

Michigan Office of Administrative Hearings and Rules

Administrative Rules Division (ARD)

MOAHR-Rules@michigan.gov

**REGULATORY IMPACT STATEMENT
and COST-BENEFIT ANALYSIS (RIS)**

Agency Information:

Department name:

Licensing and Regulatory Affairs

Bureau name:

Bureau of Professional Licensing

Name of person filling out RIS:

Dena Marks

Phone number of person filling out RIS:

517-335-3679

E-mail of person filling out RIS:

MarksD1@michigan.gov

Rule Set Information:

ARD assigned rule set number:

2023-58 LR

Title of proposed rule set:

Podiatric Medicine and Surgery - General Rules

Comparison of Rule(s) to Federal/State/Association Standard

1. Compare the proposed rules to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.

Each state establishes its own requirements with respect to podiatrists, so there are no parallel federal rules or standards set by a national or state licensing agency or accreditation association that the proposed rules can be compared to.

A. Are these rules required by state law or federal mandate?

Yes. These rules are required by state law. There is no federal mandate requiring these rules.

MCL 333.16145 requires the board to promulgate rules to specify the requirements for licensure, renewals, examination, and required passing scores.

MCL 333.16148 requires the department to promulgate rules to establish the training standards for identifying victims of human trafficking.

MCL 333.16287 requires the department, in consultation with the board, to promulgate rules to implement telehealth services.

MCL 333.18033 requires the department, in consultation with the board, to promulgate rules to implement continuing education rules for license renewal.

B. If these rules exceed a federal standard, please identify the federal standard or citation, describe why it is necessary that the proposed rules exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.

The proposed rules do not exceed a federal standard.

2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.

The licensure and continuing education requirements for license renewal in the Great Lakes region states are explained below:

To be licensed as a podiatrist, all states in the Great Lakes region require the applicant to have completed an accredited podiatric educational program and passed the American Podiatric Medical Licensing Examination. Minnesota and Wisconsin also require that the applicant take a jurisprudence examination. In the proposed rules, the jurisprudence examination will be removed as a requirement in Michigan because the board has determined that it is no longer necessary. This will also better align our state's requirements with the licensure requirements in the majority of states in the Great Lakes region and remove a barrier to licensing.

All states in the Great Lakes region, except Pennsylvania, require the applicant to have completed post-graduate training to be licensed as a podiatrist.

The number of continuing education hours required for license renewal varies. Indiana requires 30 continuing education hours within the 2-year licensing cycle; Minnesota requires 40 continuing education hours within the 2-year licensing cycle; New York requires 50 continuing education hours within the 3-year licensing cycle; Illinois, Ohio, Pennsylvania, and Wisconsin require 50 continuing education hours within the 2-year licensing cycle. By statute, Michigan requires a minimum of 150 continuing education hours within the 3-year licensing cycle, MCL 333.18033.

The proposed rules clarify for licensees that the credits they have accumulated to satisfy the implicit bias training credits required for renewal by the Public Health Code General Rules in a course approved for continuing education by the Board of Podiatric Medicine and Surgery, those credits may also be used to accumulate the continuing education credits required for license renewal.

A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.

Overall, the standards in the proposed rules do not exceed those of the other states in the Great Lakes region.

To the extent that the required number of continuing education credits for license renewal is higher in Michigan than other states in the Great Lakes region, it cannot be varied by rule because it is set by statute, MCL 333.18033(1).

3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rules.

There are no laws, rules, or other legal requirements that may duplicate, overlap, or conflict with these proposed rules.

A. Explain how the rules have been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.

No coordination is needed because there are no other applicable laws that regulate the areas addressed in the proposed rules.

Purpose and Objectives of the Rule(s)

4. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.

Part 1 General Provisions: The current rule in part 1 contains the definitions used in the rule set. The proposed rules include definitions, training standards for identifying victims of human trafficking, and telehealth.

