

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:

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Rule Set Information:

ARD assigned rule set number:

2020-43 LR

Title of proposed rule set:

Optometry - 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 optometrists, 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 the board to promulgate rules to specify the requirements for licenses, renewals, examination, and examination passing scores.

MCL 333.16287 requires the department, in consultation with the board, to promulgate rules to implement MCL 333.16284 and MCL 333.16285.

The rules are not required by 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 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 licensure of optometrists.

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 licensure of optometrists and continuing education requirements for renewal differ from state to state. Overall, the standards in the proposed rules do not exceed those of the 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 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, provide a statement of specific facts that establish the clear and convincing need to adopt the more stringent rules.

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, provide either the Michigan 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.

MCL 24.232(9) does not apply.

Purpose and Objectives of the Rule(s)

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

Part 1 General Provisions: The proposed rules in this section pertain to the requirement that an applicant for licensure demonstrate a working knowledge of the English language and the educational standards approved by the board and adopted by reference.

The rule pertaining to the requirement that an applicant demonstrate a working knowledge of the English language will be rescinded because a generally applicable rule is included in the Public Health Code General Rules, so the rule is no longer needed in this rule set. The altered behavior will be the applicant's compliance with the requirement established in the Public Health Code General Rules.

The proposed rules will update the information pertaining to the educational program approved by the board, adopted by reference, and required for licensure. The proposed changes are intended to assist an applicant in determining which educational program has been approved and required for licensure.

Part 2 Licenses: The rules in this section pertain to licensure. The proposed rules will amend the requirements for licensure by endorsement if the applicant is licensed in another state and provide the requirements that must be met if the applicant is licensed in Canada. The proposed rules will also require CPR certification if the applicant is applying for certification to administer topical ocular diagnostic pharmaceutical agents. The proposed changes are intended to assist an applicant in meeting the requirements for licensure by endorsement.

The rule pertaining to relicensure will be clarified, and a section will be added to provide the requirements for an applicant whose license has lapsed but who is currently licensed in another state or Canada. The proposed rules will also require CPR certification if the applicant is applying for certification to administer topical ocular diagnostic pharmaceutical agents. The rule will also provide that the applicant must have resolved any disciplinary action taken against the individual before being relicensed. The proposed rule is intended to assist an applicant in becoming relicensed and to ensure public safety.

The rule pertaining to certification to administer topical ocular diagnostic pharmaceutical agents will be amended to clarify the program of study that must be completed, the requirements of the emergency treatment plan, and to identify the course of cardiopulmonary resuscitation (CPR) that must be completed. The proposed rule is intended to assist an applicant in becoming certified to administer topical ocular diagnostic pharmaceutical agents.

Part 3 Continuing Education: The rules in this section pertain to continuing education. The proposed rules will update the information pertaining to the board's approval and adoption of continuing education offered by the Council on Optometric Practitioner Education (COPE).

The rules will also be revised for clarity and to provide the requirement that an applicant applying for renewal of a certification to administer and prescribe therapeutic pharmaceutical agents must hold a valid CPR certificate.

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 General Provisions: The proposed rules in this section pertain to the requirement that an applicant for licensure demonstrate a working knowledge of the English language and the educational standards approved by the board and adopted by reference.

The rule pertaining to demonstrating a working knowledge of the English language will be rescinded because a generally applicable rule is included in the Public Health Code General Rules, so the rule is no longer needed in this rule set. The altered behavior will be the applicant's compliance with the requirement established in the Public Health Code General Rules. The intent is to make the English language requirement consistent for all applicable professions licensed under Article 15 of the Public Health Code.

The proposed rules will update the information pertaining to the educational program approved by the board, adopted by reference, and required for licensure. The proposed changes are intended to assist an applicant in determining which educational program has been approved by the board and required for licensure.

Part 2 Licenses: The rules in this section pertain to licensure. The proposed rules will amend the requirements for licensure by endorsement for applicants licensed in another state and provide the requirements that must be met if the applicant is licensed in Canada. The proposed rules will also require CPR certification if the applicant is applying for certification to administer topical ocular diagnostic pharmaceutical agents. The proposed changes are intended to assist an applicant in becoming licensed by endorsement.

