State Budget Office
Office of Regulatory Reinvention
111 S. Capitol Avenue; 8th Floor, Romney Building
Lansing, MI 48933
Phone: (517) 335-8658 FAX: (517) 335-9512

REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the department/agency that has the statutory authority to promulgate the rules must file a request for rulemaking with the Office of Regulatory Reinvention before initiating any changes or additions to the rules. Please submit an electronic copy to the ORR at **orr@michigan.gov**.

1. Department:

Licensing and Regulatory Affairs

2. Division/agency/bureau:

Bureau of Community and Health Systems

3. Name, address, e-mail, and phone number of agency contact person:

Tammy Bagby, 611. W. Ottawa- 1st Floor, Lansing, MI 48933, bagbyt@michigan.gov, 517-335-4084

4. Title of proposed rule(s) or rule set:

Freestanding Surgical Outpatient Facilities

5. Rule number(s) or rule set range of numbers:

R 325.3801- R 325.3877

6. Estimated timetable for completion, or statutory deadline, if applicable:

1 year

7. Describe the general goal/purpose of these rules. Include a discussion of the problem(s) - the rule rescissions, additions, or amendments intended to address:

These rules provide for the licensing regulations of freestanding surgical outpatient facilities including establishing the standards for quality of care. The current rule set will be rescinded and recodified into a single new rule set for licensing health facilities or agencies that will comport with today's practice standards, harmonize them with current federal law and regulations, and to reflect the current organization of state licensing functions.

8. Please cite the specific promulgation authority for the rule(s) (i.e. department director, commission, board, etc.), listing all applicable statutory references. Are the rule(s) mandated by any applicable constitutional or statutory provision? If so, please explain.

These rules were promulgated by authority conferred on the Department of Licensing and Regulatory affairs through sections 2226(d), 2233, 20115, 20145, 20161, 20171,

and 21015 of 1978 PA 368, MCL 333.2226(d), 333.2233, 333.20115, 333.20145, 333.20161, 333.20171, and 333.20155, section 9 of 1965 PA 380, MCL 16.109, and Executive Reorganization Nos. 2003-1 and 2011-4, MCL 445.2011, and 445.2030.

9. Please describe the extent to which the rule(s) conflict with or duplicate similar rules or regulations adopted by the state or federal government [include statutory references and public acts, as applicable]:

Many of these rules are duplicated in other rule sets for licensing health facilities and agencies.

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

Yes, the rules are referenced in license applications forms and in a variety of bureau documents pertaining to the operation of the health facilities licensing program.

11. Is the rule(s) listed on the department's annual regulatory plan as a rule to be processed for the current year?

Yes.

12. Will the proposed rule(s) be promulgated under Sections 44 or 48 of the Administrative Procedures Act, 1969 PA 306, as amended, being MCL 24.244 or 24.248? Will the rule(s) be promulgated under the full rulemaking process? Please explain.

No.

Note: If this request for rulemaking applies to rules that will be promulgated pursuant to **Sections 44 or 48** of the Administrative Procedures Act, 1969 PA 306, as amended, MCL 24.244 or 24.248, you do not have to answer questions 13 to 18.

13. Please describe the extent to which the rule(s) exceed national or regional compliance requirements or other standards:

The rules do not exceed national or regional compliance requirements or other standards.

14. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, please explain.

No.

15. Do the rule(s) incorporate the recommendations received from the public regarding any complaints or comments regarding the rule(s)? If yes, please explain.

Yes, the rules revisions are a result of the bureau's project to review, update and improve all rules for licensing health facilities and agencies. The project involves internal and external stakeholders that include bureau leadership, subject matter experts, the Ambulatory Surgery Association, the Michigan Health and Hospital Association, and other stakeholders.

16. If amending an existing rule set, please provide the date of the last evaluation of the rule(s) and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rule(s) since the last evaluation:

The rules were last revised in 2013.

17. Are there any changes or developments since implementation that demonstrate there is no continued need for the rule(s), or any portion of the rules?

Yes. Some of these rules are obsolete and others need to be updated.

18. 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.

19. Reviewed by the following Departmental Regulatory Affairs Officer (RAO):

Liz Arasim
Department of Licensing and Regulatory Affairs

↓ **To be completed by the ORR** ↓

Date RFR received:

12-21-2017

☒ **Based on the information provided in this RFR, the ORR concludes that there are sufficient policy and legal bases for approving the RFR.**

ORR assigned rule set number:	**2017-100 LR**
Date of approval: 1/2/2018	Explanation: ***This Request for Rulemaking satisfies the requirements of the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., and Executive Order 2011-5.***

☐ **Based on the information provided in this RFR, the ORR is not approving the RFR at this time.**

Date of disapproval:	Explanation:
More information needed:	Explanation: