

**Michigan Office of Administrative Hearings and Rules**

**Administrative Rules Division (ARD)**

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**REGULATORY IMPACT STATEMENT  
and COST-BENEFIT ANALYSIS (RIS)**

**Agency Information:**

**Department name:**

Licensing and Regulatory Affairs

**Bureau name:**

Bureau of Professional Licensing

**Name of person filling out RIS:**

Dena Marks

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**Rule Set Information:**

**ARD assigned rule set number:**

2019-81 LR

**Title of proposed rule set:**

Social Work - General Rules

**Comparison of Rule(s) to Federal/State/Association Standard:**

**1. Compare the proposed rules to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.**

Each state establishes its own requirements with respect to the registration or licensure of social workers, so there are no federal rules or standards set by a national or state agency that the proposed rules can be compared to.

**A. Are these rules required by state law or federal mandate?**

MCL 333.16145 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 requires the department to promulgate rules pertaining to training standards for identifying victims of human trafficking.

MCL 333.16287 requires the department, in consultation with the board, to promulgate rules to implement telehealth services.

MCL 333.18516 requires the department, in consultation with the board, to promulgate rules regarding the completion of continuing education for a licensee seeking renewal.

MCL 333.18518 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 required by any federal mandate.

**B. If these rules exceed a federal standard, please identify the federal standard or citation, describe why it is necessary that the proposed rules exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.**

The proposed rules do not exceed a federal standard.

**2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.**

The proposed rules are consistent with the standards required in the Public Health Code and the rules are largely consistent with the requirements of other states in the Great Lakes Region. Every state in the Great Lakes region provides for the registration or licensure of social workers.

**A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.**

The standards pertaining to the limit for accumulating social work experience hours, issuance of a limited license, and relicensure differ from state to state. Overall, the standards in the proposed social work rules do not exceed those of the other states in the Great Lakes region. To the extent that the social work experience hours for licensure exceed other states standards, they do so to comply with statutory requirements.

**3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rules.**

There are no other laws, rules, or other legal requirements that may duplicate, overlap, or conflict with these proposed rules.

**A. Explain how the rules have been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.**

No coordination is needed because there are no other applicable laws that regulate the areas addressed in the proposed rules.

**4. If MCL 24.232(8) applies and the proposed rules are more stringent than the applicable federally mandated standard, a statement of specific facts that establish the clear and convincing need to adopt the more stringent rules and an explanation of the exceptional circumstances that necessitate the more stringent standards is required.**

MCL 24.232(8) does not apply.

**5. If MCL 24.232(9) applies and the proposed rules are more stringent than the applicable federal standard, either the statute that specifically authorizes the more stringent rules or a statement of the specific facts that establish the clear and convincing need to adopt the more stringent rules and an explanation of the exceptional circumstances that necessitate the more stringent standards is required.**

MCL 24.232(9) does not apply.

**6. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.**

Part 1 General Provisions: The rules pertain to educational standards that are adopted by reference and are being updated. The proposed rules clarify that any social work education program accredited by the Council on Social Work Education (CSWE) is approved by the Board, and a social work education program that is not accredited by CSWE may be approved by the Board. The proposed rules will allow an applicant to determine if his or her educational program is accredited by the CSWE, or if he or she will need to seek board approval.

The proposed rules also clarify that an applicant must achieve a passing score on the test that is required for the level of licensure sought, as defined by the Association of Social Work Boards (ASWB). If the applicant has satisfied the requirements of a different examination, that examination alternative must be approved by the Board. The proposed rules will allow an applicant to determine if he or she has met the examination requirement for licensure, or if he or she will need to seek board approval because he or she passed an alternative examination.

The proposed rules clarify the training standards for identifying victims of human trafficking and the date that an applicant for licensure, registration, or renewal must have completed that training.

The proposed rules include a new rule regarding telehealth services. By statute, a health professional must obtain consent for treatment. The proposed rule provides that a licensed or registered social work professional must also act within the scope of his or her practice and in a manner consistent with health care services offered in-person. This will ensure public health and safety when telehealth services are rendered. The proposed rule also requires the licensee or registrant to deliver telehealth services in compliance with privacy-protection laws to ensure client privacy. This rule is required by MCL 333.16287.

Part 2 Social Service Technician Requirements: The rules in this part pertain to social service technician registration. The proposed rules clarify the educational and work requirements for registration. The proposed rules also clarify the requirements for registration by endorsement. The proposed changes will assist applicants in determining if they satisfy the requirements for registration.

