

**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

**Phone number of person filling out RIS:**

517-335-3679

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MarksD1@michigan.gov

**Rule Set Information:**

**ARD assigned rule set number:**

2019-104 LR

**Title of proposed rule set:**

Public Health Code -- Disciplinary 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.**

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?**

The rules are not mandated by state or federal law.

**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 rules do not exceed a federal standard or citation.

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

The Public Health Code Disciplinary Rules establish rules applicable to disciplinary matters administered by the Bureau of Professional Licensing. The proposed rules are consistent with the standards required by the Public Health Code and are largely consistent with the requirements of other states in the Great Lakes region.

In Indiana, complaints against a health care professional are filed with, investigated by, and prosecuted by the State Attorney General's Office.

In Illinois, New York, Pennsylvania, and Wisconsin a state agency administers complaints, investigations, and prosecutions against a health care professional.

In Kentucky, Minnesota, and Ohio the administration of complaints, investigations, and prosecutions are completed by the board that licenses the health care professional.

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

Each state in the Great Lakes region provides for a disciplinary process that includes complaint intake, investigation, and prosecution. The proposed rules do not exceed the standards of other states in the Great Lakes region.

**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 the 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 federal, state, or local laws that regulate the same 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.**

There is no applicable federally mandated standard.

**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.**

There is no applicable federal standard.

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

The Public Health Code Disciplinary Rules pertain to the administration of disciplinary matters for all health care professions regulated under Article 15 of the Michigan Public Health Code. The intended purpose of the proposed rules is set forth below:

R 338.1601a This is a proposed new rule that will provide definitions for terms used in this rule set. The additional definitions are designed to increase the reader's understanding of terms as they are used in the rule set to assist an applicant, licensee, or registrant in complying with the rules.

R 338.1601b This is a proposed new rule that will inform an unlicensed or unregistered individual that he or she is subject to disciplinary action and sanctions for acting in a manner that violates the Public Health Code. The proposed new rule is intended to inform an unlicensed or unregistered person that he or she may be subject to sanction for a violation of the Public Health Code.

R 338.1602a This is a proposed new rule that informs a former licensee or registrant that he or she has a continuing duty to notify the Department of a change in his or her name, postal address, or electronic mail address until complaints are resolved and he or she has complied with any final order. The new rule is intended to provide notice to a former licensee or registrant of the period of time during which he or she has a continuing duty to provide updated contact information to the Department.

R 338.1603 The proposed changes to this rule will remove the portions that are already contained in statute and will expand the list of documents that the Department is permitted to request, review, and retain regarding a licensee or registrant. The proposed rule will permit the Department to identify misconduct by a licensee or registrant to ensure that the individual is safe to practice and of good moral character.

R 338.1604 The proposed changes to this rule will remove the portions that are already addressed in statute and will advise a licensee or registrant that if an investigation is warranted, the Department may investigate possible violations that were discovered after the investigation was initiated. The intended purpose is to provide notice to a licensee or registrant that violations, other than those alleged by the complainant, may be investigated.

R 338.1605 This rule pertains to the disciplinary subcommittee of a board and will be rescinded in the proposed rules. MCL 333.16216 sets forth the requirements for a disciplinary subcommittee, so this rule is not needed.

R 338.1606 This rule pertains to unlicensed or unregistered individuals and will be rescinded in the proposed rules. The substance of the rule will be amended and relocated for clarity in proposed rule R 338.1601b.

R 338.1607 This rule pertains to the denial of an application and will be rescinded and the information revised and reorganized to Part 7 of the rule set for clarity in proposed rule R 338.1632a.

R 338.1607a This is a proposed new rule intended to advise where and when pleadings should be filed.

R 338.1608 This rule pertains to compliance conferences. The proposed rule will remove the requirements provided for by statute, MCL 333.16231, and revise the remainder for clarity.

R 338.1609 This rule pertains to summary suspension. This rule duplicates MCL 333.16233 and will be rescinded in the proposed rules.

