

02-041
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION (General)
Maine Administrative Procedure Act
2017-2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional & Financial Regulation, **Office of Professional and Occupational Regulation** (General Rules)

CONTACT PERSON FOR THIS AGENCY: Anne L. Head, Director of the Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333, (207) 624-8511, anne.l.head@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.
EXPECTED 2016-2017 RULE-MAKING ACTIVITY:

02-280
BOARD OF ACCOUNTANCY
Maine Administrative Procedure Act
2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-280**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Board of Accountancy**

CONTACT PERSON FOR THIS AGENCY: Catherine M. Carroll, Board Administrator, 35 State House Station, Augusta, ME 04333, 207/624-8605, catherine.m.carroll@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY: The Board may review and update rules as may be needed, which may include omitting the definition “contact hours” and updating the measurement of continuing education credits. The Board may also omit rules on non-public accounting experience requirements. The Board may clarify the requirements for verifying work experience and for peer review certification and compliance.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 12214(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by adding, removing and amending definitions of specialized terms.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 2: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 12214(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the guidelines relating to advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 3: Examination Requirements

STATUTORY AUTHORITY: 32 M.R.S. §§ 12214(4), 12228(4), 12240(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the examination requirement for certified public accountants.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 5: Certified Public Accountant License Requirements

STATUTORY AUTHORITY: 32 M.R.S. §§ 12214(4), 12251(4)(b)(3), 12251(5)

PURPOSE: The Board may review and revise its rules to insure clarity and conformity with the enabling statute by amending the licensing requirements for certified public accountants and the continuing professional education requirements for maintaining licensure.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 6: Accounting Firm License Requirements

STATUTORY AUTHORITY: 32 M.R.S. §§ 12214(4), 12252(2)

PURPOSE: The Board may review and revise its rules to insure clarity and conformity with the enabling statute by amending the licensing requirements for firms and the peer review requirements for maintaining licensure.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 8: Rules of Professional Conduct

STATUTORY AUTHORITY: 32 M.R.S. § 12214(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute and standards of practice by amending its code of professional conduct.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-384

BOARD OF ALCOHOL AND DRUG COUNSELORS

Maine Administrative Procedure Act
2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-384**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Alcohol and Drug Counselors**

CONTACT PERSON FOR THIS AGENCY: Kristina M. Halvorsen, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8420, Kristina.m.halvorsen@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY: Rule-making activity is currently under consideration for purposes of implementing Public Law 2017, Chapter 265 to amend its rules regarding continuing professional education for alcohol and drug

counselors. In addition, the Board is expected to review rules overall to ensure compliance with current laws and to update rules by addressing outdated references, and providing clarification of certain rules as necessary.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 6212

PURPOSE: This chapter defines certain specialized terms used in the board's rules. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 2: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the board. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 3: Requirements for Registration as an Alcohol and Drug Counseling Aide (ADCA)

STATUTORY AUTHORITY: 32 M.R.S. § 6212

PURPOSE: This chapter states the eligibility requirements for registration to practice as an alcohol and drug counseling aide. This chapter also requires ADCAs to provide prompt notice of change of employment. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 4: Requirements for Licensure as a Certified Alcohol and Drug Counselor (CADC)

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212(1), 6214-C, 6216

PURPOSE: This chapter states the eligibility requirements for a certificate to practice as a certified alcohol and drug counselor, including application, education, experience and examination. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 5: Requirements for Licensure as a Licensed Alcohol and Drug Counselor (LADC)

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 6214-D, 6216

PURPOSE: This chapter states the eligibility requirements for issuance of a license to practice as a licensed alcohol and drug counselor, including application, education,

experience and examination. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 6: Standards for Certification of Clinical Supervisors

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 6216

PURPOSE: This chapter states the eligibility requirements for certification of clinical supervision to alcohol and drug counseling aides, certified alcohol and drug counselors and licensed alcohol and drug counselors. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 7: Continuing Professional Education for Alcohol and Drug Counselors, Alcohol and Drug Counseling Aides and Certified Clinical Supervisors

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 6219, 6219-A, 6219-B

PURPOSE: This chapter describes the continuing education required for renewal of licenses, registrations and certificates. The Board may review this chapter for conformance with statutes and make updates to continuing education requirements for purposes of implementing Public Law 2017, Chapter 265.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 8: Enforcement and Disciplinary Procedures

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 6217-A(7)

PURPOSE: This chapter sets forth the right of an applicant or an alcohol and drug counselor, alcohol and drug counseling aide, or certified clinical supervisor to appeal certain board actions. This chapter also specifies the enforcement and disciplinary procedures used by the board and sets forth as standards of practice the board's interpretation of certain grounds for discipline contained in 32 M.R.S. § 6217-A. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 9: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. § 6212(9)

PURPOSE: This chapter contains the Code of Ethics for the performance of alcohol and drug counseling services. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

BOARD OF REAL ESTATE APPRAISERS

2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-298**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board of Real Estate Appraisers**

CONTACT PERSON FOR THIS AGENCY: Karen L. Bivins, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8524, Karen.L.Bivins@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2016-2017 RULE-MAKING ACTIVITY: Legislation will be enacted in Public Law 270 to require regulation of Appraisal Management Companies ("AMCs"). The board likely will need to adopt new rules to implement the statutory provisions. Currently, no rules exist regarding AMCs.

CHAPTER NUMBER AND TITLE: N/A

STATUTORY AUTHORITY: 32 M.R.S. § 14012

PURPOSE: To adopt standards to implement statutory requirements for regulation of Appraisal Management Companies.

SCHEDULE FOR ADOPTION: Within one year of effective date of November 1, 2017.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 150: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 14012

PURPOSE: This Chapter establishes the procedures for submission, consideration and disposition of requests for advisory rulings. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and license applicants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 220: Educational Course Requirements

STATUTORY AUTHORITY: 32 M.R.S. § 14012

PURPOSE: This Chapter requires that qualifying education and continuing education be approved by the Appraiser Qualifications Board. Changes to the course approval process established by the Appraiser Qualifications Board may require the Board to amend the chapter to comply with any procedural change. This chapter will be amended to address results of an audit by the Appraisal Subcommittee concerning the number of hours of continuing education credit instructors may receive for courses taught.

SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees and license applicants.
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 230: Supervising Appraiser Duties

STATUTORY AUTHORITY: 32 M.R.S. § 14012

PURPOSE: This Chapter establishes the supervisory responsibilities for a certified residential or certified general real property appraiser who supervises a trainee real property appraiser. This chapter may need to be amended to comply with federal changes.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and license applicants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 240: Standards of Professional Practice

STATUTORY AUTHORITY: 32 M.R.S. § 14012

PURPOSE: This Chapter references the edition of the standards of professional practice. The Board will need to amend this chapter to reference the most recent edition and effective date of the Uniform Standards of Professional Practice ("USPAP"). USPAP is amended on a two-year cycle.

SCHEDULE FOR ADOPTION: December 2017

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

02-288

**BOARD FOR LICENSURE OF ARCHITECTS, LANDSCAPE ARCHITECTS AND
INTERIOR DESIGNERS**

2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-288**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board for Licensure of Architects, Landscape Architects and Interior Designers**

CONTACT PERSON FOR THIS AGENCY: Karen L. Bivins, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8524, Karen.L.Bivins@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY:

CHAPTER 10: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This Chapter defines specialized terms used throughout the board's rules. Changes may be necessary to define terms adopted for purposes related to other sections of the Board rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 11: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This Chapter provides for the discretionary issuance of advisory rulings by the Board. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 12: Licensure of Architects

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This Chapter sets forth the educational qualifications, experience and examination requirement necessary for licensure as an architect. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 13: Licensure of Landscape Architects

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This Chapter sets forth the educational qualifications, experience and examination requirement necessary for licensure as a landscape architect. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 14: Licensure of Certified Interior Designers

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This Chapter sets forth the educational qualifications, experience and examination requirement necessary for licensure as a certified interior designer. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 15: Application for Licensure

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This Chapter sets forth the license application process and references the license fees established by the Office of Professional & Occupational Regulation. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 16: License Denials and Disciplinary Procedure

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This Chapter sets forth a licensee's right to appeal certain Board actions and specifies the enforcement and disciplinary procedures used by the Board. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 17: Grounds for Disciplinary Action

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This Chapter sets forth prohibited practices that may result in disciplinary action against a licensee, or denial of nonrenewal of a license. Information from complaint investigations may identify conduct that is not currently set out in this section of the rules or is needed to clarify professional standards.

SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 18: Documentation

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This Chapter authorizes reliance on technical submissions in electronic form and requires licensees to retain certain records for a period of five years. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 19: Incorporation by Reference

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This Chapter incorporates by reference codes and standards into the board's rules. Changes are may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

02-041

Office of Professional and Occupational Regulation
ATHLETIC TRAINERS

2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Athletic Trainers**

CONTACT PERSON FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Coordinator, 35 State House Station Augusta, ME 04333, (207) 624-8617, jennifer.m.hawk@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY: Currently, no rules exist for this program; however, national standards may emerge from future recommendations by the National Athletic Trainer Association's Board of Certification, which may be determined to be appropriate for adoption in Maine. Additional changes may ensue from future legislation.

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 14353(2)

PURPOSE: To adopt future national uniform standards, as these emerge.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-302

BOARD OF LICENSURE OF AUCTIONEERS

2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-302**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board of Licensure of Auctioneers**

CONTACT PERSON FOR THIS AGENCY: Karen L. Bivins, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8524, Karen.L.Bivins@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY:

CHAPTER 10: General Information

STATUTORY AUTHORITY: 32 M.R.S. § 289

PURPOSE: This Chapter establishes guidelines relating to meetings and agendas. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 20: Fees

STATUTORY AUTHORITY: 32 M.R.S. § 289

PURPOSE: This Chapter will need to be repealed when rulemaking is required for another rule chapter. The Office of Professional & Occupational Regulation amended its fee chapter to include fees for purposes related to the Auctioneers Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 30: Qualifications for Licensure

STATUTORY AUTHORITY: 32 M.R.S. § 289

PURPOSE: This Chapter establishes the qualifications for licensure. The Board may need to amend the chapter to increase the amount of the required bond.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 40: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 289

PURPOSE: This Chapter details procedures for submission, consideration and disposition of requests for advisory rulings. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 50: Minimum Standards of Practice

STATUTORY AUTHORITY: 32 M.R.S. § 289

PURPOSE: This Chapter establishes the standards of practice. The Board may need to make amendments to the standards of practice in response to changes in business practices that impact the public or complaints filed with the Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

02-041

Office of Professional and Occupational Regulation
BARBERING AND COSMETOLOGY LICENSING PROGRAM
Maine Administrative Procedure Act
2017 - 2018 Regulatory Agenda

UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Barbering and Cosmetology Licensing Program**

CONTACT PERSON FOR THIS AGENCY: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625, Geraldine.L.Betts@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY: Rules were last adopted on December 11, 2016, for this program, which consisted of a complete rewrite and reorganization of the rules. If necessary, any rulemaking projected for the coming reporting year may be to address errors and omissions resulting from the recent rewrite and reorganization of the rules.

CHAPTER 20: Definitions and References

STATUTORY AUTHORITY: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter defines specialized terms used in the Program's rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 21: Licensure of Aestheticians, Barbers, Cosmetologists, Limited Barbers and Nail Technologists

STATUTORY AUTHORITY: 32 M.R.S. §§ 14212-A(2), 14231

PURPOSE: This chapter sets forth requirements for licensure as an aesthetician, barber, cosmetologist, limited barber, and nail technologist.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 22: Licensure of Demonstrators

STATUTORY AUTHORITY: 32 M.R.S. §§ 14212-A(2), 14234

PURPOSE: This chapter sets forth requirements for licensure of demonstrators and the articles, machines and techniques performed outside a licensed establishment.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 23: Trainee Aesthetician, Barber, Cosmetologist, Limited Barber and Nail Technologist

STATUTORY AUTHORITY: 32 M.R.S. §§ 14202(13), 14212-A(2), 14228(3), 14232(3), 14233

PURPOSE: This chapter sets forth licensure, training and supervision requirements for practitioners.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 24: Licensure of Instructors

STATUTORY AUTHORITY: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter sets forth requirements for licensure as an instructor in aesthetics, barbering, cosmetology, limited barbering and nail technology to teach in a licensed school.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 25: Licensure of Establishments and Independent Booths

STATUTORY AUTHORITY: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter sets forth license requirements for a place, facility, salon, shop, establishment, mobile establishment or independent booth within an establishment in which aesthetics, barbering, cosmetology, limited barbering, or nail technology services are offered and performed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 26: Establishment, Independent Booth and School Operation, Sanitation and Infection Control Standards, and Safe Practice Procedures

STATUTORY AUTHORITY: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter sets forth sanitization and infection control standards and safe practice procedures and requirements for the operation of an establishment, independent booth within an establishment, mobile establishment, and school in which aesthetics, barbering, cosmetology, limited barbering, or nail technology services are offered and performed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 27: Rules for Licensure and Operation of Schools Offering One or More Courses of Study in Aesthetics, Barbering, Cosmetology, Limited Barbering, Nail Technology and Instructing

STATUTORY AUTHORITY: 32 M.R.S. §§ 14212-A(2), 14228(3), 14233, 14246(1)

PURPOSE: This chapter establishes the criteria to be met in order to obtain a license to operate a school and to offer and teach one or more courses of study in aesthetics, barbering, cosmetology, limited barbering, nail technology and instructing. This chapter also sets standards for the operation of an off-site [satellite] classroom.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 28: Special Event Services Permit

STATUTORY AUTHORITY: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter sets forth requirements for issuance of a special event services permit pursuant to 32 M.R.S. § 14203(2)(J).

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 29: Grounds for Discipline

STATUTORY AUTHORITY: 10 M.R.S. § 8001(5-A)(A); 32 M.R.S. §§ 14212-A(2), 14236-A

PURPOSE: This chapter references the statutory grounds for discipline against licensees and includes examples of prohibited conduct that may result in discipline.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 30: Citations

STATUTORY AUTHORITY: 10 M.R.S. § 8003-E; 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter lists the violations for which a citation may be issued pursuant to 10 M.R.S. § 8003-E, describes the licensee's right to request a hearing, and describes the time and manner in which the fine shall be paid or a hearing requested.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

02-041

Office of Professional and Occupational Regulation
BOILER AND PRESSURE VESSEL SAFETY PROGRAM

Maine Administrative Procedure Act
2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Boiler and Pressure Vessel Safety Program**

CONTACT PERSON FOR THIS AGENCY: Catherine M. Carroll, Program Administrator, 35 State House Station, Augusta, ME 04333, 207/624-8605, catherine.m.carroll@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY: The rules are expected to be reviewed and revised for consistency with the provisions of Public Law 2013, Chapter 70, enacted by the 126th Maine State Legislature, which restructured the licensing and regulation of boilers and pressure vessels by eliminating the Board of Boilers and Pressure Vessels and creating the Boiler and Pressure Vessel Safety Program that is administered by the Director of the Office of Professional and Occupational Regulation. Amended rules will be relocated to the Office of Professional and Occupational Regulation rules, which will require new chapter numbers.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. §§ 15101, 15104-A, 15109

PURPOSE: This Chapter defines the terms that are used in the rules and terms used in statute not defined by statute. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 2: Variances

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104-A, 15104-B

PURPOSE: This Chapter establishes the procedures for the filing of a petition for a variance. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 3: Board Meetings

STATUTORY AUTHORITY: 32 M.R.S. §§ 15103, 15104-A

PURPOSE: This Chapter authorizes board meetings. This Chapter will be repealed to be consistent with the provisions of Public Law 2013, Chapter 70, as the statutory change eliminated the board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 4: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. § 9001; 32 M.R.S. § 15104-A

PURPOSE: This Chapter establishes requirements and guidelines for the discretionary issuance of advisory rulings. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 11: National Codes Applicable to Boilers and Pressure Vessels

STATUTORY AUTHORITY: 32 M.R.S. § 15104-A

PURPOSE: This Chapter specifies the national safety codes and standards that apply to boilers and pressure vessels regulated in the State of Maine. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70, and also may be amended if a code update is necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 12: Power Boilers

STATUTORY AUTHORITY: 32 M.R.S. § 15104-A(1)

PURPOSE: This Chapter establishes requirements for the design, construction, installation, operation, and inspection of power boilers. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 13: Low Pressure Boilers

STATUTORY AUTHORITY: 32 M.R.S. § 15104-A(1)

PURPOSE: This Chapter establishes specific requirements for the identification, construction, installation, inspection, and operation of low pressure boilers. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 14: Pressure Vessels

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104-A(1), 15109(8)

PURPOSE: This Chapter establishes requirements for the design, construction, installation, inspection, and operation of pressure vessels. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 15: Repairs and Alterations

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104, 15109(8), 15110

PURPOSE: This Chapter establishes requirements for performing welded repairs, mechanical replacement of pressure parts, and alterations on boilers or pressure

vessels. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 21: Duties and Responsibilities of All Owners of Boilers and Pressure Vessels

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104-A, 15119, 15121

PURPOSE: This Chapter establishes general guidelines of all owners of boilers and pressure vessels. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 31: Inspectors

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104-A, 15108-A

PURPOSE: This Chapter establishes requirements for initial and renewal licensure of inspectors. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 32: Boiler Operators and Stationary Steam Engineers

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104-A, 15109

PURPOSE: This Chapter establishes requirements for licensure and responsibilities of boiler operators and stationary steam engineers. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-041

Office of Professional and Occupational Regulation
CHARITABLE SOLICITATIONS
2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Charitable Solicitations**

CONTACT PERSON FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Coordinator, 35 State House Station Augusta, ME 04333, (207) 624-8617, jennifer.m.hawk@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY: The Director may consider repealing all rules chapters for the Charitable Solicitations Act in response to legislation passed during the 2nd Regular Session of the 126th Maine State Legislature.

CHAPTER 1: Registration Applications and Financial Statements

STATUTORY BASIS: 9 M.R.S. § 5018

PURPOSE: This chapter contains provisions relating to the submission of licensing applications and financial statements required to be filed with the Office of Professional and Occupational Regulation under the Maine Charitable Solicitations Act. The Director anticipates repealing this chapter due to PL 2013 Chapter 539 and Chapter 313.

SCHEDULE FOR REPEAL: Within the year.

AFFECTED PARTIES: Licensees, applicants.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 2: Annual Fundraising Activity Reports

STATUTORY BASIS: 9 M.R.S. § 5018

PURPOSE: This chapter explains how charitable organizations and professional solicitors shall calculate their remittances and retentions from the prior year in order to comply with the requirement to file an annual report of the prior year's fund-raising activity. The Director anticipates repealing this chapter due to PL 2013 Chapter 539 and Chapter 313.

