

SUMMARY: The purpose of these rules is to identify under what circumstances it is appropriate for a physician or physician assistant to treat self and family members.

§1 DEFINITIONS

1. “Acute problem” is one expected to persist no longer than one month but which requires intervention on an immediate basis.
2. “Board” is the Board of Osteopathic Licensure.
3. “Chronic problem” is one previously diagnosed and treated by another which by circumstance requires interim adjustment or continuation of treatment.
4. “Emergency” is a condition threatening a person’s life or limb when left untreated.
5. “Immediate family members” are spouse, significant other(s), child(ren), parent(s), person(s) living in the home of the physician or physician assistant, or others for whom the physician or physician assistant is legally responsible.
6. “Isolated setting” is one removed from access to routine or alternate sources of care due to the unreasonable distance or time needed to obtain these services.
7. “Physician”, for the purposes of these rules, means any physician licensed by the Board to practice osteopathic medicine.
8. “Physician Assistant” means any physician assistant licensed by the Board to perform delegated medical activities under the supervision of a physician licensed to practice osteopathic medicine.
9. “Treat” or “Treatment” includes, but is not limited to:
 - A. diagnosis of a physical or psychological condition;
 - B. prescribing various therapies to resolve, ameliorate or rehabilitate a diagnosed condition;

- C. dispensing of non-controlled or controlled substances;
- D. writing a prescription for controlled or non-controlled substances;
- E. radiological procedures;
- F. surgical therapies, and
- G. psychotherapy.

§2 PRESCRIBING AND TREATMENT FOR SELF AND FAMILY MEMBERS

Physicians may treat themselves or immediate family members, under the following circumstances:

- A. Physicians may treat themselves or immediate family members in emergency situations when there are no other qualified physicians that are reasonably available to address the emergency.
- B. Physicians may treat themselves and immediate family members for acute problems.
- C. Physicians may treat their own chronic problems or those of immediate family members for a period no longer than two months when in an isolated setting or when regular care is not otherwise reasonably available and the delay involved in obtaining treatment from a routine or alternate source of medical care may result in an emergency or acute exacerbation of the chronic problem.
- D. Physicians may also treat themselves and family members for seasonal problems.
- E. Following the provision of care under A., B., C., the physician must promptly seek treatment from another physician or promptly refer the immediate family member to another qualified physician for follow-up.
- F. Under the circumstances described in A., B. & C., the physician is held to the same standard of care applicable to physicians providing treatment for patients who are not immediate family members, and the physician must only treat within the physician's expertise and training.

§3 PHYSICIAN ASSISTANTS

Physician assistants must not treat themselves or immediate family members, except in an emergency situation, unless under the direction of the supervising physician.

§4 RECORD KEEPING

When physicians or physician assistants treat themselves or immediate family members pursuant to these rules, the physician and physician assistant must maintain the same standard of record-keeping applicable to a patient who is a non-family member under the same circumstances.

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 2562 & 2581

EFFECTIVE DATE:
June 27, 2001