In the proposed rules, the definitions rule is being amended to add new definitions used in the proposed rules. The training standards for identifying victims of human trafficking rule is being relocated from part 2 to part 1 to comply with current drafting requirements and for organization and clarity. It is also being amended to further clarify the rule and to assist all applicants and licensees in meeting this statutory requirement. The telehealth rule that was previously in part 5 of the rules has been rescinded and the rule has been relocated to part 1 to comply with current drafting requirements and for organization and clarity.

The definitions rule is intended to assist a reader in understanding and complying with the rules. It will be used by all

readers. The training standards for identifying victims of human trafficking rule is intended to advise applicants and licensees of the statutory licensure requirement that they complete training for identifying victims of human trafficking, and the telehealth rule is intended to provide licensees with the requirements for providing telehealth services and to comply with the requirements of MCL 333.16287.

Part 2 Examination Requirements; Approved Educational and Residency Programs: Part 2 in the current rule set is entitled licensure. The rules currently contained in part 2 are being rescinded and the content relocated to proposed part 3 of the proposed rules, and the substance of the rule in current part 3 is being rescinded and relocated to proposed part 2. The reorganization of the proposed rules will then comply with current drafting requirements and improve organization and clarity.

In proposed part 2, a rule approving and adopting the American Podiatric Medical Licensing Examination has been added and the accreditation standards for approved schools of podiatric medicine and residency programs have been updated. The proposed rules are intended to assist an applicant in identifying the approved examination, educational programs, and residency programs to meet the licensure requirements and ensure that the applicant has the skills necessary to practice.

Part 3 Licensure Requirements: In the current rules, part 3 is entitled educational and residency programs. The current rules are being rescinded and relocated to proposed part 2 to comply with current drafting requirements and for organization and clarity.

In the proposed rules, part 3 will set out the requirements for licensure. The proposed rule concerning initial licensure clarifies the minimum years of postgraduate training and certification requirements. The proposed licensure by endorsement rule establishes the requirements for licensure by endorsement for an applicant who was first licensed in another state or a province of Canada. And the proposed limited license rule clarifies that the issuance of a license after lapse is equivalent to a renewal when calculating the number of times that a limited license can be renewed.

In the proposed rules, the jurisprudence examination is no longer required for initial licensure, licensure by endorsement, or relicensure.

The proposed rules are intended to assist an applicant for licensure or relicensure determine what requirements must be met and become licensed in Michigan.

Part 4 License Renewal; Continuing Education: Currently, continuing education rules are contained in part 4. The current rules have been rescinded and the content of the rules have been moved to renumbered rules in proposed part 4 to comply with current drafting requirements and for organization and clarity.

The proposed rules clarify for licensees their ability to use implicit bias training obtained from a board approved provider to count toward both continuing education hours and implicit bias training required for license renewal. The proposed rules include additional continuing education providers, and the board's approval of individual continuing educational programs will be removed because it is no longer necessary.

The proposed rules are intended to assist a renewal applicant in accumulating the necessary continuing education credits to renew their license.

A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.

The frequency of use is not expected to change.

B. Describe the difference between current behavior/practice and desired behavior/practice.

Part 1 General Provisions: The current rule in part 1 contains the definitions used in the rule set. The proposed rules include definitions, training standards for identifying victims of human trafficking, and telehealth.

In the proposed rules, the definitions rule is being amended to add new definitions for better understanding by all readers. The training standards for identifying victims of human trafficking rule that was previously in part 2 has been

relocated and is being amended for clarity and to assist all applicants and licensees in meeting this statutory requirement. The telehealth rule that was previously in part 5 of the rules has been rescinded and the content relocated to this section to comply with current drafting requirements and for organization and clarity.

The desired behavior is greater understanding of the terms used in the rule set, increased applicant and licensee compliance with the requirements of the training standards for identifying victims of human trafficking, and increased understanding and compliance when rendering telehealth services.

Part 2 Examination Requirements; Approved Educational and Residency Programs: The current rules in Part 2 pertain to licensure. Those rules have been rescinded and the content relocated to part 3 of the proposed rules to comply with current drafting requirements and for organization and clarity.