SCHEDULE FOR REPEAL: Within the year.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 3: Enforcement and Disciplinary Procedures

STATUTORY BASIS: 9 M.R.S. § 5018

PURPOSE: This chapter sets forth the right of an applicant or a licensee to appeal certain regulatory actions. This chapter also specifies the enforcement and disciplinary procedures used by the Office of Professional and Occupational Regulation.

The Director anticipates repealing this chapter due to PL 2013 Chapter 539 and Chapter 313.

SCHEDULE FOR REPEAL: Within the year.
AFFECTED PARTIES: Licensees, applicants and members of the public.
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-297
BOARD OF CHIROPRACTIC LICENSURE
Maine Administrative Procedure Act
2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-297**
AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Chiropractic Licensure**

CONTACT PERSON FOR THIS AGENCY: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625, Geraldine.L.Betts@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2017-2018 RULE-MAKING ACTIVITY: The Board may review and update rules as needed, which may include, but is not limited to, updating the licensing requirements and procedures for chiropractors and chiropractic acupuncture, certification of chiropractic assistants, and issuance of temporary chiropractic assistant certificates. Continuing education requirements will be reviewed and updated as may be necessary, including national program and sponsor approval systems currently available. The Board may establish patient record standards and record keeping requirements, and may update the code of ethics in the practice of chiropractic services. Amendment of these requirements may affect several rule chapters and therefore may require updating those chapters.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 502

PURPOSE: This chapter defines and clarifies terms used throughout the Board's rules. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 2: General Provisions

STATUTORY AUTHORITY: 32 M.R.S. § 502

PURPOSE: The chapter contains provisions describing the conduct of meetings and hearings, acting on requests for advisory rulings, complaint and investigation procedures and record keeping. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 3: Licensure Requirement for Chiropractic Doctors

STATUTORY AUTHORITY: 32 M.R.S. §§ 502, 551, 552

PURPOSE: The chapter establishes requirements for issuance of a license to practice chiropractic, including application, education, experience, and references. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: License applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 4: Requirements for Certifying Chiropractors to Practice Chiropractic Acupuncture

STATUTORY AUTHORITY: 32 M.R.S. § 502

PURPOSE: The chapter establishes acceptable qualifications, procedures and continuing education requirements for certifying licensed chiropractors in the practice of chiropractic acupuncture. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: License applicants and licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 5: Certification Requirements for Chiropractic Assistants and the Issuance of Temporary Certificates for Chiropractic Assistants

STATUTORY AUTHORITY: 32 M.R.S. §§ 502, 555, 556

PURPOSE: This chapter establishes requirements for issuance of a certificate to function as a certified chiropractic assistant, and the issuance of a temporary certificate to function as a certified chiropractic assistant. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 6: Continuing Professional Education

STATUTORY AUTHORITY: 32 M.R.S. §§ 502, 553-A(2)

PURPOSE: This chapter establishes requirements for continuing professional education to be completed by licensees for licensing renewal and approval for sponsored continuing education courses or programs. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 7: Enforcement and Disciplinary Procedures

STATUTORY AUTHORITY: 32 M.R.S. § 502

PURPOSE: This chapter establishes enforcement and disciplinary procedures, including grounds for discipline and clarification of terms. The Board may review this chapter for conformance with current statutes and make changes as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 8: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. § 502

PURPOSE: This chapter establishes standards of professional practice in the practice of chiropractic services. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 9: Fees

STATUTORY AUTHORITY: 32 M.R.S. §§ 502, 553-A, 558

PURPOSE: This chapter establishes fees to be charged for applications and licenses issued by the Board. This chapter is subject to repeal because fees for this program are now established by the Director of the Office of Professional and Occupational Regulation (OPOR) in Chapter 10 of OPOR's rules, as authorized by 10 M.R.S. § 8003(2-A)(D).

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-502

BOARD OF COMPLEMENTARY HEALTH CARE PROVIDERS

Maine Administrative Procedure Act
2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-502**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Complementary Health Care Providers**

CONTACT PERSON FOR THIS AGENCY: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625, Geraldine.L.Betts@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY: The Board last adopted rules in 2013, and the Board may consider overall rule updates, errors, and omissions as may be necessary. The Board may also consider updating the rule on prescribing noncontrolled legend drugs by naturopathic doctors in accordance with 32 M.R.S. § 12522 and standards for collaborative relationships between a licensed allopathic or osteopathic physician and a naturopathic doctor. The Board is expected to adopt rules to implement 2016 Public Law Chapter 502 for the licensing of professional midwives

and to adopt rules to establish requirements for initial and renewal licensure, continuing professional education, standards for the practice of midwives, including but not limited to, drug formulary, informed consent documentation, preexisting conditions that render a pregnancy ineligible for out-of-hospital birth and data collection and reporting.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 12503

PURPOSE: The chapter defines and clarifies terms used throughout the Board's rules. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 2: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 12503

PURPOSE: The chapter sets forth procedures for the issuance of advisory rulings by the Board. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 3: Licensure Requirement for Acupuncturists

STATUTORY AUTHORITY: 32 M.R.S. §§ 12503 (B) and (D), 12512

PURPOSE: The chapter establishes requirements for issuance of a license to practice acupuncture, including application, education, experience, and references. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: License applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 3-A: Certification for the Formulation and Dispensing of Custom-Made Chinese Herbal Formulations

STATUTORY AUTHORITY: 32 M.R.S. § 12513-A(3)

PURPOSE: The chapter establishes requirements for the certification of licensed acupuncturists to formulate and dispense custom-made Chinese herbal formulations. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: License applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 4: Licensure Requirement for Naturopathic Doctors

STATUTORY AUTHORITY: 32 M.R.S. § 12525

PURPOSE: The chapter establishes requirements for issuance of a license to practice naturopathy, including application, education, experience, and references. The

Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: License applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors

STATUTORY AUTHORITY: 32 M.R.S. § 12526

PURPOSE: The chapter states the requirements for continuing education as required for acupuncturists and naturopathic doctors. The Board may need to amend this chapter to conform to rules adopted by the Office of Professional and Occupational Regulation on substantiation of continuing education by licensed practitioners.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships

STATUTORY AUTHORITY: 32 M.R.S. §§ 12503(1)(A) and (B), 12506

PURPOSE: The formulary listing in this chapter may be subject to updates and/or revisions based on federal or state standards with regard to noncontrolled legend drugs, which may be prescribed according to 32 M.R.S. § 12522. Rules adopted pursuant to 32 M.R.S. § 12522(4) are major substantive rules. See 32 M.R.S. § 12506.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 7: Grounds for Discipline

STATUTORY AUTHORITY: 32 M.R.S. § 12503

PURPOSE: The chapter references the statutory grounds for discipline and includes examples of prohibited conduct. The Board may review this chapter for conformance with current statutes and make changes as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 8: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. § 12503(B)

PURPOSE: The chapter establishes standards of professional practice in the practice of acupuncture and naturopathic medicine. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.

SCHEDULE FOR ADOPTION: Within one year, if necessary

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 9: Fees

STATUTORY AUTHORITY: 32 M.R.S. §§ 12514(2), 12526(1)

PURPOSE: The chapter establishes fees and is subject to repeal because fees for this program are now established by the Director of the Office of Professional and Occupational Regulation (OPOR) in Chapter 10 of OPOR's rules, as authorized by 10 M.R.S. § 8003(2-A)(D).

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

02-318
ELECTRICIANS' EXAMINING BOARD
Maine Administrative Procedure Act
2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-318**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Electricians' Examining Board**

CONTACT PERSON FOR THIS AGENCY: Catherine M. Carroll, Board Administrator, 35 State House Station, Augusta, ME 04333, 207/624-8605, catherine.m.carroll@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY: The rules are expected to be reviewed and revised for consistency with the provisions of Public Law 2017, Chapter 198, enacted by the 128th Maine State Legislature, which updated the board's terminology to more accurately describe license requirements, scopes of practice and supervision requirements; reorganized sections; and added a provision to allow persons with comparable education and/or work experience in other jurisdictions to qualify for licensure.

CHAPTER 100: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 1153; 5 M.R.S. § 9001(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the guidelines relating to advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 110: Conflict of Interest

STATUTORY AUTHORITY: 32 M.R.S. § 1153

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending or repealing the conflict of interest provisions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 120: Electrical Installation Standards

STATUTORY AUTHORITY: 32 M.R.S. §§ 1153, 1153-A

PURPOSE: This chapter is currently being revised under a separate rule-making proceeding to adopt, by reference, the current edition of the National Electrical Code.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 125: Scope of Practice

STATUTORY AUTHORITY: 32 M.R.S. §§ 1153, 1153-A

PURPOSE: This chapter sets forth the scope of practice for various licenses issued by the board. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute and make other changes.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 130: Examination and Licensing Requirements

STATUTORY AUTHORITY: 32 M.R.S. §§ 1153, 1202, 1204

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the examination and licensing requirements for electricians.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 135: Electrical Permits

STATUTORY AUTHORITY: 32 M.R.S. §§ 1102-B(2) and (4), 1153, 1153-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending requirements relating to the issuance of electrical permits.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASES RULE DEVELOPMENT: Not contemplated.