Part 3 Bachelor's Social Worker Requirements: The rules in this part pertain to bachelor's social worker licenses. The proposed rules clarify the requirements for licensure, the completion of supervised work experience, and licensure by endorsement.

The requirements for relicensure are amended in the proposed rules and a new subrule is added for relicensure of a bachelor's social worker who holds a current license in another state or province of Canada. The proposed changes will assist applicants to determine if they satisfy the requirements for licensure.

Part 4 Master's Social Worker Requirements: The rules in this part pertain to master's social worker licenses. The proposed rules clarify the requirements for licensure, the completion of supervised work experience, and the requirements for licensure by endorsement.

The requirements for relicensure are amended in the proposed rules and a new subrule is added for relicensure of a master's social worker who holds a current license in another state or province of Canada. The proposed changes will assist applicants to determine if they satisfy the requirements for licensure.

Part 5 Continuing Education: The rules in this part pertain to continuing education. The proposed rules add a requirement that least 2 continuing education contact hours must be completed in human trafficking training during each renewal period. The proposed rules revise the approved continuing education activities and identify, by activity, the programs, courses, presentations, and publications approved for the purpose of accumulating continuing education credits. The proposed changes will assist applicants for renewal in accumulating the approved continuing education credits required for license renewal.

**A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.**

The frequency of use is not expected to change.

**B. Describe the difference between current behavior/practice and desired behavior/practice.**

Part 1 General Provisions: The current rules provide outdated information related to the standards for accrediting

social work education programs and for accrediting postsecondary educational institutions that are adopted by reference in the rules. The proposed rules update and clarify the information on accreditation standards, identify which educational programs are approved, and notify an applicant when board approval of his or her educational program is necessary.

The current rules adopt by reference the examinations developed, maintained, and scored the ASWB. The proposed rules clarify that a different exam may be approved by the Board if it determines that the test is substantially equivalent to the ASWB examinations for the level of licensure being sought.

The proposed rules make it easier for an applicant to comply with the educational and examination requirements for licensure.

The proposed rules also update the requirements for the required training for identifying the victims of human trafficking to advise applicants for licensure and renewal when they must have completed the training.

The proposed rules will provide requirements when a licensed or registered social work professional renders telehealth services. By statute, a health professional must obtain consent for treatment. The proposed rules provide that a licensee or registrant must also act within the scope of his or her practice and in a manner consistent with in-person health care services to ensure public health and safety. The licensee or registrant must also comply with privacy protection laws to ensure the client's privacy. A telehealth rule is required by MCL 333.16287.

Part 2: The current rules pertaining to Social Service Technician Registration are being revised to assist applicants in understanding the requirements for a limited and full social service technician registration. The revisions will assist an applicant in complying with the requirements for registration.

Part 3: The current rules pertain to bachelor's social worker licensure. The revisions will clarify the requirements for limited and full licensure to assist an applicant in complying with those requirements.

The licensure by endorsement rule will be revised to set out the standards as applicable to the number of years the applicant has been licensed in another state.

The rule related to relicensure will be revised to include a section with the requirements if the applicant is currently licensed in another state or Canada.

The proposed changes will assist an applicant to comply with the requirements for licensure as a bachelor's social worker.

Part 4: The current rules pertain to master's social worker licensure. The revisions will clarify the requirements for limited and full licensure to assist an applicant in complying with those requirements.

The licensure by endorsement rule will be revised to set out the standards as applicable to the number of years the applicant has been licensed in another state.

The rule related to relicensure will be revised to include a section with the requirements if the applicant is currently licensed in another state or Canada.

The proposed changes will assist an applicant to comply with the requirements for licensure as a master's social worker.

Part 5: The current rules pertain to the continuing education requirements for the renewal of a bachelor's and master's social work licenses.

A requirement that the applicant earn at least 2 continuing education contact hours related to human trafficking training has been added.

All the information related to approved continuing education programs will be reorganized into 1 rule.

The rule related to approval of a continuing education program by the board will be rescinded.

The proposed changes will assist an applicant for renewal to identify the continuing education requirements for renewal and which activities are board approved for that purpose. The proposed changes will assist licensees in accumulating the continuing education credits needed for license renewal.

**C. What is the desired outcome?**

R 338.2921 The proposed rule is intended to clarify the meanings of the terms used in the rule set.

R. 338.2923: The proposed rule is intended to inform an applicant about accredited education programs and educational requirements.