R 338.1612 This rule pertains to cease and desist orders. This rule duplicates MCL 333.16233 and will be rescinded in the proposed rules.

R 338.1615 This rule pertains to pleadings and will be rescinded in the proposed rules. The information will be reorganized and revised for clarity in proposed R 338.1607a.

R 338.1630 This rule pertains to the entry of a final order. The rule is intended to provide clarity regarding the process for rendering a final order for a violation of the Public Health Code.

R 338.1631 This proposed amendment to the rule will advise when and how a request for reconsideration of a finding or final order may be filed.

R 338.1632 This rule pertains to the duty to comply with a final order issued by a disciplinary subcommittee. This rule will be revised for clarity in the proposed rules.

R 338.1632a This is a proposed new rule that will advise an applicant that he or she may request a hearing if his or her application has been denied.

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

The proposed rules are not expected to change the frequency of the targeted behavior.

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

Part 1: The proposed rules add Part 1, General Rules, to advise the reader of the definitions for terms used in the ruleset. The desired behavior is better reader understanding. Part 1 will also advise a person who violates the Public Health Code that he or she may be subject to disciplinary action, even if he or she is unlicensed or unregistered. The desired behavior is compliance with the Public Health Code. A licensee or registrant will also be advised that he or she must advise the Department if he or she changes his or her name, email address, or postal address. The desired behavior is compliance so the Department will have the ability to contact a licensee or registrant, even if he or she becomes unlicensed or unregistered, if he or she is subject to disciplinary action.

Part 2: The proposed rules add Part 2, Historical Records, to advise a licensee or registrant of the types of information that the Department may obtain and retain in an individual's historical records.

Part 3: The proposed rules add Part 3, Investigations, to advise a licensee or registrant that if an investigation is warranted, the Department may investigate possible violations discovered after the investigation was initiated.

Part 4: Part 4 was added to advise where and when pleadings should be filed after a complaint is issued. The desired behavior is compliance with filing requirements.

Part 5: The proposed rules in Part 5 will remove statutory requirements that are currently in the rules. This part will also be revised to clarify the information regarding compliance conferences, adjournments, and hearings.

Part 6: The proposed rules in Part 6 will remove statutory requirements from the current rules and will revise the remaining rules to clarify the information regarding final orders, reconsideration, and a respondent's duty to comply with a final order. The desired behavior is compliance with the final order.

Part 7: Part 7 contains proposed rule R338.1632a, which will advise an applicant of his or her rights if an application is denied.

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

Part 1: The proposed rules add Part 1, General Rules, to advise the reader of the definitions for terms used in the ruleset, inform a licensee or registrant of his or her continuing duty to update contact information, and to advise a licensee or registrant that he or she may remain subject to disciplinary action, even if he or she later becomes unlicensed or unregistered. The desired outcome is to provide clarity for improved compliance with the requirements in the rules.

Part 2: The proposed rules add Part 2, Historical Records. The purpose is to advise a licensee or registrant of the types of information that the Department may obtain and retain in an individual's historical records.

Part 3: The proposed rules add Part 3, Investigations. The purpose is to advise a licensee or registrant that if an investigation is warranted, the Department may investigate possible violations that were discovered after the investigation was initiated.

Part 4: The desired outcome in adding Part 4 was to advise the reader where and when pleadings should be filed.

Part 5: The desired outcome from the proposed changes in Part 5 is to remove rules that are duplicative of statute and to clarify existing information regarding compliance conferences, adjournments, and hearings.

Part 6: The proposed rules in Part 6 are intended to remove rules duplicative of statute and to clarify information regarding final orders, reconsideration, and a respondent's duty to comply with a final order.

Part 7: Proposed Part 7 is intended to advise an applicant of his or her rights if an application is denied.