CHAPTER 140: Board Fees

STATUTORY AUTHORITY: 32 M.R.S. §§ 1102-B(4), 1203-A

PURPOSE: This chapter will need to be repealed when rulemaking is required for another rule chapter because the Office of Professional and Occupational Regulation has established fees for the Board pursuant to 10 M.R.S. § 8003(2-A)(D) and Rule 02-041, Chapter 10.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASES RULE DEVELOPMENT: Not contemplated.

CHAPTER 150: Reciprocity

STATUTORY AUTHORITY: 32 M.R.S. §§ 1153, 1206

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the procedures for qualifying for licensure by reciprocity.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 170: Denial Appeals

STATUTORY AUTHORITY: 10 M.R.S. § 8003(5-A)

PURPOSE: This chapter sets forth an applicant's or licensee's right to appeal a license denial. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending or repealing this chapter.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-041

Office of Professional and Occupational Regulation
ELEVATOR AND TRAMWAY SAFETY PROGRAM
Maine Administrative Procedure Act
2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Elevator and Tramway Safety Program**

CONTACT PERSON FOR THIS AGENCY: Catherine M. Carroll, Program Administrator, 35 State House Station, Augusta, ME 04333, 207/624-8605, catherine.m.carroll@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY: No rule-making activity is anticipated.

02-333

BOARD OF LICENSURE OF PROFESSIONAL FORESTERS
2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-333**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board of Licensure of Professional Foresters**

CONTACT PERSON FOR THIS AGENCY: Karen L. Bivins, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8524, Karen.L.Bivins@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY:

CHAPTER 20: General Information

STATUTORY AUTHORITY: 32 M.R.S. § 5506

PURPOSE: This chapter provides for the election of Board officers. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 30: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 5506

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the Board. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 40: Qualifications for Intern Forester License

STATUTORY AUTHORITY: 32 M.R.S. § 5506

PURPOSE: This chapter sets forth the education and experience requirements necessary for licensure as an intern forester. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 70: Qualifications for Forester License

STATUTORY AUTHORITY: 32 M.R.S. § 5506

PURPOSE: This chapter sets forth the education, experience, and examination requirements for licensure as a forester. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 80: Continuing Forestry Education

STATUTORY AUTHORITY: 32 M.R.S. § 5506

PURPOSE: This chapter establishes the minimum continuing education required for license renewal. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 90: Registration of Foresters for the Supervision of Unlicensed Personnel

STATUTORY AUTHORITY: 32 M.R.S. § 5506

PURPOSE: This chapter implements a registration system for foresters who supervise unlicensed individuals in the practice of forestry. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 100: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. § 5506

PURPOSE: This chapter defines unprofessional practice as failure to comply with the Code of Ethics adopted by the Board in this chapter. This chapter may be amended as necessary to address unprofessional conduct resulting from Board complaints and changes in forestry practice.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

02-658

Maine Fuel Board

Maine Administrative Procedure Act
2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-658**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Maine Fuel Board**

CONTACT PERSON FOR THIS AGENCY: Catherine M. Carroll, Board Administrator,
35 State House Station, Augusta, ME 04333, 207/624-8605,
catherine.m.carroll@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY: The board will review and make changes to Chapters 3, 4 and 5 pursuant to Public Law 2015, Chapter 169. Some of the changes to Chapters 3, 4 and 5 would distinguish between an oil burner technician and a solid fuel technician, and would also add a pellet-fired authority to the oil burner technician license. The board will also review Chapter 6 and may adopt and incorporate technical codes and standards that apply to the installation of fuel burning equipment, chimneys, fireplaces and vents.

CHAPTER 1: Definitions

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter clarifies terms in the law and these rules. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 2: Advisory Rulings

STATUTORY BASIS: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE (of the rule): This chapter establishes guidelines relating to advisory rulings. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 3: Categories and Responsibilities of Licensure

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter describes the duties and responsibilities for licensure. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 4: Qualifications for Licensure

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter sets forth the qualifications for licensure and describes the application and examination process. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 5: Use of Other License Authorities

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter sets forth the requirements for licensed master and journeyman oil and solid fuel technicians to gain licensed experience as an apprentice to qualify for an additional license authority. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 6: Adoption of Standards and Rules

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter sets forth the standards for installation of any oil and solid fuel burning equipment, propane and natural gas equipment, chimneys, fireplaces and vents. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute, and may update standards as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 7: Modification of Standards

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter allows the board to authorize modifications to installation standards under unusual circumstances. This chapter provides the board with the discretion to alter installation standards after appropriate technical consideration. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 8: Installation of Oil Burning Equipment

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter sets forth the guidelines for the installation of oil burning equipment with necessary safety controls, devices and standards for the reduction of fire hazards associated with oil fired equipment used in residential,

commercial and industrial applications. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 9: Installation of Solid Fuel Burning Equipment

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): The purpose of this chapter is to specify the proper installation of solid fuel burning equipment in accordance with NFPA # 211. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 10: Chimneys

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): The primary purpose of this chapter is to set forth the rules governing the removal of waste gases. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 11: Installation of Waste Oil Appliances and Waste Oil Supply Tanks

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter provides requirements for the use of waste oil burning equipment and accessory equipment installations. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 12: Permits for Aboveground and Underground Propane and Natural Gas Storage Facilities and Rooftop Installations

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter sets forth the requirements for permitting aboveground and underground propane and natural gas storage facilities and rooftop installations. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 13: Installation of Propane and Natural Gas Burning Equipment

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): This chapter sets forth the guidelines for the installation of propane and natural gas burning equipment with necessary safety controls. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

02-331

BOARD OF FUNERAL SERVICE

2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-331**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Funeral Service**

CONTACT PERSON FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Coordinator, 35 State House Station, Augusta, Maine 04333-0035, (207) 624-8617, jennifer.m.hawk@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY: Rule-making activity is currently under consideration for the Board of Funeral Service in response to legislation proposed during the 1st Regular Session of the 128th Maine State Legislature.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules that define terms related to the practice of funeral service.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 2-A: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001

PURPOSE: The board may review and revise its rules that provide for the discretionary issuance of advisory rulings by the board.

ANTICIPATED SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 3: Educational Requirements for Licensure

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise, in conjunction with 32 M.R.S. § 1501, the educational requirements for a person seeking licensure as a practitioner of funeral service in the State of Maine.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 5: Practitioner Trainees

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise the 2,000-hour apprenticeship to be completed by practitioner trainees prior to application for licensure as a practitioner of funeral service.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Applicants for trainee status, practitioner trainees, and applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 6-A: Pathways to Licensure as a Practitioner of Funeral Service

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise the procedures and requirements for licensure as a practitioner of funeral service.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure as a practitioner of funeral service.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 7: Funeral Establishments

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise the licensing requirements for funeral establishments.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Funeral homes.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 8: Safety and Health Standards

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the protection of the safety and health of the general public by setting forth the equipment and health-related requirements applicable to licensed funeral establishments.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 10: General Rules / Scope of Practice

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding: (1) hairdressing and cosmetology; (2) the scope of practice of funeral practitioners and funeral attendants; (3) the referral of inquiries to a licensed practitioner; (4) mandatory disclosures; and other topics.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 11: Annual Renewal; Continuing Education; Inactive Status

STATUTORY AUTHORITY: 32 M.R.S. § 1506

PURPOSE: The board may review and revise its rules, in conjunction with 32 M.R.S. § 1506, regarding continuing education requirements for license renewal.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 12: Transportation of Human Remains

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the transportation of human remains.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 13: Disinterment

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the disinterment of human remains by funeral service licensees.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 14: Temporary Storage

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the storage of human remains by funeral service licensees.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 15: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the established code of ethics for licensees of the Board.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 16: Prearranged Funerals - Mortuary Trust Agreements

STATUTORY AUTHORITY: 32 M.R.S. §§ 1401(2), 1451, 1501

PURPOSE: The board may review and revise the forms of mortuary trust agreements for use in Maine. The Board may further address the question of funding Mortuary Trust Accounts with proceeds of Life Insurance policies.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

02-070

STATE BOARD OF CERTIFICATION FOR GEOLOGISTS AND SOIL SCIENTISTS

Maine Administrative Procedure Act
2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-070**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **State Board of Certification for Geologists and Soil Scientists**

CONTACT PERSON FOR THIS AGENCY: Catherine M. Carroll, Board Administrator, 35 State House Station, Augusta, ME 04333, 207/624-8605, catherine.m.carroll@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY: No rule-making activity is anticipated.

02-041

Office of Professional and Occupational Regulation
INTERPRETERS AND TRANSLITERATORS OF AMERICAN SIGN LANGUAGE

2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Interpreters and Transliterators of American Sign Language and English**

CONTACT PERSON FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Coordinator, 35 State House Station Augusta, ME 04333, (207) 624-8617, jennifer.m.hawk@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY:

CHAPTER 50: Definitions

STATUTORY BASIS: 32 M.R.S. § 1522(1)

PURPOSE: This chapter defines certain terms used in these rules. Rule changes may be made as necessary to clarify program requirements.

SCHEDULE FOR ADOPTION: Within the year, if necessary.

AFFECTED PARTIES: Applicants, licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not as per 5 M.R.S. § 8051-B, but through the advisory council established pursuant to 32 M.R.S. § 1522(4).

CHAPTER 51: Requirements for Initial Licensure

STATUTORY BASIS: 32 M.R.S. § 1522(1)

PURPOSE: This chapter sets forth criteria for the initial licensure of interpreters and translators and describes the application process. Rule changes may be made as necessary to clarify program requirements.