R 338.2925: The proposed rule is intended to clarify that an applicant must achieve a passing score, as defined by the ASWB, on the test that is required for the level of licensure sought, or that he or she may seek board approval of an alternate exam.

R 338.2929 The proposed rule is intended to advise an applicant for licensure or renewal of the date that the training standards for identifying victims of human trafficking must be met.

R 338.2930 This is a new proposed rule intended to provide the requirements for rendering telehealth services and to meet the statutory requirements of MCL 333.16287.

R 338.2931: The proposed rule is intended to clarify the requirements for a limited social service technician registration.

R 338.2933: The proposed rule is intended to clarify the requirements for social service technician registration.

R 338.2935: The proposed rule is intended to clarify the requirements for social service technician registration by endorsement.

R 338.2939: The proposed rule is intended to clarify for an applicant the requirements for a limited bachelor's social worker license, the limitations on the renewal of that license, and the limitations on the accumulation of supervised work experience while holding a limited license.

R 338.2941: The proposed rule is intended to clarify for an applicant the requirements for licensure as a bachelor's social worker.

R 338.2943: The proposed rule is intended to clarify for an applicant all of the requirements for a bachelor's of social work license by endorsement.

R 338.2945: The proposed rule is intended to notify an applicant, whose license as a bachelor's social worker has lapsed, that he or she must complete 2 hours of human trafficking continuing education. It will also notify an applicant, who holds a current license in another state or in Canada, what is required to be relicensed in Michigan.

R 338.2947: The proposed rule is intended to clarify for an applicant the requirements for a limited master's social worker license, the limitations on the renewal of that license, and the limitations on the accumulation of supervised work experience while holding a limited license.

R 338.2949: The proposed rule is intended to clarify for an applicant the requirements for licensure as a master's social worker.

R 338.2951 The proposed rule is intended to clarify for an applicant the requirements for a macro designation for a

master's social worker license.

R 338.2953 The proposed rule is intended to clarify for an applicant the requirements for a clinical designation for a mater's social worker license.

R 338.2955: The proposed rule is intended to notify an applicant, whose license as a master's social worker has lapsed, that he or she must complete 2 hours of human trafficking continuing education. It will notify an applicant, who holds a current license in another state or in Canada, what is required to be relicensed in Michigan.

R 338.2957: The proposed rule is intended to clarify for an applicant all of the requirements for a master's of social work license by endorsement.

R 338.2961: The proposed rule is intended to clarify continuing educational requirements and inform a licensee that 2 continuing education contact hours of human trafficking training is required during each license cycle.

R 338.2963: The proposed rule is intended to clarify continuing education activities and consolidate all continuing education rules into one rule.

R 338.2965: This rule will be rescinded as all the information regarding continuing education requirements is included in proposed R 338.2963.

**7. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.**

Part 1: The current rules contain outdated information about the required examinations. The proposed rules update that information and clarify the required examination for licensure at each level. The potential harm of the current rules is that an applicant will not be informed about the most current information regarding educational standards and may be misled regarding which examination is required.

The current rules lack a telehealth rule. The proposed rules add a telehealth rule to ensure public health and safety and client privacy rights when a licensee or registrant provides a telehealth service. A telehealth rule is required by MCL 333.16287.

Part 2: The current rules do not clearly state the requirements for a social service technician registration. The potential harm is that an applicant will misunderstand the requirements and fail to comply.

The current rules are being revised to inform an applicant for registration as a social service technician by endorsement of the requirements. The potential harm in the current rules is that the applicant is unaware of the requirements for registration by endorsement.

Part 3: The current rules lack clarity in the requirements for licensure as a bachelor's social worker. The proposed rules clarify the requirements for the accumulation and supervision of supervised work experience. The potential harm is that an applicant may fail to accumulate the required experience while holding a limited license, which can only be renewed 6 times.

The current licensure by endorsement rule lacks specificity. The potential harm in the current rules is that the applicant is unaware of the requirements for licensure by endorsement.

The current relicensure rule lacks the requirements for relicensing an applicant who holds a current license in another state or province of Canada. The potential harm in the current rule is that the applicant will be unaware of the requirements for relicensure if he or she is currently licensed in another state or province of Canada.

Part 4: The current rules lack clarity in the requirements for licensure as a master's social worker. The proposed rules clarify the requirements for the accumulation and supervision of supervised work experience. The potential harm is that an applicant may fail to accumulate the required experience while holding a limited license, which can only be renewed 6 times.

