

## REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Office of Regulatory Reinvention (ORR) before initiating any changes or additions to the rules. Submit copy to the ORR at [orr@michigan.gov](mailto:orr@michigan.gov).

### 1. Agency Information

Agency name:	Licensing and Regulatory Affairs
Division/Bureau/Office:	Bureau of Fire Services
Agency contact person name, e-mail, and phone:	Brian Williams, <a href="mailto:williamsb@michigan.gov">williamsb@michigan.gov</a> 517-241-9371

### 2. Rule Set Information

Title of proposed rule set:	Health Care Facilities Fire Safety		
Rule number(s) or range of numbers:	R 29.1801 - R 29.1871		
Included in agency's annual regulatory plan as rule to be processed in current year?	No. The new public act was signed into law on November 13, 2017.		

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

May 1, 2018
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### 4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

<p>The general purpose of these rules is to provide fire safety in new and existing health care facilities and mental health care facilities by providing regulatory enforcement of the fire safety requirements for freestanding surgical outpatient facilities, hospitals, nursing homes, homes for the aged, hospice facilities, county medical care facilities, psychiatric hospitals and psychiatric units pursuant to the provisions of MCL 29.21c and ERO 2008-4, MCL 445.2025. The proposed rule amendments are intended to address the new requirements set forth in Public Act 167 of 2017. Public Act 167 requires that the Bureau of Fire Services amend the current Health Facilities Fire Safety Rules to allow existing non-licensed home for the aged facilities to be reviewed and inspected to comply with the provisions of chapter 18 or 19 or chapter 32 or 33 of the National Fire Protection Association standard number 101. Currently the health care facilities fire safety rules do not adopt chapters 32 or 33.</p>
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### 5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

The Bureau of Fire Services has rulemaking authority pursuant to MCL 29.3c (1) (c).
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### 6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

The current rule set has adopted provisions of the 2012 edition of NFPA 101 Life Safety Code including chapters 1 to 11, 18, 19, 20, 21, 38, 39 and 43. Public Act 167 of 2017 requires that the provisions of chapters 32 and 33 be included in the Health Care Facilities Fire Safety Rules. The current rules are in conflict with the new public act because they don't include the provisions of chapters 32 or 33. Chapters 32 and 33 will be adopted and amended to allow existing none licensed home for the aged facilities a path to comply with life safety requirements.

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

No, the subject matter of these rules are not currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

**8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:**

BFS is planning to have these proposed rules promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, as amended, being MCL 24.244 or 24.248. This provision allows for a revision to be processed under the shortened rule making process "to make obviously needed corrections to make the rule conform to an amended or new statute or to accomplish any other solely formal purpose...". The new health care facilities fire safety rules will be amended to conform to the Public Act 167 of 2017, which took effect February 11, 2018.

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

No.

**10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.**

No.

**11. Reviewed by the following Departmental Regulatory Affairs Officer:**

Liz Arasim

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↓ To be completed by the ORR ↓

Date RFR received: 2-15-2018

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

ORR assigned rule set number:	2018-009 LR
Date of approval:	2/27/18

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

Date of disapproval:	
Explanation:	