26322

LSJ-BCE-Battle Creek Enquirer

NOTICE OF PUBLIC HEARING
MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES
Policy and Innovation Division
Rules for Nonopioid Directive
Rule Set 2019-045 HS

The Michigan Department of Health and Human Services will hold a public hearing to receive public comments on the proposed rules entitled Nonopioid Directive.

Tuesday, August 13, 2019 at 9:00 a.m.
MDHHS South Grand Building-Room 1G
333 S. Grand Avenue
Lansing, Michigan 48909
Email: MDHHS-AdminRules@michigan.gov

Legislative mandate requires rule promulgation to develop procedures for recording, disclosure, or distribution of data relating to a nonopioid directive form or the transmission of a nonopioid directive form that complies with state and federal confidentiality and consent laws, rules, and regulations.

By authority conferred on the Department of Health and Human Services by sections 2226, 2233, and 9145 of the public health code, 1978 PA 368, MCL 333.2226, 333.2233, and 333.9145. These rules will take effect 30 days after filing with the Secretary of State. The rules (Rule Set 2019-045HS) are published on the Michigan Government web site at <http://www.michigan.gov/orr> and in the Michigan Register in the August 1, 2019 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Health and Human Services
Attn: Jared Welehodsky
333 South Grand Avenue, 5th Floor
Lansing, MI 48909
Telephone: 517-284-4761
E-mail: MDHHS-AdminRules@michigan.gov

Comments on the rules may be made in person at the hearing or by mail or electronic mail until Friday, August 16, 2019.

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 269-337-3744 to make arrangement
BCE3657581

07/02/2019

The Mining Journal

Upper Michigan's Largest Daily Newspaper

249 W. Washington St., P.O. Box 430, Marquette, Michigan 49855. Phone (906)228-2500. Fax (906)228-3273.

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

AFFIDAVIT OF PUBLICATION

For the County of **MARQUETTE**

In the matter of: Notice of Public Hearing
Michigan Department of Health and Human Services
Rules for Nonopioid Directive
August 13, 2019

Size: 2 x 6

State of **MICHIGAN**, County of Marquette ss.

GERALD NEWHOUSE

being duly sworn, says that he is

CIRCULATION MANAGER

of **THE MINING JOURNAL**

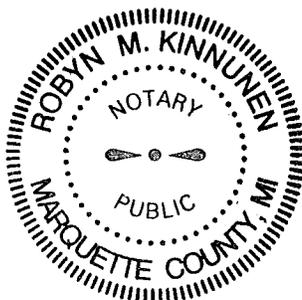
a newspaper published and circulated in said county and otherwise qualified according to Supreme Court Rule; that annexed hereto is a printed copy of a notice which was published in said newspaper on the following date, or dates, to-wit

June 28, 2019


GERALD NEWHOUSE

Subscribed and sworn to before me this 18th day of July 2019


ROBYN M. KINNUNEN
Notary Public for MARQUETTE County, Michigan
Acting in the County of Marquette
My commission expires: April 27, 2020



AFFIDAVIT OF PUBLICATION
2125 Butterfield Dr, Suite 102N • Troy MI 48084

MI DEPT OF HEALTH & HUMAN SERVICES
333 S GRAND AVE-3RD FLOOR

LANSING, MI 48909
Attention: Mary E. Brennan

STATE OF MICHIGAN,
COUNTY OF OAKLAND

The undersigned Cindy Slater *Cindy Slater*, being duly sworn the he/she is the principal clerk of Royal Oak Tribune, Oakland Press, theoaklandpress.com, theoaklandpress.com2, published in the English language for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

MI DEPT OF HEALTH & HUMAN SERVICES

Published in the following edition(s):

See back

Oakland Press	06/28/19
Oakland Press	07/02/19
Oakland Press	07/03/19
theoaklandpress.com	07/02/19
theoaklandpress.com	07/03/19
theoaklandpress.com2	07/02/19
theoaklandpress.com2	07/03/19
Royal Oak Tribune	07/03/19



Sworn to the subscribed before me this 8th July 2019.

Tina M Crown

Notary Public, State of Michigan
Acting in Oakland County

Advertisement Information

Client Id: 978102 **Ad Id:** 1830649 **PO:** **Sales Person:** 200309

**NOTICE OF PUBLIC HEARING
MICHIGAN DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

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Telephone: 517-284-4924

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Published June 28, July 2 & 3, 2019