The rule pertaining to relicensure will be clarified, and a section will be added to provide the requirements for an applicant whose license has lapsed but who is currently licensed in another state or Canada. The proposed rules will also require CPR certification if the applicant is applying for certification to administer topical ocular diagnostic pharmaceutical agents. The rule will also provide that the applicant must have resolved any disciplinary action taken against the individual before being relicensed. The proposed rule is intended to assist an applicant in becoming relicensed and to ensure public safety.

The rule pertaining to certification to administer topical ocular diagnostic pharmaceutical agents will be amended to clarify the program of study that must be completed, the requirements of the emergency treatment plan, and to identify the course of CPR that must be completed. The proposed rule is intended to assist an applicant in becoming certified to administer topical ocular diagnostic pharmaceutical agents.

Part 3 Continuing Education: The rules in this section pertain to continuing education. The proposed rules will update the information pertaining to the board's approval and adoption of continuing education offered by the COPE. The intent is to assist a licensee in accumulating the continuing education required for license renewal.

The rules will also be revised for clarity and to provide the requirement that an applicant applying for renewal of a certification to administer and prescribe therapeutic pharmaceutical agents must hold a valid CPR certificate when applying for license renewal. The intent is to ensure public safety.

C. What is the desired outcome?

R 338.304: This rule pertains to the minimum English language standard. This rule will be rescinded because a rule applicable to all public health code licensees required to demonstrate a working knowledge of the English language is in the Public Health Code General Rules. The rescission will ensure that the standards are consistent for all health care professions required to meet this standard.

R 338.305: This rule pertains to the board approved and adopted standards for optometric education. The rule will be revised to ensure that the standards are up-to-date.

R 338.309: This rule pertains to licensure by endorsement. The rule will be reorganized into an easy-to-use chart format and the requirements will be revised to require the applicant to disclose any license, registration, or certification in a health care profession that the applicant has been issued. The proposed rules will also require CPR certification if the applicant is applying for certification to administer topical ocular diagnostic pharmaceutical agents. The applicant will also be advised that any disciplinary action taken against the individual must be resolved before being licensed. The proposed rule is intended to assist an applicant in becoming licensed and to ensure public safety.

R 338.310: This rule pertains to a limited license. This rule will be revised to conform to current drafting standards.

R 338.311: This rule pertains to relicensure. The rule will be reorganized into an easy-to-use chart format and the requirements will be revised to require the applicant to disclose any license, registration, or certification in a health care profession that the applicant has been issued. The proposed rules will also require CPR certification if the applicant is applying for certification to administer topical ocular diagnostic pharmaceutical agents. The applicant will also be advised that any disciplinary action taken against the individual must be resolved before being relicensed and that the applicant may be subject to discipline for sanctions imposed under MCL 333.16174.

R 338.315: This rule pertains to certification to administer topical ocular diagnostic pharmaceutical agents. The rule will be revised to clarify the required course of study and what must be included to be a board-approved emergency treatment plan for compliance.

R 338.317: This rule pertains to certification to administer and prescribe therapeutic pharmaceutical agents. The rule will be revised to clarify the required course of study to ensure compliance.

R 338.319: This rule pertains to the board approved and adopted standards for continuing education. The rule will be revised to ensure that the standards are up-to-date and to ensure compliance.

R 338.319: This rule pertains to the board approved activities for the accumulation of continuing education. The rule will be revised for clarity to ensure compliance.

R 338.321: This rule pertains to license renewal. The rule will be revised to ensure that the applicant knows when continuing education must be completed. The rule has also been revised to add CPR training for license renewal to ensure that the licensee has the up-to-date training required to respond to a medical emergency. The face-to-face training will also be eliminated. The proposed changes will ensure that a renewal applicant has the necessary continuing education accumulated for license renewal.

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 General Provisions: The proposed rules in this section pertain to the applicant demonstrating a working knowledge of the English language and the educational standards approved by the board and adopted by reference.

The current rule pertaining to demonstrating a working knowledge of the English language will be rescinded because a generally applicable rule has been included in the Public Health Code General Rules. The harm that could occur in the absence of the revision is that an applicant for an optometry license would be subject to different standards than those established in the general rules.