The current licensure by endorsement rule lacks specificity. The potential harm in the current rule is that the applicant is unaware of the requirements for licensure by endorsement.

The current relicensure rule lacks the requirements for relicensure of an applicant who holds a current license in another state or province of Canada. The potential harm in the current rule is that the applicant is unaware of the requirements for relicensure if he or she is currently licensed in another state or province of Canada.

Part 5: The current rules set out the requirements for continuing education for license renewal and approval of continuing education programs. The proposed rules add a requirement of human trafficking continuing education and combine all the rules pertaining to approved continuing education into 1 rule. The potential harm in the current rules is the lack of clarity in which programs are approved for the purpose of accumulating the required continuing education credits for license renewal.

**A. What is the rationale for changing the rules instead of leaving them as currently written?**

Part 1 is being changed because it lacks clarity regarding the required examination for licensure, and there is a need to add a telehealth rule to provide requirements for rendering telehealth services.

Part 2 is being changed because it lacks clarity regarding the requirements for social service technician registration and registration by endorsement.

Part 3 is being changed to clarify the requirements for the accumulation of supervised work experience under a limited license, to set out the requirements for licensure by endorsement, and to add the requirements for relicensure when the applicant holds a current license in another state or province of Canada.

Part 4 is being changed to clarify the requirements for the accumulation of supervised work experience under a limited license, to set out the requirements for licensure by endorsement, and to add the requirements for relicensure when the applicant holds a current license in another state or province of Canada.

Part 5 is being changed to organize all board approved continuing education activities into one rule and to add a requirement that the applicant accumulate 2 continuing education credit hours in human trafficking training per license cycle.

**8. Describe how the proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.**

Part 1: The rules in this part protect the health, safety, and welfare of Michigan citizens by requiring a licensee to attend an accredited school, pass the appropriate examination to demonstrate adequate knowledge to practice, and acquire knowledge to identify victims of human trafficking. There is no less burdensome way to ensure that a licensee is prepared to practice and identify victims of human trafficking. A new rule is being added regarding telehealth services to ensure that public health and safety are protected when telehealth services are rendered by requiring the licensee or registrant to act within the scope of his or her practice and to exercise the same standard of care applicable to an in-person service. A client's privacy rights are also protected by requiring that the licensee or registrant ensure that the technology and equipment used comply with privacy-protection laws. A telehealth rule is required by MCL 333.16287.

Part 2: The rules in this part protect the health, safety, and welfare of Michigan citizens by ensuring that an applicant for social service technician registration has the appropriate education or experience to work as a registrant. There is no less burdensome way to ensure that a registrant is prepared to practice.

Part 3: The rules in this part protect the health, safety, and welfare of Michigan citizens by ensuring that an applicant for a bachelor's social worker licensure has the appropriate education, work experience, and knowledge to pass an examination to work as a licensee. There is no less burdensome way to ensure that a licensee is prepared to practice.

Part 4: The rules in this part protect the health, safety, and welfare of Michigan citizens by ensuring that an applicant for a master's social worker licensure has the appropriate education, work experience, and knowledge to pass an examination to work as a licensee. There is no less burdensome way to ensure that a licensee is prepared to practice.

Part 5: The rules in this part protect the health, safety, and welfare of Michigan citizens by requiring a licensee seeking renewal to complete continuing education so that he or she knows the current developments and standard of care in his or her profession. There is no less burdensome way to accomplish this goal.

**9. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.**

R 338.2965 will be rescinded because all the information regarding approved continuing education activities has been reorganized into R 335.2963 to make it easier for a licensee to identify approved activities and comply with the continuing education requirements.

**10. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).**

The proposed rules are not expected to have a fiscal impact on the agency.

**11. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.**

No agency appropriation has been made or a funding source provided because there are no expenditures associated with the proposed rules.

**12. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.**

Part 1: The rules in this part will ensure that a licensee has attended an accredited school, passed the appropriate examination, and acquired knowledge to identify victims of human trafficking. There is no additional burden on an individual as a result of the proposed rules. A new rule is added to this part regarding telehealth services. This rule is necessary to ensure public health and safety and protect client privacy rights. The telehealth rule is required by MCL 333.16287.

Part 2: The rules in this part ensure that an applicant for social service technician registration has the appropriate education and experience to work as a registrant. There is no additional burden on an individual as a result of the proposed rules.

Part 3: The rules in this part ensure that an applicant for a bachelor's social worker licensure has the appropriate education, work experience, and knowledge to pass an examination to work as a licensee. There is no additional burden on an individual as a result of the proposed rules.