SCHEDULE FOR ADOPTION: Within the year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: Not as per 5 M.R.S. § 8051-B, but through the advisory council established pursuant to 32 M.R.S. § 1522(4).

CHAPTER 52: License Renewal and Continuing Education

STATUTORY BASIS: 32 M.R.S. § 1522(1)

PURPOSE: This chapter sets forth continuing education requirements and describes the license renewal process. Rule changes may be made as necessary to clarify program requirements.

SCHEDULE FOR ADOPTION: Within the year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not as per 5 M.R.S. § 8051-B, but through the advisory council established pursuant to 32 M.R.S. § 1522(4).

CHAPTER 54: Disclosure Statement

STATUTORY BASIS: 32 M.R.S. §§ 1522(1), 1531

PURPOSE: This chapter describes the statutory disclosure to be furnished by interpreters and translators to consumers and clients. Rule changes may be made as necessary to clarify program requirements.

ANTICIPATED SCHEDULE: Within the year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not as per 5 M.R.S. § 8051-B, but through the advisory council established pursuant to 32 M.R.S. § 1522(4).

CHAPTER 55: Complaints and Investigations

STATUTORY BASIS: 32 M.R.S. § 1522(1)

PURPOSE: This chapter sets forth the rights of an applicant or licensee to appeal certain regulatory actions and identifies the enforcement and disciplinary procedure used by the director. Rule changes may be made as necessary to clarify program requirements.

ANTICIPATED SCHEDULE: Within the year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not as per 5 M.R.S. § 8051-B, but through the advisory council established pursuant to 32 M.R.S. § 1522(4).

02-360

BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS

2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-360**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board of Licensure for Professional Land Surveyors**

CONTACT PERSON FOR THIS AGENCY: Karen L. Bivins, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8524, Karen.L.Bivins@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY:

CHAPTER 10: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This chapter defines terms used in the Board's rules. The Board may need to amend the rule to define new terms or clarify existing terms.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 20: General Information

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This Chapter establishes guidelines for meeting agendas and election of Board officers. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 30: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This Chapter provides for the discretionary issuance of advisory rulings by the Board. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 40: Qualification for Licensure as Land Surveyor-In-Training

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This Chapter sets forth the requirements for licensure as a land surveyor-in-training. The Board will need to amend the chapter to clarify changes in the licensing examination and review process.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: License applicants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 50: Qualification for Licensure as Professional Land Surveyor

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This Chapter establishes the licensing qualifications for professional land surveyors. The Board will need to amend the chapter to clarify changes in the licensing examination and review process.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 60: Licensure by Comity

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This Chapter sets forth the conditions under which a licensee from another jurisdiction may be licensed as a land surveyor-in-training or professional land surveyor in Maine. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 70: Continuing Education

STATUTORY AUTHORITY: 32 M.R.S. §§ 18212 & 18225

PURPOSE: This Chapter establishes the continuing education requirements for license renewal. The chapter may need to be amended to clarify the continuing education approval process.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 90: Standards of Practice

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This Chapter sets forth the standards of practice for licensees. The Board may amend this chapter in response to changes in technical standards or in response to issues resulting from consumer complaints. In addition, the Board may amend this chapter to clarify the purpose and content of the written confirmation provided to clients.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

02-385

MANUFACTURED HOUSING BOARD

Maine Administrative Procedure Act

2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-385**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Manufactured Housing Board**

CONTACT PERSON FOR THIS AGENCY: Robert LeClair, Executive Director of the Manufactured Housing Board, 35 State House Station, Augusta, ME 04333, (207) 624-8678, Robert.V.LeClair@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY:

None Expected

02-041

Office of Professional and Occupational Regulation
MESSAGE THERAPY LICENSURE PROGRAM

2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Massage Therapy Licensure Program**

CONTACT PERSON FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Coordinator, 35 State House Station, Augusta, ME 04333, (207) 624-8617, jennifer.m.hawk@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY:

CHAPTER 100: Definitions

STATUTORY BASIS: 32 M.R.S. § 14302(2)

PURPOSE: This chapter clarifies terms used throughout these rules. Additions may be made to the definitions, if needed.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 200: General Information

STATUTORY BASIS: 32 M.R.S. § 14302(2)

PURPOSE: This chapter establishes guidelines for the maintenance of records and display of licenses and registrations. In practice, the term “registration” has been replaced by the term “license”; consequently, some material contained in this chapter is obsolete and should be deleted.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 300: Licensure/Registration Requirements

STATUTORY BASIS: 32 M.R.S. § 14302(2)

PURPOSE: This chapter sets forth the procedures and requirements for licensure. The title will be changed to delete “Registration,” as this term is obsolete. The Summary

will be amended to align with the chapter's content. In addition, pursuant to legislation enacted through PL 2007, Chapter 402 amending 32 M.R.S. § 14306-F, sub-§1, the renewal notification requirement will be deleted.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 400: Complaints and Investigations

STATUTORY BASIS: 32 M.R.S. § 14302(2)

PURPOSE: This chapter describes the procedure by which complaints and adjudicatory hearings are handled. Reference is made to the Advisory Council; however, the Advisory Council, as previously authorized in 32 M.R.S. § 14302(7), was repealed with the enactment of PL 2005, Chapter 294. Consequently, this reference is obsolete and should be deleted.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-371

NURSING HOME ADMINISTRATORS LICENSING BOARD

2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-371**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Nursing Home Administrators Licensing Board**

CONTACT PERSON FOR THIS AGENCY: Kristina M. Halvorsen, Board Administrator, 35 State House Station, Augusta, Maine 04333-0035, (207) 624-8420, Kristina.m.halvorsen@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULEMAKING ACTIVITY: The board intends to repeal and replace all existing rules in their entirety.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: The board will update and revise its definitions for applicable terms contained in the rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 2: Nursing Home Administrators

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: This chapter sets forth the general requirements for licensure as a Nursing Home Administrator and the continuing education requirements for license renewal. The board will propose that no new nursing home administrator licenses be issued but that those licensees who hold current, valid nursing home administrator licenses may continue to renew that license or may transition to the multi-level facility administrator license by passing a board-approved exam. The board will also propose to update and revise provisions pertaining to the administrator-in-training program for nursing home and multi-level facility administrators.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 3: Residential Care Facility Administrators

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: The board will revise and update the general requirements for licensure as a Residential Care Facility Administrator and the continuing education requirements for license renewal. The board will propose a new requirement that applicants complete an administrator-in-training program to qualify for licensure, similar to the program already required for nursing home and multi-level facility administrators.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 4: Multi-Level Long Term Care Facility Administrators

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: The board will update and revise the general requirements for licensure as a Multi-Level Long Term Care Facility Administrator and the continuing education requirements for license renewal.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 5: Licensing

STATUTORY AUTHORITY: 32 M.R.S. §§ 63-B(2), 64-A, 66; 10 M.R.S. § 8003(5-A)(D)(5); Title 5, Chapter 375

PURPOSE: The board will update and revise the guidelines for license issuance, renewal, and reinstatement, and for the disciplining of licensees. The board will also propose to add new provisions on inactive status licensure, as authorized by 10 M.R.S. § 8003(5-A)(D)(5).

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 6: Endorsement

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: The board will update and revise the requirements for licensure by endorsement for licensees who hold licenses from another jurisdiction.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants currently licensed in other jurisdictions who will seek licensure in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 7: Temporary Licenses

STATUTORY AUTHORITY: 32 M.R.S. §§ 63-B(2), 64-A, 66; Title 5, Chapter 375

PURPOSE: The board will update and revise the requirements for temporary licensure.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 8: Continuing Education

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: The board will update and revise the continuing professional education requirements for administrators licensed by the board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 9: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2); 5 M.R.S. § 9001

PURPOSE: The board will update and revise the process for obtaining advisory rulings with regard to interpretation of these rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure, licensees, and consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 10: Fees

STATUTORY AUTHORITY: 10 M.R.S. § 8003(2-A)(D)

PURPOSE: This chapter has been superseded by 10 M.R.S. § 8003(2-A)(D) and rulemaking pursuant to Chapter 10 of the rules of the Office of Professional & Occupational Regulation, and therefore should be repealed entirely.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 11: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: The board will update and revise its code of ethics by adopting nearly verbatim the most recent version of the American College of Health Care Administrators Code of Ethics.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

02-477

BOARD OF OCCUPATIONAL THERAPY PRACTICE

2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-477**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Occupational Therapy Practice**

CONTACT PERSON FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Coordinator, 35 State House Station, Augusta, Maine 04333-0035, (207) 624-8617, jennifer.m.hawk@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULEMAKING ACTIVITY:

CHAPTER 2: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. §§ 2274(2), 2278, 2279, 2284

PURPOSE: The board may revise its rules regarding the discretionary issuance of advisory rulings by the Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and Consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 3-A: Licensure as a Temporary Licensee, Occupational Therapist or Occupational Therapy Assistant

STATUTORY AUTHORITY: 32 M.R.S. §§ 2274(2), 2278, 2279, 2284

PURPOSE: The board may review and revise the requirements and procedures governing the issuance of permanent and temporary licenses for the practice of occupational therapy.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and Consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 5: Role of the Occupational Therapy Assistant; Supervision of Occupational Therapy Assistants and Temporary Licensees

STATUTORY AUTHORITY: 32 M.R.S. §§ 2272(12), 2274(2)