### **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.**

R 338.1601a This is a proposed new rule that will provide definitions for terms to prevent reader misunderstanding. Several terms used in the rule set do not have a dictionary definition, and reader misunderstanding may occur if additional information is not provided.

R 338.1601b This is a proposed new rule intended to advise an unlicensed or unregistered individual that he or she is subject to disciplinary action and sanctions for acting in a manner that violates the Public Health Code. An unlicensed or unregistered person may understand that his or her actions are inappropriate, but may not know that such actions may also result in a violation of the Public Health Code.

R 338.1602a This is a proposed new rule that will inform a former licensee or registrant that he or she has a continuing duty to notify the Department of a change in his or her name, postal address, or electronic mail address until complaints against him or her are resolved and the individual has complied with any final order. It is likely that a former licensee or registrant would not be aware that the Department continues to require this information after licensure or registration has ended.

R 338.1603 The proposed changes to this rule will remove the portions that are already contained in statute and will expand the list of documents that the Department is permitted to request, review, and retain regarding a licensee or registrant. The proposed rule is intended to ensure public safety by gathering information regarding a licensee or registrant safety to practice and good moral character.

R 338.1604 The proposed rule is designed to give a licensee or registrant notice that the Department may investigate possible violations that were discovered after the investigation was initiated to ensure the licensee's or registrant's compliance with the Michigan Public Health Code.

R 338.1605 The rescission of this rule is intended to ensure that there is no confusion about the requirements set forth in the Public Health Code.

R 338.1606 This rule pertains to unlicensed or unregistered individuals and will be rescinded in the proposed rules. The substance of the rule will be amended and relocated for clarity in proposed rule R 338.1601b.

R 338.1607 This rule pertains to the denial of an application and will be rescinded and the information revised and reorganized to Part 7 of the rule set for clarity in proposed rule R 338.1632a.

R 338.1607a This is a proposed new rule to advise where and when pleadings should be filed. The harm that could result without this rule is that a respondent may be unaware of where, when, and how to respond to a formal complaint.

R 338.1608 This rule pertains to compliance conferences. The proposed rule will remove the requirements provided for by statute, MCL 333.16231, and revise the remainder for clarity. The proposed changes are intended to assist a respondent with compliance.

R 338.1609 This rule pertains to summary suspension. This rule duplicates MCL 333.16233 and will be rescinded in the proposed rules. The harm that could result without the change may be that a licensee or registrant may perceive inconsistencies between the statute and the rule that could frustrate the purpose of the statute.

R 338.1612 This rule pertains to cease and desist orders. This rule duplicates MCL 333.16233 and will be rescinded in the proposed rules. The harm that could result without the change may be that a licensee or registrant may perceive inconsistencies between the statute and the rule that could frustrate the purpose of the statute.

R 338.1615 This rule pertains to pleadings and will be rescinded in the proposed rules. The information will be reorganized and revised for clarity in proposed R 338.1607a.

R 338.1630 This rule pertains to final orders. This rule will be amended for clarity in the proposed rules. The proposed rule will assist the board, task force, or disciplinary subcommittee in evaluating information and entering a final order when a licensee or registrant has violated the public health code.

R 338.1631 This rule is amended to advise when and how a request for reconsideration of a finding or final order may

be filed. The proposed rule also sets forth the actions that the Department must take if a request for reconsideration of a final order has been filed. The proposed rule will assist the licensee or registrant in complying with a final order or seeking reconsideration.

R 338.1632 This rule pertains to the duty to comply with a final order issued by the disciplinary subcommittee. This rule will be revised for clarity in the proposed rules. The proposed rule will assist the licensee or registrant in complying with a final order.

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

R 338.1601a This is a proposed new rule that will provide definitions for terms used in this rule set. Clarification cannot be accomplished without changing the rule.

R 338.1601b This is a proposed new rule that will inform an unlicensed or unregistered individual that he or she is subject to disciplinary action and sanctions for acting in a manner that violates the Public Health Code.