The proposed rules in part 2 pertain to approval and adoption of the American Podiatric Medical Licensing Examination (APMLE) and the accreditation standards for approved schools of podiatric medicine and residency programs, which have been updated. Currently, there is no rule pertaining to the board's approval and adoption the APMLE and the accreditation standards for educational and residency programs is out of date.

The proposed rules are intended to assist an applicant in identifying the examination, educational programs, and residency programs requirements for licensure. The desired behavior is for applicants to comply with the approved examination, education, and residency program requirements and become licensed in Michigan.

Part 3 Licensure Requirements: In the current rules, part 3 is entitled educational and residency programs. The current rule is being rescinded and relocated to proposed part 2 to comply with current drafting requirements and for organization and clarity.

Proposed part 3 will set out the requirements for licensure. The proposed rule for initial licensure clarifies the minimum years of postgraduate training and certification requirements. The proposed licensure by endorsement rule establishes the requirements for licensure by endorsement for an applicant who was first licensed in another state or a province of Canada. And the proposed limited license rule clarifies that the issuance of a license after lapse is equivalent to a renewal when calculating the number of times that a limited license can be renewed.

In the proposed rules, the jurisprudence examination will no longer be required for initial licensure, licensure by endorsement, or relicensure.

The desired behavior is to assist an applicant in identifying and complying with all requirements to be licensed or relicensed in Michigan and to remove the jurisprudence examination because it is unnecessary, it is a barrier to licensure, and it is inconsistent with licensure requirements in most states in the Great Lakes region.

Part 4 License Renewal; Continuing Education: Currently, continuing education rules are contained in part 4. The current rules have been rescinded and the content of the rules has been renumbered to comply with current drafting requirements and for organization and clarity.

The proposed rules identify the requirements for license renewal and identify approved continuing education providers and programs. The proposed rules clarify for licensees their ability to use implicit bias training hours obtained from a board approved provider to count toward both continuing education hours and implicit bias training required for license renewal. The proposed rules also add continuing education providers, and remove the board's approval of individual continuing educational programs because it is no longer necessary.

The desired behavior is compliance with renewal requirements and to assist applicants in accumulating approved continuing education for license renewal.

C. What is the desired outcome?

Part 1 General Provisions: The proposed rules in this section pertain to the definitions used in the rule set, training standards for identifying victims of human trafficking, and telehealth. The desired outcome of these rules is greater reader understanding, increased applicant and licensee compliance with the requirements of the training standards for identifying victims of human trafficking, and increased understanding and compliance by licensees when rendering telehealth services.

Part 2 Examination Requirements; Approved Educational and Residency Programs: The proposed rules in this part add a rule for the approval and adoption of the American Podiatric Medical Licensing Examination, and a rule that updates the accreditation standards for approved schools of podiatric medicine and residency programs. The desired outcome is applicant compliance with the adopted standards to ensure that the licensee is qualified to practice before licensure.

Part 3 Licensure Requirements: The proposed rules in this part pertain to licensure. The desired outcome is to clarify the minimum years of postgraduate training and certification requirements for licensure to assist applicants in obtaining their license, clarify the requirements for licensure by endorsement for an applicant who was first licensed in another state or a province of Canada, and clarify that the issuance of a license after lapse is equivalent to a renewal when calculating the number of times that a limited license can be renewed to assist an applicant in determining how many renewals of this license remain.

The proposed rules also remove the jurisprudence examination requirement for all license types. The desired outcome is to remove that requirement to assist an applicant in becoming licensed in Michigan and better align Michigan's requirements with the licensure requirements of most other states in the Great Lakes region.

Part 4 License Renewal; Continuing Education: The proposed rules identify the requirements for license renewal and identify approved continuing education providers and programs. The board's approval of individual continuing educational programs will be removed because it is no longer necessary.

The desired outcome of the proposed rules is to clarify for licensees their ability to use implicit bias training obtained from a board approved provider to count toward both continuing education hours and implicit bias training required for license renewal to assist them in accumulating the continuing education credits for license renewal. The proposed rules also identify additional continuing education providers, which increase the options for the licensee and assist them in accumulating the continuing education hours required for renewal.

5. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.