Part 4: The rules in this part ensure that an applicant for a master's social worker licensure has the appropriate education, work experience, and knowledge to pass an examination to work as a licensee. There is no additional burden on an individual as a result of the proposed rules.

Part 5: The rules in this part requires a licensee seeking renewal to complete continuing education. The proposed rules add a requirement that 2 credits be in human trafficking training, but the total credit hours required remain the same, so there is no additional burden on an individual as result of the proposed rules.

**A. Despite the identified burden(s), identify how the requirements in the rules are still needed and reasonable compared to the burdens.**

There is no identified burden imposed by the proposed rules.

**13. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.**

There are no anticipated increases or reductions for other state or local governmental units as result of the proposed rules.

**14. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.**

There are no anticipated or intended programs, services, duties, or responsibilities imposed on any city, town, village, or school district as a result of these proposed rules.

**A. Describe any actions that governmental units must take to be in compliance with the rules. This section should include items such as record keeping and reporting requirements or changing operational practices.**

There are no anticipated actions that a governmental unit must take to comply with the proposed rules.

**15. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rules.**

No appropriations have been made to any governmental units as result of the proposed rules. No additional expenditures are anticipated or intended with the proposed rules.

**16. In general, what impact will the rules have on rural areas?**

The proposed rules impose requirements on individual registrants and licensees rather than small businesses. Even if a registrant's or licensee's workplace qualifies as a small business, the department could not exempt his or her business because it would create a disparity in the regulation of the profession.

**A. Describe the types of public or private interests in rural areas that will be affected by the rules.**

The proposed rules will not impact public or private interests in rural areas.

**17. Do the proposed rules have any impact on the environment? If yes, please explain.**

The proposed rules will not have any impact on the environment.

**18. Describe whether and how the agency considered exempting small businesses from the proposed rules.**

The department did not consider exempting small business because they are not impacted by the proposed rules.

**19. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rules upon small businesses as described below (in accordance with MCL 24.240(1)(a-d)), or (b) the reasons such a reduction was not lawful or feasible.**

The rules cannot exempt small businesses because the rules do not directly regulate small businesses. The rules regulate individual registrants and licensees. Further, the Michigan Public Health Code requires social service technicians to be registered and bachelor's and master's social workers to be licensed.

**A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.**

There are approximately 28,992 registered or licensed social work professionals in Michigan.

A registrant or licensee may work in a small business. However, no matter what type of business environment the registrant or licensee works in, he or she will have to comply with the proposed rules. The rules do not impact small businesses differently because the impact is to the individual licensee only.

**B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rules after projecting the required reporting, record-keeping, and other administrative costs.**

The agency did not establish separate compliance or reporting requirements for small businesses. The proposed rules will apply to all social worker registrants and licensees. The rules were drafted to be the least burdensome on all affected registrants and licensees.

**C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.**

The agency did not consolidate or simplify compliance and reporting requirements for small businesses with the proposed rules because the proposed rules do not impact small businesses.

**D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.**

The agency did not establish performance standards to replace design or operation standards required by these rules.

**20. Identify any disproportionate impact the proposed rules may have on small businesses because of their size or geographic location.**

The proposed rules do not impact small business. They impact an individual registrant or licensee. Therefore, there is no disproportionate impact on a small business because of its size or geographic location.

**21. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.**

The proposed rules affect individuals applying for registration, licensure, and renewal, regardless if they practice in a small business. There is no separate cost to a small business.

**22. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.**

There are no expected costs for equipment, supplies, labor, or administrative costs that a small business would incur in complying with the proposed rules. The rules impact licensees and registrants, not small businesses.

**23. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.**

There are no expected costs for legal, consulting, or accounting services that a small business would incur in complying with the proposed rules.

**24. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.**

There are no expected costs to a small business that will cause economic harm to a small business or the marketplace as a result of the proposed rules.

**25. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.**

The proposed rules impose requirements on individual registrants and licensees rather than a small business. Even if a registrant's or licensee's practice qualifies as a small business, the department could not exempt his or her business because it would create disparity in the regulation of the profession.

Therefore, there is no cost to the agency for administering or enforcing the rules because exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

**26. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.**

The proposed rules impose requirements on individual registrants and licensees rather than a small business. Even if a registrant's or licensee's work qualifies as a small business, the department could not exempt his or her business because it would create a disparity in the regulation of the profession. Therefore, exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

**27. Describe whether and how the agency has involved small businesses in the development of the proposed rules.**

The department worked with the Michigan Board of Social Workers in the development of the proposed rules. The Board is composed of members of the profession and public members.