R 338.1602a This is a proposed new rule that informs a former licensee or registrant that he or she has a continuing duty to notify the Department of a change in name, postal address, or electronic mail address until complaints against him or her are resolved and the individual has complied with any final order.

R 338.1603 The proposed changes to this rule will remove the portions that are already contained in statute and will expand the list of documents that the Department is permitted to request, review, and retain regarding a licensee or registrant. This will permit the Department to identify misconduct by a licensee or registrant to ensure that the individual is safe to practice and of good moral character.

R 338.1604 The proposed changes to this rule will remove the portions that are already addressed in statute and will advise a licensee or registrant that if an investigation is warranted, the Department may investigate possible violations that were not apparent when the investigation was initiated.

R 338.1605 This rule pertains to the disciplinary subcommittee of a board and will be rescinded in the proposed rules. MCL 333.16216 sets forth the requirements for a disciplinary subcommittee, so this rule is not needed.

R 338.1606 This rule pertains to unlicensed or unregistered individuals and will be rescinded in the proposed rules. The substance of the rule will be amended and relocated for clarity in proposed to R 338.1601b.

R 338.1607 This rule pertains to the denial of an application and will be rescinded and the information revised and reorganized to Part 7 of the rule set for clarity in proposed rule R 338.1632a.

R 338.1607a This is a proposed new rule to advise the reader where and when pleadings should be filed.

R 338.1608 This rule pertains to compliance conferences. The proposed rule will remove the requirements provided for by statute, MCL 333.16231, and revise the remainder for clarity.

R 338.1609 This rule pertains to summary suspension. This rule duplicates MCL 333.16233 and will be rescinded in the proposed rules.

R 338.1612 This rule pertains to cease and desist orders. This rule duplicates MCL 333.16233 and will be rescinded in the proposed rules.

R 338.1615 This rule pertains to pleadings and will be rescinded in the proposed rules. The information will be reorganized and revised for clarity in proposed R 338.1607a.

R 338.1630 This rule pertains to the entry of a final order. This rule will be amended for clarity in the proposed rules.

R 338.1631 This rule will be amended to advise when and how a request for reconsideration of a finding or final order may be filed. The proposed rule also sets forth the actions that the Department must take.

R 338.1632 This rule pertains to the duty to comply with a final order issued by the disciplinary subcommittee. This rule will be revised for clarity in the proposed rules.

R 338.1632a This is a proposed new rule that will advise an applicant that he or she may request a hearing if his or her application for licensure or registration has been denied.

**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.**

The proposed rules provide a regulatory mechanism for the administration of disciplinary matters for a violation of the Public Health Code. To protect the public, it is important that members of the health care professions adhere to the Public Health Code and applicable administrative rules.

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

R 338.1605 This rule pertains to the disciplinary subcommittee of a board and will be rescinded in the proposed rules. MCL 333.16216 sets forth the requirements for a disciplinary subcommittee, so this rule is not needed.

R 338.1606 This rule pertains to unlicensed or unregistered individuals and will be rescinded in the proposed rules. The substance of the rule will be amended and relocated for clarity in proposed rule R 338.1601b.

R 338.1607 This rule pertains to the denial of an application and will be rescinded and the information revised and reorganized to Part 7 of the rule set for clarity in proposed rule R 338.1632a.

R 338.1609 This rule pertains to summary suspension. This rule duplicates MCL 333.16233 and will be rescinded in the proposed rules.

R 338.1612 This rule pertains to cease and desist orders. This rule duplicates MCL 333.16233 and will be rescinded in the proposed rules.

R 338.1615 This rule pertains to pleadings and will be rescinded in the proposed rules. The information will be reorganized and revised for clarity in proposed R 338.1607a.

**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 nor has a funding source been provided for 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.**

The proposed rules establish rules applicable to disciplinary matters administered by the Bureau of Professional Licensing. There is no specific burden placed on an individual, other than what may result from his or her conduct in violation of the Public Health Code.