PURPOSE: The board may review and revise the permissible duties of the Occupational Therapy Assistants and the duties of Occupational Therapists in the supervision of their Assistants.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and Consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 6-A: License Renewal; Reinstatement

STATUTORY AUTHORITY: 32 M.R.S. § 2274(2)

PURPOSE: The board may review and revise the requirements for license renewal and reinstatement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 7: Code of Ethics and Ethics Standards

STATUTORY AUTHORITY: 32 M.R.S. §§ 2274(2), 2283(2)

PURPOSE: The board may review and revise the rules regarding the code of ethics for licensed Occupational Therapists and Occupational Therapy Assistants by adopting the Occupational Therapy Code of Ethics published by the American Occupational Therapy Association.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and Consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 9: Professional Misconduct

STATUTORY AUTHORITY: 32 M.R.S. § 2274(2)

PURPOSE: The board may review and revise the rules describing professional misconduct that may result in disciplinary action against a licensee, including denial or nonrenewal of a license.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

02-041

OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION (General)

Maine Administrative Procedure Act

2017-2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional & Financial Regulation, **Office of Professional and Occupational Regulation** (General Rules)

CONTACT PERSON FOR THIS AGENCY: Anne L. Head, Director, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333, (207) 624-8511, anne.l.head@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY:

CHAPTER 10: Establishment of License Fees

STATUTORY AUTHORITY: 10 M.R.S. § 8003(2-A)(D)

PURPOSE: Establishment of license and related fees for OPOR programs. OPOR amends the fee amounts contained in this rule, establishes new fees, and discontinues existing fees on an ongoing basis.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees, continuing education course providers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 11: Late Renewals

STATUTORY AUTHORITY: 10 M.R.S. § 8003(2-A)(E)

PURPOSE: Amendment of rule as necessary in light of experience.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 13: Uniform Rule for the Substantiation of Continuing Education Requirements

STATUTORY AUTHORITY: 10 M.R.S. § 8003(2-A)(E)

PURPOSE: Amendment of rule as necessary in light of experience.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees, board staff, board members.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER XX: Uniform Complaint Procedures

STATUTORY AUTHORITY: 10 M.R.S. § 8003(2-A)(E)

PURPOSE: Establishment of a uniform complaint procedure for all the OPOP programs.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Complainants, licensees, board staff, board members.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER XX: Uniform Policy on Protested Checks

STATUTORY AUTHORITY: 10 M.R.S. § 8003(2-A)(E)

PURPOSE: Establishment of a uniform policy for all OPOP programs regarding bounced checks.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees whose license checks are returned unpaid for insufficient funds or other reasons, OPOP and board staff.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER XX: No specific title – see description of purpose below

STATUTORY AUTHORITY: 10 M.R.S. § 8003(2-A)(E)

PURPOSE: “To establish by rule, such processes and procedures necessary to administer the various boards, commissions and regulatory functions of the office...”

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees, board staff, board members.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-392

MAINE BOARD OF PHARMACY

Maine Administrative Procedure Act

2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-392**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Maine Board of Pharmacy**

CONTACT PERSON FOR THIS AGENCY: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625, Geraldine.L.Betts@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY: Rulemaking activity is currently under consideration for purposes of implementing 2017 Public Law Chapter 249 to establish procedures and standards to Board-certify a pharmacist to prescribe naloxone hydrochloride and procedures and standards on the dispense naloxone hydrochloride (see chapter 40 below). The Board may consider rulemaking for purposes of implementing 2017 Public Law Chapter 267 on appropriateness of certain gifts extended by manufacturers or wholesale distributors to health care practitioners for which is major substantive rulemaking. In addition, the Board is expected to review rules overall streamlining, to ensure compliance with current laws, and to update rules by addressing outdated references, providing clarification of certain rules as necessary, and setting licensing requirements and operating standards for newly identified types of retail pharmacies.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13723

PURPOSE: This chapter defines certain specialized terms used throughout all rules adopted by the board. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 2: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the board. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 3: Applicability of Rules to Unregistered Facilities

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1)(D), 13723

PURPOSE: This chapter provides for the applicability of the board's rules to the facilities identified in 32 MRS §13721(1)(D). The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 4: Licensure of Pharmacists

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1), 13723, 13732, 13733, 13734

PURPOSE: This chapter sets forth the application procedure for persons applying for licensure as a pharmacist. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 4-A: Administration of Drugs and Immunizations

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13723, 13831, 13832, 13833, 13834(1), 13835

PURPOSE: This chapter sets forth minimum requirements for treatment protocols, administration and recordkeeping requirements, and standards for the operation of drug administration clinics. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 5: Continuing Pharmacy Education

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13723, 13735

PURPOSE: This chapter implements the requirement in 32 M.R.S. § 13735 that each pharmacist complete 15 hours of continuing pharmacy education annually as a condition of license renewal. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 6-A: Pharmacy Student Internship Programs

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1)(G), 13723, 13732(3), 13834(1)

PURPOSE: This chapter sets forth requirements of the pharmacy student internship required for licensure by Chapter 4, Section 1(4)(B) of the board's rules. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 7: Licensure and Employment of Pharmacy Technicians

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(I)(H), 13723

PURPOSE: This chapter sets forth the qualifications, permissible duties and supervision responsibilities of the pharmacist in charge with respect to licensed pharmacy technicians. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 8: Licensure of Retail Drug Outlets

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751, 13752, 13752-A, 13753

PURPOSE: This chapter sets forth licensure requirements for retain drug outlets. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 9: Registration of Rural Health Centers

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1)(E), 13723, 13751, 13762, 13763, 13764

PURPOSE: This chapter sets forth registration requirements for rural health centers. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 10: Registration of Free Clinics

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1)(E), 13723, 13751, 13752, 13752-A, 13753

PURPOSE: This chapter sets forth registration requirements for free clinics. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 11: Registration of Mail Order Prescription Pharmacies and Licensure of Mail Order Contact Lens Suppliers

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1)(E), 13721(2), 13723, 13751, 13752, 13752-A, 13753

PURPOSE: This chapter sets forth registration requirements for mail order prescription pharmacies and license requirements for mail order contact lens suppliers. This chapter also contains enforcement provisions unique to these two types of drug outlet. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 12: Licensure of Manufacturers and Wholesalers

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1)(E), 13723, 13751, 13758

PURPOSE: This chapter sets forth license requirements for wholesalers, also known as wholesale pharmacies or wholesale drug distributors, and manufacturers. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 13: Operation of Retail Pharmacies

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13751

PURPOSE: This chapter sets forth operation requirements for retail pharmacies licensed by the board. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 14: Pharmacy Services at Rural Health Centers

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13762, 13763, 13764

PURPOSE: This chapter sets forth requirements for the pharmacy services provided by rural health centers licensed by the board. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 15: Operation of Free Clinics

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723

PURPOSE: This chapter sets forth requirements for the operation of free clinics licensed by the board. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 16: Operation of Wholesalers and Manufacturers

STATUTORY AUTHORITY FOR ADOPTION: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13751(3), 13758

PURPOSE: This chapter sets forth operational requirements for wholesale drug distributors, including wholesalers and manufacturers. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 17: Operation of Nuclear Drug Outlets

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723

PURPOSE: This chapter incorporates by reference rules of the Maine Radiation Control Program applicable to nuclear drug outlets. The board may review this chapter for conformance with statutes and rules and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 19: Receipt and Handling of Prescription Drug Orders

STATUTORY AUTHORITY: 22 M.R.S. § 2681(6); 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13781, 13785, 13786-A, 13794, 13795

PURPOSE: This chapter sets forth requirements for creating, transmitting, filling and transferring prescription drug orders. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 20: Automated Pharmacy Systems

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1), 13722(1)(B-1), 13723, 13751(3)

PURPOSE: This chapter sets forth requirements for automated pharmacy systems. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 20-A: Self-Service Customer Kiosks

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1), 13722(1)(B-1), 13723, 13751(3)

PURPOSE: This chapter sets forth requirements for self-service customer kiosks. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Retail pharmacists, retail pharmacies, the general public

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 21: Central Prescription Processing

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13784, 13785, 13794

PURPOSE: This chapter sets forth requirements for central prescription processing. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 22: Sale of Schedule V Controlled Substances

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1), 13722(1)(E), 13723

PURPOSE: This chapter sets forth requirements for the sale of Schedule V controlled substances. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 23: Accounting for Prescription Drugs

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723

PURPOSE: This chapter sets forth requirements relating to maintenance of a perpetual inventory, disposal of drugs, and reporting the loss of controlled substances. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 24: Retention of Records by Pharmacies

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1), 13722(1)(B-1), 13723(7), 13785

PURPOSE: This chapter sets forth record retention requirements for pharmacies. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 25: Patient Counseling

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13784

PURPOSE: This chapter sets forth the pharmacist's obligation to counsel patients. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 26: Generic Substitutions

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13781

PURPOSE: This chapter defines and outlines the use of generic and therapeutically equivalent drugs by pharmacists. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 27: Possession and Administration of Noncontrolled Prescription Drugs by Nurses

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13810

PURPOSE: This chapter defines the conditions under which nurses can possess and administer noncontrolled prescription drugs. This chapter, including the chapter title,

will be amended to include new rules on the possession, dispensing and administration of certain noncontrolled drugs and substances to certified midwives.
SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 28: Enforcement and Disciplinary Procedures

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723, 13741

PURPOSE: This chapter sets forth a licensee's right to appeal certain board actions and specifies the enforcement and disciplinary procedures used by the board. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 29: Violations of State or Federal Law or Rule; Other Standards