Part 1 General Provisions: The current rules in this section pertain to the definitions used in the rule set. The proposed rules add definitions. A clear understanding of the terms used in the rule set will lead to better compliance and better protect the health, safety, and welfare of Michigan's citizens. Although harm is unlikely under the current definition rule, the changes will ensure better reader understanding for better compliance with all of the rules.

The proposed rules also relocate the rules pertaining to training standards for identifying victims of human trafficking and telehealth to part 1. The proposed rules are designed to provide greater organization and clarity to these rules to ensure that applicants for licensure and licensees seeking renewal have completed the requirements of the training standards for identifying victims of human trafficking to better protect the health, safety and welfare of a licensee's patient, and to increase compliance by licensees with all requirements when rendering telehealth services to patients.

Part 2 Examination Requirements; Approved Educational and Residency Programs: Part 2 in the current rule set is entitled licensure. The substance of the current rules in part 2 are being rescinded and relocated to proposed part 3 to comply with current drafting requirements and for organization and clarity.

In proposed part 2, a rule approving and adopting the American Podiatric Medical Licensing Examination has been added and the accreditation standards for approved schools of podiatric medicine and residency programs have been updated. The desired outcome is to assist an applicant in identifying the approved examination, educational programs, and residency programs to meet the licensure requirements and ensure that the applicant is qualified to practice when licensed.

Part 3 Licensure Requirements: The rule in current part 3 pertains to educational and residency programs. The current rule is being rescinded and relocated to proposed part 2 to comply with current drafting requirements and for organization and clarity.

In proposed part 3, the rule pertaining to initial licensure clarifies the minimum years of postgraduate training and certification requirements for licensure. Additionally, the licensure by endorsement rule establishes the requirements for licensure by endorsement for an applicant who was first licensed in another state or a province of Canada. And the limited license rule clarifies that the issuance of a license after lapse is equivalent to a renewal when calculating the number of times that a limited license can be renewed.

The jurisprudence examination requirement has been removed from initial licensure, licensure by endorsement, and relicensure.

The desired effect is to clarify the requirements for licensure and relicensure and remove any unnecessary barriers to assist applicants in obtaining their license to practice podiatry in Michigan.

Part 4 License Renewal; Continuing Education: The current rules in part 4 pertain to continuing education. The current rules will be rescinded and renumbered to comply with current drafting requirements and for organization and clarity.

The proposed rules clarify for licensees their ability to use implicit bias training obtained from a board approved provider to count toward both continuing education hours and implicit bias training required for license renewal. The proposed rules also add continuing education providers, and the board's approval of individual continuing educational programs will be removed because it is no longer necessary.

The desired effect is to assist a licensee in accumulating the continuing education hours necessary for license renewal.

A. What is the rationale for changing the rules instead of leaving them as currently written?

The rationale for changing the definitions is to increase reader understanding and ensure better compliance with all rules.

The rationale for rescinding and relocating several rules is to comply with current drafting requirements and for organization and clarity.

The rationale for removing the jurisprudence examination is to eliminate an unnecessary barrier to licensure and to better align Michigan's licensure requirements with those of most states in the Great Lakes region.

The rationale for adding the rule pertaining to approval and adoption of the examination and updating the accreditation standards of approved educational programs and clarifying all requirements for licensure is to eliminate any confusion and aid applicants in meeting the requirements for licensure.

The rationale for updating and clarifying the continuing education requirements is to assist an applicant for license renewal in accumulating the approved continuing education required for license renewal.

6. Describe how the proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.

Part 1 General Provisions: The proposed rules in this section pertain to the definitions used in the rule set, training standards for identifying victims of human trafficking, and telehealth.

In the proposed rules, the definitions rule is being amended to add new definitions for better understanding by all readers. The training standards for identifying victims of human trafficking rule is being amended for clarity and to assist all applicants and licensees in meeting this statutory requirement. The telehealth rule that was previously in part 5 of the rules has been rescinded and the rule has been relocated to this section rules to comply with current drafting requirements and for organization and clarity.