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

There are no identified burdens 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.**

No increases or decreases in revenues to other state or local governmental units are expected as a 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, county, township, 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 these 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 a result of these 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 are not expected to impact rural areas. The proposed rules apply to an individual licensed or registered under the Public Health Code, regardless of his or her location.

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

The proposed rules are not expected to affect 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 do not have an environmental impact.

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

The proposed rules provide for the administration of disciplinary matters under the Public Health Code. Even if a licensee's or registrant's workplace qualifies as a small business, the Department could not exempt his or her business from such a matter because it would create a disparity in the regulation of health care professionals.

**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 a small business because the rules do not directly regulate small businesses. The rules regulate individual licensees and registrants.

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

Small businesses will not be affected by the proposed rules. The proposed rules will impact individuals 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.

**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 with the proposed rules as the proposed rules have no impact on 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 the proposed rules.

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

The proposed rules impact the actions of an individual licensee or registrant rather than small businesses. 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.**

There is no separate cost for a small business to comply with the proposed rules.

**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 will be no increased costs of compliance for a small business concerning the costs of equipment, supplies, labor, or administrative costs.

**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 legal, consulting, or accounting services costs 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 have no cost impact on a small business, so no exemption was considered.

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

The proposed rules have no impact on a small business, so no exemption was considered.

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

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

**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 proposed 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 businesses or other groups as a result of the proposed rules.

**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.**

No additional compliance costs will be imposed on individuals or the public as a result of the proposed rules.

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

The number cannot be estimated because the rules affect any individual who failed, or may have failed, to comply with the Michigan Public Health Code.

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

The proposed rules do not have a qualitative or quantitative impact on these individuals.

**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 for 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 primary and direct benefit of the proposed rules is to the people in the State of Michigan because the rules provide for the administration of disciplinary matters against an individual who did or may have violated the Michigan Public Health Code. The public will be protected by ensuring that a violator will be subject to appropriate disciplinary action.

**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 or job creation.

**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.**

There is not expected to be a disproportionate affect due to 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.**

Indiana: <https://www.in.gov/pla/3638.htm>

Illinois: <https://www.idfpr.com/FAQ/DPR/FAQs%20for%20Consumers.pdf>,  
<https://www.idfpr.com/admin/DPR/DPRcomplaint.asp>

Kentucky: <https://kbml.ky.gov/grievances/Documents/Consumer%20Guide%20and%20Grievance%20Form.pdf>,  
<https://kbn.ky.gov/investdiscp/Pages/default.aspx>

Minnesota: <https://mn.gov/boards/medical-practice/consumers/complaints/faqs/>,  
<https://mn.gov/boards/nursing/public/complaints/complaint-review-process.jsp>

New York: <http://www.op.nysed.gov/opd/>

Ohio: <https://med.ohio.gov/Regulation/File-a-Complaint>, <https://nursing.ohio.gov/>

Pennsylvania: <https://www.dos.pa.gov/ProfessionalLicensing/FileaComplaint/Pages/default.aspx>

Wisconsin: <https://dsps.wi.gov/Pages/SelfService/FileAComplaint.aspx>

**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.**

There were no estimates made because the rules impact individuals whose actions are subject to Article 15 of the Michigan Public Health Code. This may include individuals who are unlicensed or unregistered.

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

There is no reasonable alternative to the proposed rules.

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

The Public Health Code would have to be amended to provide for administration of disciplinary matters outside of the Department.

**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.**

Under the current structure of the Michigan Public Health Code, there are no alternatives to the proposed rules as the Department is responsible for administering disciplinary matters when an individual has, or may have, violated the Michigan Public Health Code.

**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.**

There are no alternatives to the proposed rules as they are necessary to permit the Department to fulfil its function in administering disciplinary matters when an individual has, or may have, violated the Michigan Public Health Code.

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

The rules will explicitly inform licensees and registrants of the disciplinary process. No further instruction is needed to comply with the rules.