

Michigan Office of Administrative Hearings and Rules

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

1. Agency Information

Agency name:

Licensing and Regulatory Affairs

Division/Bureau/Office:

Bureau of Professional Licensing

Name of person completing this form:

Weston MacIntosh

Phone number of person completing this form:

517-241-9269

E-mail of person completing this form:

MacintoshW1@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Elizabeth Arasim

2. Rule Set Information

MOAHR assigned rule set number:

2019-31 LR

Title of proposed rule set:

Professional Engineers – General Rules

3. Purpose for the proposed rules and background:

The general purpose of the proposed rules is to amend the previously adopted rules to eliminate outdated language, create consistency with 1980 PA 299, known as the occupational code, and provide clarity regarding the requirements for licensure, renewal, relicensure, and the standards of practice and professional conduct. The proposed rules are intended to revise the definitions used in the rules, update references to standards previously adopted by reference and revise the education, experience and examination requirements that must be satisfied to receive a license. New rules will be added that pertain to license by reciprocity, renewal, and relicensure. Further, a new table will be added to outline the continuing education requirements that must be satisfied for renewal of a license. Lastly, the rules pertaining to standards of practice and professional conduct will be revised.

4. Summary of proposed rules:

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The proposed rules will revise the definitions of terms used in the rules, revise the education, experience, and examination requirements that must be satisfied to receive a license, and clarify the requirements pertaining to the seal of a professional engineer. In addition, relicensure and continuing education requirements will be clarified, and the rules pertaining to the standards of practice and professional conduct will be revised.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

The Grand Rapids Press, September 19, 2019
 The Mining Journal, September 18, 2019
 The Flint Journal, September 19, 2019

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

10/4/2019

7. Date, time, and location of public hearing:

10/4/2019 09:00 AM at G. Mennen Williams Building - Auditorium , 525 W. Ottawa Street, Lansing, MI

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=62>

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

Andria Ditschman, Senior Policy Analyst, Bureau of Professional Licensing
 Weston MacIntosh, Senior Policy Analyst, Bureau of Professional Licensing
 Dena Marks, Senior Policy Analyst, Bureau of Professional Licensing
 Kerry Przybylo, Manager, Boards and Committees Section, Bureau of Professional Licensing

10. Persons submitting comments of support:

None, however, the Department withdrew the rules with permission, and they are now being resubmitted.

11. Persons submitting comments of opposition:

Thomas Campbell, Craig Hoff, James McLaughlin, Stephen Nichols

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	James McLaughlin		Objection is made to the last sentence in old rule R 339.16001 (1)(b) [proposed rule R 339.16001	Compensation of a licensee is independent from satisfaction of continuing education.	Current rule R 339.16001 (1)(b), proposed rule R 339.16001 (1)(d).

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			<p>(1)(d)]. One teaching an engineering course that would provide a student with continuing education credit should receive credit, even if the teacher receives compensation for teaching. This is grossly inequitable. How an applicant for renewal is compensated is independent from whether the applicant has satisfied continuing education requirements. It is proposed that the last sentence of current rule R 339.16001(1)(b), proposed rule R 339.16001(1)(d) be stricken so that the rule is this: (b) (d) “Course means any qualifying activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee’s area of professional practice.</p>	<p>Removal of the compensation restriction is necessary.</p>	
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13.Date report completed:

9/8/2020