

Michigan Office of Administrative Hearings and Rules

611 West Ottawa Street; 2nd Floor, Ottawa Building

Lansing, MI 48933

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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 Michigan Office of Administrative Hearings and Rules (MOAHR) before initiating any changes or additions to the rules. Please submit the RFR to MOAHR-Rules@michigan.gov.

1. Agency Information

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| Agency name: | Department of Licensing and Regulatory Affairs |
| Division/Bureau/Office: | Bureau of Professional Licensing |
| Name, title, phone number, and e-mail of <u>person completing this form</u> : | Dena Marks, Board Analyst 517-335-3679 MarksD1@Michigan.gov |

2. Rule Set Information

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| Title of proposed rule set: | Social Work – General Rules |
| Rule number(s) or range of numbers: | R 338.2921 – 338.2965 |
| 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:

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| <p>The Social Work General Rules pertain to the licensure, relicensure, and license renewal for social workers and the registration, reregistration, and registration renewal for social service technicians.</p> <p>The rules will be amended to provide clarification on education, experience, and training requirements and telehealth services.</p> <p>These rules are being amended to provide clarity to licensing requirements and to fulfill a statutory requirement of promulgating a rule to address telehealth services.</p> |
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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.

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| <p>Rule promulgation authority is permitted by the following: MCL 333.18506 and MCL 333.18509 and Executive Order Nos. 1991-9, 1996-2, 2003-01, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.</p> <p>Rule promulgation is mandated by the following: MCL 333.16145, which requires that only a board or task force may promulgate rules to specify requirements for licenses, registrations, renewals, examinations, and required passing scores; MCL 333.16148, which requires the department to promulgate rules pertaining to training standards for identifying victims of human trafficking; MCL 333.16287, which requires the department, in consultation with the board, to promulgate rules to implement telehealth services; MCL 333.18516, which requires the</p> |
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department, in consultation with the board, to promulgate rules regarding the completion of continuing education for a licensee seeking renewal; and, MCL 333.18518, which requires the department to promulgate rules regarding the minimum training requirements for the practice of social work at the bachelor’s and master’s levels.

The rules are not mandated by any constitutional provision.

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 licensure of social workers, 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 Social Work voted to open the rules at the regularly scheduled board meeting on February 26, 2019.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Liz Arasim
Department of Licensing and Regulatory Affairs

↓ To be completed by the MOAHR ↓

Date RFR received:8-20-2019

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

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| MOAHR assigned rule set number: | 2019-081 LR |
| Date of approval: | 8/23/19 |

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

Date of disapproval:

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| Explanation: | |
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