

**Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)**

611 W. Ottawa Street
Lansing, MI 48909
Phone: 517-335-8658 Fax: 517-335-9512

REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Professional Licensing

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Occupational Therapists - General Rules

5. Rule numbers or rule set range of numbers:

R 338.1191 - R 338.1252

6. Estimated time frame:

6 months

Name of person filling out RFR:

Andria Ditschman

E-mail of person filling out RFR:

DitschmanA@michigan.gov

Phone number of person filling out RFR:

517-290-3361

Address of person filling out RFR:

Ottawa Building
611 West Ottawa Street, 3rd Floor
PO Box 307=670
Lansing, MI 48909

7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The purpose of the Board of Occupational Therapist Rules is to regulate the prelicensure education, licensure, licensure renewal, relicensure, and continuing education for occupational therapists and occupational therapy assistants. The proposed rules are intended to: delete prohibited conduct; delete English proficiency requirement as the requirements will be added to a Public Health Code general rule; add statutory references; update references to educational program standards; clarify when an applicant may sit for the occupational therapist exam and occupational therapist assistant exam; clarify that the Department not the Board will grant an applicant a limited license to complete the supervised practice experience for an occupational therapist or occupational therapist assistant whose registration as lapsed; clarify that a limited license for supervised practice for an occupational therapist or occupational therapist assistant whose registration has lapsed may be renewed 1 time; allow supervised practice experience to be supervised by an occupational therapist in or out of the state of Michigan; add a good standing provision to the relicensure and endorsement requirements; clarify the requirements for licensure for an occupational therapist who graduated from a non-accredited postsecondary institution; add a rule regarding the requirements for licensure for an occupational therapist assistant who graduated from a non-accredited postsecondary institution; clarify that an applicant for licensure by endorsement must have an active license in another state; clarify the requirements for relicensure for both an occupational therapist and occupational therapist assistant; and clarify that one-half of continuing education may be completed in person or through live webinars.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

MCL 333.16145 authorizes the Board to promulgate rules necessary or appropriate to fulfill its functions as prescribed in the Article 15 of the Public Health Code.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

Rule promulgation includes: MCL 333.16145; MCL 333.16148; MCL 333.16204; MCL 333.18307; MCL 333.18309; MCL 333.18313; Executive Reorganization Order No. 1991-9, MCL 338.3501; Executive Reorganization Order No. 1996-2, MCL 445.2001; Executive Reorganization Order No. 2003-1, MCL 445.2011; and Executive Reorganization Order No. 2011-4, MCL 445.2030.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

Yes, the Department in consultation with the Board is required to promulgate rules as follows: to set forth the minimum standards for licensure pursuant to MCL 333.18307 and MCL 333.18309; to include training standards for identifying victims of human trafficking, pursuant to MCL 333.16148; and to complete continuing education (CE) hours in pain and symptom management for an applicant for licensure renewal, if continuing education is a condition for renewal, pursuant to MCL 333.16204.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

Each state establishes its own requirements with respect to occupational therapists and occupational therapy assistants. The rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

No. The subject matter of these rules is not currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

The Board of Occupational Therapy received comments from the public, the Michigan Occupational Therapy Association Inc., the American Occupational Therapy Association, Inc., and Hope Network Neuro Rehabilitation regarding the prohibited conduct provisions in the rules and the delegation of limited assessments, tasks, or interventions to an occupational therapy assistant by an occupational therapist.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The rules were last amended on October 19, 2017. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

R 338.1213, which pertains to the English language requirement will be rescinded as all health professions will rely on a Public Health Code general rule regarding the English language that is being promulgated.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

Yes