

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.

1. Agency Information

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| Agency name: | Department of Licensing and Regulatory Affairs |
| Division/Bureau/Office: | Bureau of Professional Licensing |
| Agency contact person name, e-mail, and phone: | Rick Roselle, roseller1@michigan.gov , 517-335-1769 |

2. Rule Set Information

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| Title of proposed rule set: | Physical Therapy – General Rules |
| Rule number(s) or range of numbers: | R 338.7101 – R 338.7163 |
| 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:

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

The proposed rules will rescind rules that are addressed elsewhere in state statute and will adopt the most recent versions of already adopted standards. In addition, the proposed rules will update the licensure requirements for applicants who have graduated from a non-accredited educational program and replace continuing education activities that are no longer available with new activities.

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(2): Section 16145(2) authorizes a board to promulgate rules necessary or appropriate to fulfill its functions.

MCL 333.16145(3): Section 16145(3) specifies that only a board or a task force is required to promulgate rules to specify requirements for licenses, registrations, renewals, examinations, and required passing scores.

MCL 333.17823: Section 17823 requires the department, in consultation with the board, to promulgate rules to establish professional development requirements for physical therapists and physical therapist assistants.

MCL 338.3501 and 445.2001: Executive Reorganization Orders 1991-9 and 1996-2 transferred rule making authority from the Department of Licensing and Regulation to the

Director of the Department of Commerce. The Department of Commerce was renamed to the Department of Consumer and Industry Services (CIS).

MCL 445.2011: Executive Reorganization Order 2003-1 transferred from the Director of CIS any authority, powers, duties, functions, and responsibilities related to the promulgation of rules to the Director of the Department of Community Health (DCH).

MCL 445.2030: Executive Reorganization Order 2011-4 transferred from the Director of DCH to the Department of Licensing and Regulatory Affairs any authority, powers, duties, functions, and responsibilities related to the promulgation of rules by DCH related to the Bureau of Health Professions, which is now called the Bureau of Professional Licensing.

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.

The proposed rules do not conflict with, duplicate, or exceed similar rules or regulations adopted by the state or federal government.

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, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

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

The proposed rules will be promulgated under 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 the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5.

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.

Yes. Please see the attached Board of Physical Therapy minutes from January 10, 2017.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Liz Arasim
Department of Licensing and Regulatory Affairs.

↓ To be completed by the ORR ↓

Date RFR received:4-23-2018

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

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| ORR assigned rule set number: | 2018-023 LR |
| Date of approval: | 4/30/18 |

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

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| Date of disapproval: | |
| Explanation: | |