

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

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Labor and Economic Opportunity

2. Bureau:

Workers' Compensation Agency

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Workers' Disability Compensation General Rules

5. Rule numbers or rule set range of numbers:

R 408.31 – 408.59

6. Estimated time frame:

6 months

Name of person filling out RFR:

David Campbell

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2501 Woodlake Circle, Okemos, MI

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

The general purpose of these rules is to provide consumers with procedures and guidance for addressing workers' compensation claims, contested hearings, and workers' compensation insurance policies, in order to carry out the provisions of the Worker's Disability Compensation Act. The entire rule set will be updated for accuracy and procedural consistency. The rules will be revised to make necessary updates in order to facilitate the acceptance of electronic claims, insurance filings, and other reporting data, including use of secure and valid electronic signatures. Rules regulating attorney fees will be updated to reflect statutory changes in rate calculation and in response to case law. In addition, new rules will be added to this rule set to establish procedures for submitting and processing requests for review of redemption orders; provide procedures to implement requests under MCL 418.161(n); address issues raised by case law regarding overpayment reimbursement; require increased use of forms advising injured workers of rights and procedures. Rules regarding vocational rehabilitation will be updated to facilitate/provide for job search as required by statutory amendments and caselaw. Overall, language will be updated regarding the service of papers, vocational rehabilitation services, as well as general technical updates throughout.

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

Authority conferred on the director of the Workers' Disability Compensation Agency

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

Section 205 of 1969 PA 317, MCL 418.205; and Executive Reorganization Order Nos. 1996-2, 1999-3, 2002-1, and 2003-1, 2003-18, 2019-13, MCL 445.2001, 418.3, 445.2004, 445.2011, and 125.1998.

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

Section 205 of 1969 PA 317, MCL 418.205

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.

These rules do not conflict with or duplicate similar rules, compliance requirements, or other standards at the federal, state, or regional 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.

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.

These rules do not exceed federal, state, or regional compliance requirements or other standards.

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.

The last revisions to the Workers' Disability Compensation Agency General Rules took place with ruleset number 2015-028 LR, which became effective Oct. 21, 2015. Technology is driving several updates to this ruleset, mainly inclusive of electronic submission and service of forms and documents, and other correspondence related to claims activity.

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. There continues to be a need to provide standardized oversight and rules related to workers' compensation procedures to maintain consistency for all involved parties.

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.

No