The proposed changes will protect the health, safety, and welfare of Michigan citizens by ensuring better understanding of the terms used in the rule set, increasing applicant and licensee compliance with the requirements of the training standards for identifying victims of human trafficking, and increasing understanding and compliance with the requirements for rendering telehealth services. The proposed rules do not impose any new burden on applicants or licensees.

Part 2 Examination Requirements; Approved Educational and Residency Programs: The proposed rules in this part pertain to the approved examination and accreditation standards for approved schools of podiatric medicine and residency programs. These standards have been updated to reflect the current accreditation standards.

The proposed changes will protect the health, safety, and welfare of Michigan citizens by ensuring that an applicant has completed the required education and training and passed the required examination to demonstrate that the applicant is qualified to practice podiatry. The proposed rules do not impose any new burden on applicants or licensees.

Part 3 Licensure Requirements: The proposed rules in this part pertain to licensure and relicensure requirements.

The proposed initial licensure rule clarifies the minimum years of postgraduate training and certification requirements for licensure. The licensure by endorsement rule establishes the requirements for licensure by endorsement for an applicant who was first licensed in another state or a province of Canada. And the limited license rule clarifies that the issuance of a license after lapse is equivalent to a renewal when calculating the number of times that a limited license can be renewed. Additionally, the jurisprudence examination requirement has been removed as a requirement for initial licensure, licensure by endorsement, and relicensure.

The proposed changes will protect the health, safety, and welfare of Michigan citizens by ensuring that an applicant has met all up-to-date licensure requirements. The proposed rules do not impose any new burden on applicants. Instead, the proposed rules remove the burden previously imposed by removing the jurisprudence examination requirement. The cost to take the jurisprudence examination is currently \$53.00.

Part 4 License Renewal; Continuing Education: The proposed rules identify the requirements for license renewal and identify approved continuing education providers and programs.

The proposed rules clarify for licensees their ability to use implicit bias training obtained from a board approved provider to count toward both continuing education hours and implicit bias training required for license renewal. The rules also add additional continuing education providers. The board's approval of individual continuing educational programs will be removed because it is no longer necessary.

The proposed changes will protect the health, safety, and welfare of Michigan citizens by ensuring that a licensee has met all continuing education requirements and received training that is up to date. The proposed rules do not impose any new burden on applicants.

7. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.

R 338.8103: This rule pertains to licensure by examination. It will be rescinded and the content relocated to R 338.8141 to comply with current drafting requirements and to provide better organization and clarity.

R 338.8104: This rule pertains to examination approval. It will be rescinded and the content relocated to R 338.8121 to comply with current drafting requirements and to provide better organization and clarity.

R 338.8107: This rule pertains to licensure by endorsement. It will be rescinded and the content relocated to R 338.8143 to comply with current drafting requirements and to provide better organization and clarity.

R 338.8109: This rule pertains to educational limited licenses. It will be rescinded and the content relocated to R 338.8147 to comply with current drafting requirements and to provide better organization and clarity.

R 338.8110: This rule pertains to relicensure. It will be rescinded and the content relocated to R 338.8149 to comply with current drafting requirements and to provide better organization and clarity.

R 338.8113: This rule pertains to accreditation standards. It will be rescinded and the content relocated to R 338.8122 to comply with current drafting requirements and to provide better organization and clarity.

R 338.8126: This rule pertains to license renewal. It will be rescinded and the content relocated to R 338.8151 to comply with current drafting requirements and to provide better organization and clarity.

R 338.8127: This rule pertains to continuing education. It will be rescinded and the content relocated to R 338.8153 to comply with current drafting requirements and to provide better organization and clarity.

R 338.8128: This rule pertains to approved continuing education programs. The content pertaining to the board's approval of individual continuing education programs is being rescinded because no programs have sought this approval for many years. The content being retained is being relocated to R 338.8141 to comply with current drafting requirements and to provide better organization and clarity.

R 338.8145: This rule pertains to telehealth. It will be rescinded and the content relocated to R 338.8105 to comply with current drafting requirements and to provide better organization and clarity.