The proposed rules will update the information pertaining to the educational program approved by the board and adopted by reference. The proposed rules will provide up-to-date information regarding the standards for educational programs to assist an applicant in meeting licensure requirements.

Part 2 Licenses: The rules in this section pertain to licensure. The proposed rules will amend the requirements for licensure by endorsement for an applicant licensed in another state and provide the requirements that must be met if the applicant is licensed in Canada. The rule will also provide that the applicant must have resolved any disciplinary action against him or her prior to licensure. The proposed rules will also require CPR certification if the applicant is applying for certification to administer topical ocular diagnostic pharmaceutical agents. The proposed changes are intended to assist an applicant in determining what requirements must be met for licensure.

The rule pertaining to relicensure will be clarified, and a section will be added to provide the requirements for an applicant whose license has lapsed but who is currently licensed in another state or Canada. The proposed rules will also require CPR certification if the applicant is applying for certification to administer topical ocular diagnostic pharmaceutical agents. The rule will also provide that the applicant must have resolved any disciplinary action against him or her prior to relicensure. The proposed rule is intended to assist an applicant in becoming relicensed and to ensure public safety.

The rule pertaining to certification to administer topical ocular diagnostic pharmaceutical agents will be amended to clarify the program of study that must be completed, the requirements of the emergency treatment plan, and to identify the course of CPR that must be completed. The proposed rule is intended to assist an applicant in becoming certified to administer topical ocular diagnostic pharmaceutical agents.

Part 3 Continuing Education: The rules in this section pertain to continuing education. The proposed rules will update the information pertaining to the board's approval and adoption of continuing education offered by the COPE. The intent is to assist a licensee in accumulating the continuing education required for license renewal.

The rules will also be revised for clarity and to provide the requirement that an applicant applying for renewal of a certification to administer and prescribe therapeutic pharmaceutical agents must hold a valid CPR certificate when applying for license renewal. The intent is to ensure that public safety is protected.

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

Part 1 General Provisions: The proposed rules in this section pertain to the applicant demonstrating a working knowledge of the English language and the educational standards approved by the board and adopted by reference.

The current rule pertaining to the licensure requirement to demonstrate a working knowledge of the English language will be rescinded to ensure that applicants for all applicable health care professions are subject to the same English proficiency standards for licensure.

The proposed rules will update the information pertaining to the educational program approved by the board and adopted by reference for licensure. The proposed rules will provide up-to-date information regarding the standards for educational programs to assist an applicant in meeting licensure requirements.

Part 2 Licenses: The rules in this section pertain to licensure. The proposed rules will amend the requirements for licensure by endorsement if the applicant is licensed in another state and provide the requirements that must be met if the applicant is licensed in Canada. The proposed rules will also require CPR certification if the applicant is applying for certification to administer topical ocular diagnostic pharmaceutical agents. The proposed changes will assist an applicant in determining what requirements must be met for licensure by endorsement.

The rule pertaining to relicensure will be clarified, and a section will be added to provide the requirements for an applicant whose license has lapsed but who is currently licensed in another state or Canada. The proposed rules will also require CPR certification if the applicant is applying for certification to administer topical ocular diagnostic pharmaceutical agents. The rule will also provide that the applicant must have resolved any disciplinary action taken against the individual before being relicensed. The proposed rule is intended to assist an applicant in becoming relicensed and to ensure public safety.

The rule pertaining to certification to administer topical ocular diagnostic pharmaceutical agents will be amended to clarify the program of study that must be completed, the requirements of the emergency treatment plan, and to identify the course of CPR that must be completed. The proposed rule is intended to assist an applicant in becoming certified to administer topical ocular diagnostic pharmaceutical agents.

Part 3 Continuing Education: The rules in this section pertain to continuing education. The proposed rules will update the information pertaining to the board's approval and adoption of continuing education offered by the COPE. The intent is to assist a licensee in accumulating the continuing education required for license renewal.

The rules will also be revised for clarity and to add the requirement that an applicant who is renewing a certification to administer and prescribe therapeutic pharmaceutical agents must hold a valid CPR certificate. The intent is to ensure that public safety is protected.

