

Department of Attorney General
Public Administration Division
Administrative Rules for Financial Exploitation Prevention Act
Rule Set 2021-34 AG

NOTICE OF PUBLIC HEARING

Wednesday, July 7, 2021

01:00 PM

Williams Building - 1st Floor Auditorium

Michigan Department of Attorney General, 525 W. Ottawa Street, 1st floor, Lansing, MI 48933

The Department of Attorney General will hold a public hearing to receive public comments on proposed changes to the Financial Exploitation Prevention Act rule set.

The rules are designed to provide a standardized method for law enforcement, adult protective services, and financial institutions to provide notice of reports of suspected or detected covered financial exploitation made by financial institutions to the county prosecutor. The rules provide forms with a description of required content that shall be included in notifications to the county prosecutor and provide guidelines for financial institutions to determine in which county to contact the county prosecutor and how to obtain contact information for each prosecutor's office. They also seek to avoid confusion when multiple law enforcement agencies receive copies of a single notification from a financial institution by requiring each law enforcement agency that receives a copy to make a report to the county prosecutor's office. The rules are designed to create the least burdensome alternative for those required to comply, as the required notification forms are each only a single page which permits reports already required to be generated in the ordinary course of business by the agencies making the notifications as attachments.

By the authority conferred on the Department of Attorney General under § 5(5) and § 5(6) of the Financial Exploitation Prevention Act of 2020. § 5(5) states that if a law enforcement agency or adult protective services receives a report of suspected or detected covered financial exploitation from a financial institution, the agency receiving the report must provide notification to the county prosecutor within 10 days of receiving the report. § 5(6) states that if a financial institution that makes a report of suspected or detected covered financial exploitation is unable to communicate with law enforcement or adult protective services or does not receive required follow-up notifications from law enforcement or adult protective services, the financial institution may provide notification to the county prosecutor. Both § 5(5) and § 5(6) require that the manner of notification to the county prosecutor's office be made in a manner prescribed by the attorney general. MCL 487.2085(5); MCL 487.2085(6). The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan web site at <http://www.michigan.gov/ARD> and in the Michigan Register in the 7/1/2021 issue. Copies of these proposed rules may also be obtained by mail or electronic transmission at the following address: AG-FEPA-Rules@michigan.gov.

Comments on these proposed rules may be made at the hearing or by mail or electronic mail at the following address until 7/7/2021 at 05:00PM.

AG-FEPA-Rules@michigan.gov

Email: AG-FEPA-Rules@michigan.gov

AAG Kristen Stinedurf, Financial Crimes Division, Michigan Department of Attorney General, P.O. Box 30755, Lansing, MI 48909

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 517-335-7431 to make arrangements.