**A. If small businesses were involved in the development of the rules, please identify the business(es).**

No small businesses were involved in the development of the rules.

**28. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.**

There are no estimated compliance costs with these rule amendments on businesses or groups.

**A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rules.**

No businesses or groups will be directly affected or benefitted by the proposed rules. No additional costs will be imposed on any businesses or groups.

**B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.**

No additional costs will be imposed on any businesses or groups.

**29. Estimate the actual statewide compliance costs of the proposed rules on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.**

It is estimated that there will be no new compliance costs imposed on individuals as a result of the proposed rules.

A licensee or registrant may currently render telehealth services as provided by statute. The new rules do not require a licensee or registrant to provide telehealth services, so there is no cost to comply with this rule.

If a licensee or registrant does choose to provide telehealth services, the new rules do require that he or she maintain the statutorily required consent for treatment, but a licensee or registrant must currently maintain medical records in compliance with MCL 333.16213. It is anticipated that this consent will be retained in the client's medical records without imposing any additional costs for recordkeeping.

The proposed telehealth rule also requires that a telehealth service be provided in compliance with current privacy-protection laws. It is anticipated licensees and registrants are in current compliance with privacy-protection laws related to their use of electronic communication and record-keeping in their practice, as provided by state or federal statute. It is estimated that if a licensee or registrant provides telehealth services, this requirement in the telehealth rule will not impose any additional costs to ensure client privacy.

**A. How many and what category of individuals will be affected by the rules?**

All licensees, registrants, and applicants are affected by the proposed rules.

**B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?**

There is no qualitative or quantitative impact on individuals as a result of the proposed rules.

**30. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.**

There are no cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

**31. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.**

The proposed rules use clear, concise language, and implement the statutory requirements for licensing. The clear, concise language allows the public, registrants, and licensees to better understand the requirements for licensure.

The proposed rules will provide requirements to licensees and registrants who chose to render telehealth services. The requirements will ensure public health and safety by limiting telehealth services offered to those within the licensee's or registrant's scope of practice and consistent with in-person health care services. The requirements will also ensure client privacy rights.

**32. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.**

The rules are not expected to have an impact on business growth, job creation, or job elimination in Michigan.

**33. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.**

The department does not expect any individuals or businesses to be disproportionately impacted by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

**34. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of the proposed rules and a cost-benefit analysis of the proposed rules.**

Illinois: <https://www.idfpr.com/profs/SocialWorker.asp>

Indiana: <http://www.in.gov/pla/3030.htm>

Kentucky: <https://bsw.ky.gov/licenseApplication/Pages/overview.aspx>

Minnesota: <https://www.revisor.mn.gov/statutes/?id=148E.055>

New York: <http://www.op.nysed.gov/prof/sw/lmsw.htm#edu>

Ohio: <https://cswmft.ohio.gov/>

Pennsylvania:

<https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/SocialWorkersMarriageandFamilyTherapistsandProfessionalCounselors/Pages/default.aspx>

Wisconsin: [https://docs.legis.wisconsin.gov/code/admin\\_code/mpsw/3.pdf](https://docs.legis.wisconsin.gov/code/admin_code/mpsw/3.pdf)

**A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., which demonstrate a need for the proposed rules.**

Since the rules are required by statute, no estimates were made.

**35. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.**

Since the rules are required by statute, there are no reasonable alternatives to the proposed rules.

**A. Please include any statutory amendments that may be necessary to achieve such alternatives.**

Since the rules are required by statute, a statutory change would be needed to provide an alternative.

**36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.**

Since the rules are required by statute, private market-based systems cannot serve as an alternative. The licensing, registration, and regulation of social workers are state functions, and states regulate social workers by statute, regulation, or both. Private market-based systems are not used for licensing and regulation.

There are professional organizations that establish criteria for membership, but these organizations would provide the public with significantly less protection because membership in many of these organizations is voluntary. This means an individual who meets the membership requirements but does not join one of the professional organizations would be able to practice, and there would be no way to ensure their competency or hold them accountable.

**36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.**

Since the rules are specifically required by statute, there are no alternatives to the proposed rules that the agency could consider. They are necessary for the administration and enforcement of the licensing process.

**38. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.**

The instructions for compliance are included in the rules.