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 General Provisions: The proposed rules will protect the health, safety, and welfare of Michigan citizens by ensuring that an applicant has satisfied the current standards demonstrating a working knowledge of the English language and the current standards for Optometric education.

Part 2 Licenses: The proposed rules will protect the health, safety, and welfare of Michigan citizens by ensuring that an applicant has satisfied the current standards for licensure. The proposed rules will also require CPR certification if the applicant is applying for certification to administer topical ocular diagnostic pharmaceutical agents.

Part 3 Continuing Education: The proposed rules are intended to protect the health, safety, and welfare of Michigan citizens by ensuring that the applicant for renewal has completed the necessary continuing education from a board-approved provider to stay up-to-date in his or her education and training.

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

R 338.304: This rule pertains to the minimum English language standard required for licensure. This rule will be rescinded because a minimum English language standard rule has been placed in the Public Health Code General Rules. This profession specific standard is no longer needed in this rule set.

Fiscal Impact on the Agency

Fiscal impact is an increase or decrease in expenditures from the current level of expenditures, i.e. hiring additional staff, higher contract costs, programming costs, changes in reimbursements rates, etc. over and above what is currently expended for that function. It does not include more intangible costs for benefits, such as opportunity costs, the value of time saved or lost, etc., unless those issues result in a measurable impact on expenditures.

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 General Provisions: The proposed rules in this section are necessary to ensure that an applicant has the most up-to-date information on the English language and educational requirements for licensure. The proposed rules do not place any additional burden on an individual.

Part 2 Licenses: The proposed rules in this section are necessary to amend the requirements for licensure by endorsement and to assist an applicant in determining what requirements must be met. The proposed rules will also require CPR certification if the applicant is applying for certification to administer topical ocular diagnostic pharmaceutical agents. Additionally, the rule pertaining to relicensure will be clarified and amended to advise an applicant whose license has lapsed what is required to be relicensed. The proposed rules will also require CPR certification if the applicant is applying for certification to administer topical ocular diagnostic pharmaceutical agents. The applicant will also be advised that any disciplinary action taken against the individual must be resolved before being relicensed. The proposed rule is intended to assist an applicant in becoming relicensed and to ensure public safety. The proposed rules place no additional burden on the applicant.

The proposed rules also amend the requirements for certification to administer topical ocular diagnostic pharmaceutical agents for clarity and to assist a licensee in becoming certified to administer topical ocular diagnostic pharmaceutical agents. No additional burden is placed on the applicant.

Part 3 Continuing Education: The proposed rules will update the information pertaining to the board's approval and adoption of continuing education offered by the COPE to assist a licensee in accumulating the continuing education required for license renewal. No additional burden is placed on the renewal applicant.

The proposed rules do add a renewal requirement for an applicant applying for renewal of a certification to administer or to prescribe therapeutic pharmaceutical agents. The applicant must now hold a valid CPR certificate when applying for this certification renewal. This burden on the renewal applicant is far outweighed by the benefit to the people of the state of Michigan whose health, safety, and welfare will benefit when a licensee can provide CPR services, if needed.

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

The only identified burden is that an applicant for licensure, relicensure, or renewal must now hold a valid CPR certification when applying for certification to administer topical ocular diagnostic pharmaceutical agents. This burden is far outweighed by the benefit to the people of the state of Michigan whose health, safety, and welfare will benefit when a licensee can provide CPR services, if needed.

Impact on Other State or Local Governmental Units

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.

Rural Impact

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 under the Public Health Code as a licensed optometrist, 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 will not impact public or private interests in rural areas.

Environmental Impact

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.

Small Business Impact Statement

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 licensees. Further, the Michigan Public Health Code requires optometrists 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 1,870 licensed optometrists in Michigan.

A licensee may work in a small business. However, no matter what type of business environment the 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 licensees. The rules were drafted to be the least burdensome on all affected 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 licensure and renewal, even 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 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 licensees rather than a small business. Even if a 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 licensees rather than a small business. Even if a 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 Optometry 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.

