**Michigan Office of Administrative Hearings and Rules**

**Administrative Rules Division (ARD)**

MOAHR-Rules@michigan.gov

# REQUEST FOR RULEMAKING (RFR)

**1. Department:**
Health and Human Services

**2. Bureau:**
Public Health Administration

**3. Promulgation type:**
Full Process

**4. Title of proposed rule set:**
Universal Blood Lead Testing

**5. Rule numbers or rule set range of numbers:**
R 330.301 – R 330.319

**6. Estimated time frame:**
6 months

**Name of person filling out RFR:**
Talisa Gauthier

**E-mail of person filling out RFR:**
GauthierT1@michigan.gov

**Phone number of person filling out RFR:**
517-284-4853

**Address of person filling out RFR:**
235 S. Grand Ave, Lansing MI 48933

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

The purpose of these rules is to follow the mandate of 2023 PA 146, MCL 333.5474d that requires the Department to promulgate rules requiring physicians to test, or order a test, for children for exposure to lead at select ages and under certain conditions and in certain geographical areas of the state. They also require physicians to enter the blood lead test result on the child's Certificate of Immunization.

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

Department Director

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

By authority conferred on the Director of the Department of Health and Human Services by sections 2233, 9227, 20910, and newly added 5474d of the public health code, 1978 PA 368, MCL 333.2233, 333.9227, 333.20910, and 333.5474d.

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

The rules are mandated under 2023 PA 146, MCL 333.5474d and 1978 PA 368, MCL 333.9227.

**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.**

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?**

Currently, the Department provides guidelines for blood lead testing of children that do not include all the mandates specified in MCL 333.5474d. These rules would provide those mandates. Additionally, under administrative rules R. 325.9081-325.9086, persons using portable blood lead analyzers and laboratories analyzing blood specimens for lead have certain reporting responsibilities. These rules will establish more comprehensive requirements for testing and the reporting of tests, particularly including a reporting requirement for physicians who order or perform blood lead tests.

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

The rules were not listed on the department's annual regulatory plan for the current year. These rules are being promulgated because of the statutory requirements in MCL 333.5474d.

**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.**

Under Mich Admin Code R 325.9081-325.9086, persons using portable blood lead analyzers and laboratories analyzing blood specimens for lead have certain reporting responsibilities. These rules will establish more comprehensive requirements for testing and the reporting of tests, particularly including a reporting requirement for physicians who order or perform blood lead tests.

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

These rules do not incorporate the recommendations received from the public regarding any complaints or comments.

**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.**

This is a new rule set.

**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?**

This is a new rule set and the rules are mandated by the Legislature under MCL 333.5474d.

**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

**Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.**