Fiscal Impact on the Agency

Fiscal impact is an increase or decrease in expenditures from the current level of expenditures, i.e. hiring additional staff, higher contract costs, programming costs, changes in reimbursements rates, etc. over and above what is currently expended for that function. It does not include more intangible costs for benefits, such as opportunity costs, the value of time saved or lost, etc., unless those issues result in a measurable impact on expenditures.

8. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).

The proposed rules are not expected to have a fiscal impact on the agency.

9. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.

No agency appropriation has been made nor has a funding source been provided for expenditures because there are no expenditures associated with the proposed rules.

10. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.

Part 1 General Provisions: The proposed rules add definitions. They also relocate the rule pertaining to telehealth to part 1. The rule pertaining to the training standards for victims of human trafficking is being amended for clarity. These proposed changes are necessary for organization, clarity, and reader understanding and compliance. The proposed changes do not impose any new burden on individuals.

Part 2 Examination Requirements; Approved Educational and Residency Programs: In proposed part 2, a rule approving and adopting the American Podiatric Medical Licensing Examination has been added and the accreditation standards for approved schools of podiatric medicine and residency programs have been updated. The changes are necessary to assist an applicant in identifying the approved examination, educational programs, and residency programs to meet the licensure requirements and ensure that the applicant is qualified for licensure. The proposed rules do not place any new burden on individuals.

Part 3 Licensure Requirements: In the proposed rules, the rule pertaining to initial licensure clarifies the minimum years of postgraduate training and certification requirements for licensure. Additionally, the licensure by endorsement rule establishes the requirements for licensure by endorsement for an applicant who was first licensed in another state or a province of Canada. And the limited license rule clarifies that the issuance of a license after lapse is equivalent to a renewal when calculating the number of times that a limited license can be renewed.

The jurisprudence examination requirement has been removed for initial licensure, licensure by endorsement, and relicensure.

The changes are necessary to clarify the requirements for licensure and relicensure and remove any unnecessary barriers to assist applicants in obtaining their license to practice podiatry in Michigan. The proposed rules remove a burden on individuals and do not impose any new burdens on individuals.

Part 4 License Renewal; Continuing Education: The proposed rules clarify for licensees their ability to use implicit bias training obtained from a board approved provider to count toward both continuing education hours and implicit bias training required for license renewal. The proposed rules add continuing education providers and remove the board's approval of individual continuing educational programs because it is no longer necessary. The proposed rules are designed to assist a licensee in accumulating the continuing education hours necessary for license renewal. They do not impose any new burden on individuals.

A. Despite the identified burden(s), identify how the requirements in the rules are still needed and reasonable compared to the burdens.

There are no additional burdens placed on licensees as a result of the proposed rules.

Impact on Other State or Local Governmental Units

11. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

There are no anticipated increases or decreases in revenues or cost increases or reductions to other state or local governmental units.

12. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.

There are no anticipated or intended programs, services, duties, or responsibilities imposed on any city, town, village, or school district as a result of these proposed rules.

A. Describe any actions that governmental units must take to be in compliance with the rules. This section should include items such as record keeping and reporting requirements or changing operational practices.

There are no anticipated actions that a governmental unit must take to comply with the proposed rules.

13. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rules.

No appropriations have been made to any governmental units as a result of the proposed rules. No additional expenditures are anticipated or intended with the proposed rules.

Rural Impact

14. In general, what impact will the rules have on rural areas?

The proposed rules impose requirements on individual licensees regardless of where they live. Even if a licensee's workplace is in a rural area, the department could not vary the requirements based on the licensee's location because it would create a disparity in the regulation of the profession.

A. Describe the types of public or private interests in rural areas that will be affected by the rules.

The proposed rules will not impact public or private interests in rural areas.

Environmental Impact

15. Do the proposed rules have any impact on the environment? If yes, please explain.

No. The proposed rules do not have any impact on the environment.

Small Business Impact Statement

16. Describe whether and how the agency considered exempting small businesses from the proposed rules.

The department did not consider exempting small businesses because they are not regulated by the proposed rules. Even if a licensee's workplace qualifies as a small business, the department could not exempt the business because it would create a disparity in the regulation of the profession.

17. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rules upon small businesses as described below (in accordance with MCL 24.240(1)(a-d)), or (b) the reasons such a reduction was not lawful or feasible.

The proposed rules cannot exempt small businesses because the rules do not directly regulate small businesses; the rules regulate individual licensees.

A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.

There are approximately 1,233 licensed podiatrists in Michigan.

A licensee may work in a small business. However, no matter what type of business environment the licensee works in, the licensee will have to comply with the proposed rules. The rules do not impact small businesses differently because the impact is to the individual licensee only.

B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rules after projecting the required reporting, record-keeping, and other administrative costs.

The agency did not establish separate compliance or reporting requirements for small businesses. The proposed rules will apply to all individual licensees. The rules were drafted to be the least burdensome on all affected licensees.

C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.

The agency did not consolidate or simplify compliance and reporting requirements for small businesses with the proposed rules because the proposed rules do not regulate or require any reporting from a small business; the rules regulate individual licensees.

D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.

The agency did not establish performance standards to replace design or operation standards required by these rules.

18. Identify any disproportionate impact the proposed rules may have on small businesses because of their size or geographic location.

The proposed rules do not impact small business; rather, they impact individual licensees. Therefore, there is no disproportionate impact on a small business because of its size or geographic location.

19. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.

A small business is not required to prepare any report under the proposed rules, so it is estimated that a small business will incur no cost in preparing a report to comply with the proposed rules.

20. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.

There are no expected costs for equipment, supplies, labor, or administrative costs that a small business would incur in complying with the proposed rules.

The rules regulate licensees and not small businesses.

21. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.

There are no expected costs for legal, consulting, or accounting services that a small business would incur in complying with the proposed rules.

22. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.

There are no expected costs to a small business that will cause economic harm to a small business or the marketplace as a result of the proposed rules.

23. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.

If a rule exempted or set lesser standards for compliance by a small business, there would be no cost to the agency for administering or enforcing that rule because the rules do not regulate a business of any size. The rules apply to individuals practicing in Michigan as a podiatrist.

24. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.

Licensure of podiatrists is required by statute, so the department cannot make a rule that would permit a small business to hire an unlicensed individual to practice podiatry.

If the department could exempt or set lesser standards for small businesses employing a podiatrist, it would create a disparity in the regulation of the profession and would expose the public to potential harm because an unlicensed person would not be qualified to render those podiatric services. Ensuring that all businesses employ licensed podiatrists is in the public's best interest.

25. Describe whether and how the agency has involved small businesses in the development of the proposed rules.

The department worked with the Michigan Board of Podiatry in the development of the proposed rules. The board is composed of members of the profession and public members who work in small and large businesses in Michigan, but even if they work in a small business, they were not involved in the development of the rules as a representative of small businesses.

A. If small businesses were involved in the development of the rules, please identify the business(es).

No small businesses were involved in the development of the rules.

Cost-Benefit Analysis of Rules (independent of statutory impact)

26. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.

The department does not expect any statewide compliance costs with these rule amendments on businesses or groups.

A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rules.

No businesses or groups will be directly affected or benefitted by the proposed rules. No additional costs will be imposed on any businesses or groups.

B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.

The department does not expect the proposed rules to result in any additional costs to businesses or other groups for new equipment, supplies, labor, accounting, or recordkeeping.

27. Estimate the actual statewide compliance costs of the proposed rules on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.

There are no additional compliance costs placed on individuals as a result of the proposed rules.

A. How many and what category of individuals will be affected by the rules?

There are approximately 1,233 licensed podiatrists. All licensees and applicants for licensure as a podiatrist are affected by the proposed rules.

B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?

The proposed rules do not have a qualitative impact on individuals.

The proposed rules do have a quantitative impact on an individual applicant for licensure and relicensure because the proposed rules will remove the requirement that the applicant complete the jurisprudence examination to be licensed or relicensed. The fee to take that examination was \$53.00. The requirement is being removed because the testing is no longer necessary and to better align Michigan's requirements with those of most states in the Great Lakes region.

28. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

There are no cost reductions to businesses, groups of individuals, or governmental units because of the proposed rules.

Individual applicants for licensure and relicensure will have a cost reduction of \$53.00 because the jurisprudence examination requirement is being removed in the proposed rules. This examination is no longer necessary and its removal will better align Michigan's requirements with those in most other states in the Great Lakes region.

29. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.

The primary and direct benefits of the proposed rules are to applicants and licensees as the proposed rules will update out-of-date information and clarify requirements in the rule set, making it easier to comply.

The secondary and indirect benefits of the proposed rules are to the public when qualified applicants become licensees, and licensees practice in accordance with the requirements in the rule set when providing services to them.

30. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.

The rules are not expected to have an impact on business growth, job creation, or job elimination.

31. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

The rules are not expected have a disproportionate affect on any individual or business as a result of their industrial sector, segment of the public, business size, or geographic location.

32. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of the proposed rules and a cost-benefit analysis of the proposed rules.

The statutes and regulations of states in the Great Lakes region were researched when determining the impact of the proposed rules, including the following:

Illinois: <https://ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1321&ChapAct=225%20ILCS%20100/&ChapterID=24&ChapterName=PROFESSIONS+AND+OCCUPATIONS&ActName=Podiatric+Medical+Practice+Act+of+1987>;
<https://www.ilga.gov/commission/jcar/admincode/068/06801360sections.html>

Indiana: <https://iga.in.gov/laws/2018/ic/titles/25#25-29>; http://iac.iga.in.gov/iac/iac_title?iact=845

Kentucky: https://podiatry.ky.gov/newstatic_Info.aspx?static_ID=533&menuid=176

Minnesota: <https://www.revisor.mn.gov/statutes/cite/153>; <https://www.revisor.mn.gov/rules/6900/>

New York: <https://www.op.nysed.gov/podiatry>

Ohio: <https://codes.ohio.gov/ohio-revised-code/chapter-4731>; <https://codes.ohio.gov/ohio-administrative-code/4731>

Pennsylvania: <https://www.pa.gov/en/agencies/dos/departments-and-offices/bpoa/boards-commissions/podiatry.html>;
https://www.legis.state.pa.us/cfdocs/legis/CH/PUBLIC/ucons_pivot_pge.cfm?session=1955&session_ind=0&act_nbr=0375.&pl_nbr=1206;

Wisconsin: <https://dsps.wi.gov/Pages/Professions/Podiatrist/Default.aspx>;
<https://dsps.wi.gov/Pages/RulesStatutes/POD.aspx>

There was no cost-benefit analysis completed because there is no potential cost impact in the proposed rules.

A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., that demonstrate a need for the proposed rules.

Since the rules are required by statute, no estimates or assumptions were made.

Alternative to Regulation

33. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.

Since the rules are required by statute, there is no other reasonable alternative to the proposed rules that would achieve the same or similar goal.

A. Please include any statutory amendments that may be necessary to achieve such alternatives.

Since the rules are required by statute, a statutory change would be needed to provide an alternative.

34. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.

Since the rules are required by statute, private market-based systems cannot serve as an alternative. The licensing and regulation of podiatrists are state functions, and states regulate podiatrists by statute, regulation, or both. Private market-based systems are not used for licensing and regulation.

There are professional organizations that establish criteria for membership, but these organizations would provide the public with significantly less protection because membership in many of these organizations is voluntary. This means an individual who meets the membership requirements but does not join one of the professional organizations would be able to practice, and there would be no way to ensure their competency or hold them accountable.

No other states in the Great Lakes region use a private, market-based system to regulate podiatrists.

35. Discuss all significant alternatives the agency considered during rule development and why they were not incorporated into the rules. This section should include ideas considered both during internal discussions and discussions with stakeholders, affected parties, or advisory groups.

Since the rules are specifically required by statute, there are no alternatives to the proposed rules that the agency could consider. They are necessary for the administration and enforcement of the licensing process.

Additional Information

36. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.

The instructions for compliance are included in the rules.