Cost-Benefit Analysis of Rules (independent of statutory impact)

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 the only new compliance cost for an individual will be that a valid CPR certification will now be required for licensure by endorsement, relicensure, and license renewal, if the applicant is certified to administer therapeutic pharmaceutical agents. The cost to obtain this training will vary, depending on the training that an applicant chooses. But several online courses that advertise that they comply with the requirements of the American Heart Association can be completed for less than \$50.00. This burden on the applicant is far outweighed by the benefit to the people of the state of Michigan whose health, safety, and welfare will benefit when a licensee can provide CPR services, if needed.

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

All licensees and applicants are affected by the proposed rules.

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

The only qualitative or quantitative impact on individuals as a result of the proposed rules is that an applicant for licensure by endorsement, relicensure, and license renewal must have a valid CPR certification, if the applicant is applying to be certified to administer therapeutic pharmaceutical agents. The cost of the training to obtain certification will vary, but online courses may be completed for less than \$50.00.

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 people of the state of Michigan will benefit when an applicant for certification to administer therapeutic pharmaceutical agents holds a valid CPR certification because the licensee will be qualified to provide CPR services, if needed.

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: <http://www.ilga.gov/commission/jcar/admincode/068/068013200A00800R.html>;
<http://www.ilga.gov/commission/jcar/admincode/068/068013200A00700R.html>;
<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3807&ChapterID=24>; <http://ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1315&ChapAct=225> ILCS
80/&ChapterID=24&ChapterName=PROFESSIONS+AND+OCCUPATIONS&ActName=Illinois+Optometric+Practice+Act+of+1987; <http://www.ilga.gov/commission/jcar/admincode/068/06801320sections.html>;
<http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=022500600K49.5>;

Indiana: <http://iga.in.gov/legislative/laws/2017/ic/titles/25/#25-24>;
<http://www.in.gov/legislative/iac/T08520/A00010.PDF?>; <http://iga.in.gov/legislative/laws/2017/ic/titles/025#25-1-9.5>;
<https://www.in.gov/pla/professions/indiana-optometry-board/licensure-law-and-administrative-rules/>.

Kentucky: <https://apps.legislature.ky.gov/law/statutes/chapter.aspx?id=38841>;
<https://apps.legislature.ky.gov/law/kar/TITLE201.HTM>; <https://apps.legislature.ky.gov/law/kar/201/005/010.pdf>;
<https://apps.legislature.ky.gov/law/kar/201/005/030.pdf>

Minnesota: <https://mn.gov/boards/optometry/>; <https://mn.gov/boards/optometry/board-info/statutes-rules/>.

New York: https://www.health.ny.gov/professionals/narcotic/mandatory_prescriber_education/;
<http://www.op.nysed.gov/prof/optom/optomlic.htm>; <http://www.op.nysed.gov/prof/optom/optomlaw.htm>.

Ohio: <https://codes.ohio.gov/ohio-revised-code/chapter-4725>; <https://codes.ohio.gov/ohio-administrative-code/4725>.

Pennsylvania: <http://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/Optomtry/Documents/Special%20Notices/OptoSN%20-%20Notice%20Regarding%20Opioid%20Education.pdf>;
<http://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/Optomtry/Documents/Board%20Documents/OptoM%20-%20Act%20130.pdf>;
<https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/Optomtry/Documents/Special%20Notices/OptoSN%20-%20Notice%20Regarding%20Opioid%20Education.pdf>.

Wisconsin: <https://dsps.wi.gov/Pages/Professions/Optomtry/Default.aspx>;
https://docs.legis.wisconsin.gov/code/admin_code/opt/7.pdf;
http://docs.legis.wisconsin.gov/code/admin_code/opt/8/02.

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

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

Alternative to Regulation

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

The rules are required by statute; there is no reasonable alternative 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. States regulate optometrists by statute, regulation, or both. Private market-based systems are not used for licensing and regulation. The licensing and regulation of optometrists are state functions, so a regulatory program independent of state intervention cannot be established. There are professional associations that establish criteria for membership as an optometrist, but these professional 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 his or her competency or hold him or her accountable.

37. Discuss all significant alternatives the agency considered during rule development and why they were not incorporated into the rules. This section should include ideas considered both during internal discussions and discussions with stakeholders, affected parties, or advisory groups.

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.

Additional Information

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.