

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

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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:

Speech-Language Pathology – General Rules

5. Rule numbers or rule set range of numbers:

R 338.601 – R 338.649

6. Estimated time frame:

12 months

Name of person filling out RFR:

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

The Speech-Language Pathology – General Rules pertain to definitions, licensure, training in identifying human trafficking, examination, licensure by endorsement, temporary licensure for clinical experience, clinical experience requirements, non-accredited institution graduate requirements, education standards, relicensure, relicensure for certified teachers holding limited licenses, license renewal, continuous professional development and providers, patient records, referrals, and physically invasive procedures.

Amendment of the rules will take place to supply revisions of definitions, rescind a rule related to use of titles and words, revise licensure requirements, clarify dates for human trafficking training, revise examination requirements, rescind a rule for a limited license for certified teachers, revise licensure by endorsement, temporary license, clinical experience, and graduates of non-accredited institution requirements, update educational standards, and revise relicensure, relicensure for limited license certified teachers, renewal, continuous professional development and providers, patient records, referrals, and physically invasive procedures requirements.

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

The department director in consultation with the Board.

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

MCL 333.16145, MCL 333.16148, MCL 333.17601, MCL 333.17607, MCL 333.17609, MCL 333.17610, and MCL 333.17611, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.

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

Under MCL 333.17610(2), the department shall by rule prescribe continuous professional development as a condition for licensure renewal.

Under MCL 333.17610(3), the department, in consultation with the board, shall promulgate rules regarding the performance of speech-language pathology that includes the performance of procedures described in section 17601(1)(a)(ii).

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.

Rescission of R 338.602, which addresses the use of titles, is necessary, because MCL 333.17603 already addresses the use of titles.

Rescission of R 338.607, which addresses a certified teacher's application for a limited speech-language pathology license, is necessary, because the timeframe to apply for a license under this rule has closed.

The rest of the proposed rules do not duplicate or conflict with other federal or state regulations.

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

No guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo covers the subject matter of the rules.

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 proposed rules do not exceed other federal or state regulations.

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

No.

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.

Amendment of the rules last took place in 2016. No technological factors, economic conditions, or other factors make amendment of the rules necessary.

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?

No.

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