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723, 13742-A(1)(C)

PURPOSE: This chapter recognizes certain state and federal statutes and rules and certain chapters of the U.S. Pharmacopeia as having established standards of professional behavior, the violation of which constitutes unprofessional conduct pursuant to 32 M.R.S. § 13742-A(1)(C). The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 30: Unprofessional Conduct

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723, 13742-A(1)(C)

PURPOSE: This chapter establishes standards of professional behavior, the violation of which constitutes unprofessional conduct pursuant to 32 M.R.S. § 13742-A(1)(C). The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 31: Practice of Fraud or Deceit

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723, 13741, 13742(2)(A)

PURPOSE: For purposes of 32 M.R.S. § 13742(2)(A), the practice of fraud or deceit includes, but is not limited to, the conduct described in this chapter. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 32: Issuance of Citations

STATUTORY AUTHORITY: 10 M.R.S. §8003-E; 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723

PURPOSE: This chapter lists the violations for which a citation may be issued, describes the licensee's right to request a hearing, and describes the time and manner in which the fine must be paid or a hearing requested. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 33: Access to Certain Medications by Certified Midwives

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13722, 13723, 13811, 13812

PURPOSE: This chapter implements P.L. 2007, c. 669 by: (a) regulating the sale of certain noncontrolled drugs and substances to certified midwives, (b) regulating the purchase and administration of certain noncontrolled drugs and substances by certified midwives, and (c) requiring certified midwives to record and report their purchase and administration of certain noncontrolled drugs and substances.

This chapter will be repealed as a result of Public Law 2015, Chapter 502, which repealed 32 M.R.S. §§ 13811 and 13812, the statutory references for this rule.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 34: Licensure of Retail Suppliers of Medical Oxygen

STATUTORY AUTHORITY: 22 M.R.S. § 2681(6); 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter establishes a limited type of retail pharmacy license for retail suppliers of medical oxygen. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Retail suppliers of medical oxygen and prescription devices

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 35: Licensure of Extended Hospital Pharmacies

STATUTORY AUTHORITY: 22 M.R.S. § 2681(6); 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter provides for the licensure of extended hospital pharmacies. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees, residents of long term care facilities that are wholly owned by the hospital in which the extended hospital pharmacy is located.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 36: Licensure of Opioid Treatment Programs

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter provides for the licensure of opioid treatment programs. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees, general public

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 37: Licensure of Sterile Compounding Pharmacies

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter provides for the licensure of sterile compounding pharmacies. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees, general public

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 38: Licensure of Closed-Shop Pharmacies

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter provides for the licensure of closed-shop pharmacies. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees, residents of long term care facilities and other institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 39: Collaborative Drug Therapy Management

STATUTORY AUTHORITY: 32 M.R.S. §§ 13720, 13846

PURPOSE: This chapter is a joint rule between the Board of Licensure in Medicine and the Board of Pharmacy for purposes of establishing safe and effective collaborative practice agreements, treatment protocols, and documentation and reporting requirements between a pharmacist and a practitioner. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees of the Maine Boards of Pharmacy and Medicine.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

(New) Chapter 40: Authorization, Training and Procedures for Prescribing and Dispensing Naloxone Hydrochloride

STATUTORY AUTHORITY: 32 MRS §§13720 and 13815

PURPOSE: This chapter establishes procedures and standards for authorizing pharmacists to prescribe and dispense naloxone hydrochloride (“Naloxone HCl”) and training requirements and protocols for prescribing and dispensing naloxone hydrochloride.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Licensees, general public

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

02-393

BOARD OF EXAMINERS IN PHYSICAL THERAPY

Maine Administrative Procedure Act

2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-393**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Examiners in Physical Therapy**

CONTACT PERSON FOR THIS AGENCY: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625, Geraldine.L.Betts@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY: The Board may review and amend for compliance with current law the licensure requirements for physical therapists, physical therapist assistants, and physical therapy aids. The code of professional practice also may be reviewed and updated as may be necessary. The Board may consider educational requirements for physical therapists that, as part of their physical therapy practice treatments, perform dry needling treatments. The Board may also consider continuing professional education requirements for licensure renewal.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 3112(5)(C)

PURPOSE: The chapter defines terms used throughout the Board's rules. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 2: General Provisions

STATUTORY AUTHORITY: 32 M.R.S. § 3112(5)(C)

PURPOSE: The chapter contains provisions describing the conduct of meetings and hearings, acting on requests for advisory rulings, complaint and investigation procedures and record keeping. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 3: Licensure Requirement for Physical Therapists and Physical Therapist Assistants

STATUTORY AUTHORITY: 32 M.R.S. §§ 3112(5)(A), (B), and (C), 3114-A, 3116

PURPOSE: The chapter states the requirements for issuance of a license to practice physical therapy, including application, education, experience, and references. The Board may review this chapter for conformance with law and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 4: Standards for Supervision of Physical Therapist Assistants and Physical Therapy Aids

STATUTORY AUTHORITY: 32 M.R.S. §§ 3112(5)(C), 3113-B(6)

PURPOSE: The chapter establishes standards by which physical therapist assistants and physical therapy aids will be supervised. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 5: Enforcement and Disciplinary Procedures

STATUTORY AUTHORITY: 32 M.R.S. § 3112(5)

PURPOSE: The chapter outlines enforcement and disciplinary procedures, including grounds for discipline and clarification of terms. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 6: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. §§ 3112(5)(C), (E), (F), and (G), 3117-A

PURPOSE: The chapter sets the standards of professional practice of physical therapy. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 7: Fees

STATUTORY AUTHORITY: 32 M.R.S. §§ 3112(5)(C) and (D), 3114-A(2)(B)

PURPOSE: The chapter establishes fees and is subject to repeal because fees for this program are now established by the Director of the Office of Professional and Occupational Regulation (OPOR) in Chapter 10 of OPOR's rules, as authorized by 10 M.R.S. § 8003(2-A)(D).

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

02-395

PLUMBERS' EXAMINING BOARD

Maine Administrative Procedure Act

2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-395**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Plumbers' Examining Board**

CONTACT PERSON FOR THIS AGENCY: Catherine M. Carroll, Board Administrator, 35 State House Station, Augusta, ME 04333, 207/624-8605, catherine.m.carroll@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY:

CHAPTER 1: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 3403-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the guidelines relating to advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 3: Licensing Requirements

STATUTORY AUTHORITY: 32 M.R.S. § 3403-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the requirements for licensure as a Trainee Plumber, Journeyman-in-Training, Journeyman Plumber, and Master Plumber.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 4: Installation Standards

STATUTORY AUTHORITY: 32 M.R.S. § 3403-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by adopting and amending standards for plumbing installations in the State of Maine.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 6: Reciprocity

STATUTORY AUTHORITY: 32 M.R.S. § 3403-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the procedures for qualifying for licensure by reciprocity.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-415

BOARD OF EXAMINERS OF PSYCHOLOGISTS

Maine Administrative Procedure Act
2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-415**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Examiners of Psychologists**

CONTACT PERSON FOR THIS AGENCY: Kristina M. Halvorsen, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625, Kristina.m.halvorsen@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY: The board may review current rules and make adjustments or corrections to the extensive 2008 recodification of the rules. Also, the board may review the pre- and postdoctoral supervision requirement for initial licensure for psychologists, and may review and amend the rules relating to supervision of conditional and temporary licensees and the rules relating to licensure mobility and telepsychology to address current practice standards and patient needs.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2)

PURPOSE: This chapter defines terms used throughout the board's rules. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 2: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the board. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 3: Application, Examination and the Licensure Process

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2), (5)

PURPOSE: This chapter sets forth the application and examination sequence for persons applying for licensure as a psychologist or psychological examiner, including authorization for acceptance of the ASPPB Certificate of Professional Qualification in Psychology (CPQ), ASPPB Psychology Licensure Universal System (PLUS) and the National Register (NR). This chapter also contains limitations on the conditional and temporary licenses, and provisions relating to licensure generally and supervision. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 4: Licensure of Psychologists

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2)

PURPOSE: This chapter establishes standards for the education and pre- and post-doctoral supervised experience of psychologists, supervision program requirements and supervisor responsibilities. The board may review this chapter to amend pre- and post-doctoral supervised experience requirements and review the rules for clarity and conformance with current statutes and make updates as may be necessary. The board may consider establishing procedures for licensees in another state to be licensed in this State by written agreement with another jurisdiction under a written licensing compact or any other method of license recognition.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 5: Licensure of Psychological Examiners

STATUTORY AUTHORITY: 32 M.R.S. §§ 3811(1), 3824(2)

PURPOSE: This chapter establishes standards for the education and supervised experience of psychological examiners. This chapter also addresses the provision of intervention services by psychological examiners. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 6: Supervision of Unlicensed Personnel

STATUTORY AUTHORITY: 32 M.R.S. §§ 3812-A(1), 3824(2)

PURPOSE: This chapter establishes standards for the supervision of unlicensed persons who participate in the provision of psychological services. The board may

review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 7: Qualifications of Supervisors

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2)

PURPOSE: This chapter sets forth qualification standards for supervising psychologists. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 8: Continuing Professional Education

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2), (6)

PURPOSE: This chapter requires licensees to update and advance their skills through continuing professional education so that the public may benefit from the most current and effective standards of professional practice. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 9: Ethical Standards and Practice Requirements

STATUTORY AUTHORITY: 32 M.R.S. §§ 3816, 3824(2)

PURPOSE: This chapter establishes ethical standards for psychologists and psychological examiners. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 10: Enforcement and Disciplinary Procedures

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2)

PURPOSE: This chapter specifies the enforcement and disciplinary procedures used by the board, sets forth grounds for discipline that interpret or supplement the statutory grounds for discipline contained in 10 M.R.S. § 8003(5-A) and 32 M.R.S. § 3837-A, and provides for the psychological evaluation of psychologists who may be impaired. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-039
REAL ESTATE COMMISSION
2017 - 2018 Regulatory Agenda

UMBRELLA-UNIT NUMBER: **02-039**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Real Estate Commission**

CONTACT PERSON FOR THIS AGENCY: Karen L. Bivins, Director of the Real Estate Commission, 35 State House Station, Augusta, ME 04333, (207) 624-8524, Karen.L.Bivins@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY:

CHAPTER 300: General Information

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This Chapter sets forth the guidelines for meetings and maintenance of Commission records. It may be necessary to amend the "records" section to clarify access to electronic records or other issues resulting from changes in technology.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 310: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter details procedures for submission, consideration and disposition of requests for advisory rulings. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 340: Complaints and Investigations

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This Chapter sets forth the guidelines for filing complaints and conducting investigations. As Commission decisions go through the appellate process, procedural issues may arise that would require the Commission to change its complaint and/or investigative process. Commission complaints are not typically filed under oath and the reference to filing a complaint under oath may be repealed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and complainants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 350: Adjudicatory Hearings

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This Chapter establishes the guidelines for adjudicatory hearings. As Commission decisions go through the appellate process, procedural issues may arise that would require the Commission to change its hearing process.

SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Real estate licensees and hearing participants.
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 360: Prerequisites to Licensure by Individuals

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This Chapter establishes the educational qualifications for licensure. Clarification of the educational options available to individuals at the different levels of licensure may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate license applicants and course providers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 370: Continuing Education

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This Chapter sets forth the guidelines for review and approval of continuing education courses. Changes in approved course topics may be necessary to reflect changes in the industry. Changes may be necessary to ensure that course filing procedures for all types of educational programs are consistent and provide for reasonable standards to ensure the delivery of qualified educational programs, including distance education delivery formats.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and continuing education providers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 390: Licensing Procedures and Requirements

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter provides information regarding examinations and explains the procedure for filing various license applications. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees, license applicants and course providers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 400: Agency/Designated Broker Responsibilities

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter details requirements of maintaining a real estate brokerage agency and establishes the specific supervisory responsibilities of the designated broker. The Commission may need to amend this chapter to clarify supervisory responsibilities, record keeping requirements and schedules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate companies, designated brokers, licensee and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 410: Minimum Standards of Practice

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter establishes and clarifies standards for practicing real estate brokerage. The Commission may need to amend this chapter to clarify

brokerage practice standards, as necessary, in response to consumer complaints or industry practice.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

02-643

BOARD OF SPEECH, AUDIOLOGY AND HEARING

2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-643**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Board of Speech, Audiology and Hearing**

CONTACT PERSON FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Coordinator, 35 State House Station, Augusta, Maine 04333-0035, (207) 624-8617, jennifer.m.hawk@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULEMAKING ACTIVITY:

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2)

PURPOSE: The board may review and revise this chapter, which defines terms used in the board's rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 2: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: The board may review and revise this chapter, which provides for the discretionary issuance of advisory rulings by the board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 3: Pathways to Licensure as a Speech-Language Pathologist, Audiologist or Hearing Aid Dealer and Fitter

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17301(1), (3) and (4), 17302(1)

PURPOSE: The board may review and revise the criteria for the initial licensure of speech-language pathologists, audiologists and hearing aid dealers and fitters.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 4: Licensure of Temporary Speech-Language Pathologists and Audiologists

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17301(6)

PURPOSE: The board may review and revise the provisions for initial and renewal licensure of temporary speech-language pathologists and audiologists.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 5: Permitting and Licensing of Hearing Aid Dealers and Fitters

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17301(2), 17302(2)

PURPOSE: The board may review and revise the criteria for the permitting, renewal, examination and supervision requirements for trainee hearing aid dealers and fitters.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 6: Application for Licensure

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2)

PURPOSE: The board may review and revise the application procedures for licenses, registrations and permits issued by the board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 7: License Renewal; Inactive Status

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17310

PURPOSE: The board may review and revise the procedures for: (a) license renewal by speech-language pathologists, audiologists and hearing aid dealers and fitters; (b) application for and renewal of inactive status licensure; and (c) reinstatement from inactive to active status licensure.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 8: Continuing Professional Education

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2)

PURPOSE: The board may review and revise the continuing education requirements for licensees of the board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 9: Speech-Language Pathology Assistants

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17301(5)

PURPOSE: The board may review and revise the qualifications, supervision requirements, and other responsibilities of speech-language pathologists for the assistants they supervise, and the scope of practice of speech-language pathology assistants.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 10: Practice of Hearing Aid Dealing and Fitting

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17305(5) and (6)

PURPOSE: The board may review and revise the practice requirements relating to the calibration of audiometers and minimum testing requirements for hearing and the model notice that the board is required to prepare pursuant to 32 MRSA §17305(6) in the form of a Sample Hearing Aid Purchase Agreement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 11: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2)

PURPOSE: The board may review and revise its code of ethics.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 12: Professional Misconduct

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2), 17307(1)

PURPOSE: The board may review and revise this chapter, which describes professional misconduct.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

02-041

Office of Professional and Occupational Regulation
REGULATION OF TRANSIENT SALES
2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Regulation of Transient Sales**

CONTACT PERSON FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Coordinator, 35 State House Station Augusta, ME 04333, (207) 624-8617, jennifer.m.hawk@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY: Currently, no rules exist for this program; however, rules may become necessary in the future if statutory changes are enacted.

CHAPTER AND TITLE: N/ A

STATUTORY BASIS: None currently.

PURPOSE: N/ A

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-285

BOARD OF VETERINARY MEDICINE
Maine Administrative Procedure Act
2017 - 2018 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-285**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Veterinary Medicine**

CONTACT PERSON FOR THIS AGENCY: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625, Geraldine.L.Betts@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2017-2018 RULE-MAKING ACTIVITY: Pursuant to 2015 Public Law Chapter 209, the Board may review and amend current rules and adopt new rules, and also may update rules in general as may be necessary. Rulemaking is underway for purposes of implementing 2016 Public Law Chapter 488, to establish professional education requirements for initial veterinarian licensee applicants and continuing

professional requirements for licensure renewal on prescribing opioid medication. The Board may review licensing requirements for veterinarians and veterinary technicians, recordkeeping requirements, continuing professional education requirements, and practice standards for veterinarians and veterinary technicians, including safe operation and sanitation standards for a veterinary clinic. Other rules affected by licensing and/or other continuing education changes may be subject to amendment.

CHAPTER 1: Definitions and Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. § 9001(4); 32 M.R.S. §§ 4859(1) and (3), 4861, 4871(2)

PURPOSE: This chapter defines terms used throughout the Board's rules and describes the Board's procedures for issuance of advisory rulings. The Board may review this chapter for conformance with current statutes and make changes as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 2: Licensure Requirements for Veterinarians and Permit for Performance of Relief Veterinary Service

STATUTORY AUTHORITY: 32 M.R.S. §§ 4859(1), 4861(4), 4871(2)

PURPOSE: This chapter sets forth requirements for issuance of a license to practice veterinary medicine and permits for the performance of relief veterinary service including: application, education, experience, and references. The Board may review this chapter for conformance with current statutes and make changes as needed. The section on temporary permits will be repealed to conform to newly enacted law.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 3: Registration Requirements for Veterinary Technicians

STATUTORY AUTHORITY: 32 M.R.S. § 4859(6)

PURPOSE: This chapter establishes registration requirements and procedures for veterinary technicians. The Board may review this chapter for conformance with current statutes and make changes as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 4: Continuing Professional Education for Veterinarians

STATUTORY AUTHORITY: 32 M.R.S. §§ 4871(2), 4878(3)

PURPOSE: This chapter establishes requirements for continuing professional education for license renewal and the manner in which sponsored continuing education courses and programs are considered for approval. The Board may amend this chapter to conform to rules adopted by the Office of Professional and Occupational Regulation on substantiation of continuing education by licensed practitioners. Rule amendment for implementation of 2015 Public Law Chapter 488 requiring a veterinarian to complete three hours of continuing education on the prescription of opioid medication as a condition of prescribing opioid medication.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 5: Standards for Veterinary Practice Facilities and Record Keeping

STATUTORY AUTHORITY: 32 M.R.S. § 4859(3)

PURPOSE: This chapter establishes appropriate safety, sanitation, and procedural guidelines for veterinarians and veterinary clinic operations. The Board may review this chapter for conformance with current statutes and to improve the manner in which veterinary clinics operate within the Board's statutory authority, particularly with regard to recordkeeping.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 6: Enforcement and Disciplinary Procedures

STATUTORY AUTHORITY: 32 M.R.S. § 4859(3)

PURPOSE: This chapter sets forth enforcement and disciplinary procedures used by the Board. The Board may review this chapter for conformance with current statutes and make changes as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 7: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. §§ 4859(2) and (3), 4864(11)

PURPOSE: This chapter establishes professional practice standards for the practice of veterinary medicine. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.