**02-502**

**BOARD OF COMPLEMENTARY HEALTH CARE PROVIDERS**

Maine Administrative Procedure Act

2014-2015 Regulatory Agenda

Prepared: July 28, 2014

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**

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**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2014-2015 RULE-MAKING ACTIVITY:** The Board adopted new rules in November 2013. During this reporting period, the Board may address errors and omissions as a result of the recent rules adopted. Amendments and/or updates involving all rules may include, but is not limited to; definitions, advisory rulings, requirements for licensing of acupuncturists and naturopathic doctors, continuing education requirements, and the code of ethic and standards of practice. The Board may consider updating the rule on prescribing noncontrolled legend drugs by naturopathic doctors in accordance with 32 MRS §12522, and standards for collaborative relationships between a licensed allopathic or osteopathic physician and the naturopathic doctor. Outdated or duplicative rules that may exist in 10 MRSA, Part 9, Chapter 901 and rules established by the Office of Professional and Occupational Regulation as authorized by 10 MRSA §8003 will be updated or repealed.

**CHAPTER 1**: Definitions

STATUTORY AUTHORITY: 32 MRSA §12503

PURPOSE: Clarifies and 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.

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

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 2**: General Provisions

STATUTORY AUTHORITY: 32 MRSA §12503

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.

ANTICIPATED 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 MRSA §§ 12503 (B) and (D) and 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.

ANTICIPATED 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 MRSA §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.

ANTICIPATED 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 MRSA §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.

ANTICIPATED 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 Acupuncture and Naturopathic Doctors

STATUTORY AUTHORITY: 32 MRSA §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 recently adopted rules by the Office of Licensing and Registration on substantiation of continuing education by licensed practitioners.

ANTICIPATED 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 MRSA §§ 12503(1)(A & B), and 12506

PURPOSE: The formulary listing 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 MRSA§12522.

ANTICIPATED 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 MRSA §12503

PURPOSE: Establishes the 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.

ANTICIPATED 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 MRSA §12503(B)

PURPOSE: 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.

ANTICIPATED SCHEDULE FOR ADOPTION: Within one year, if necessary

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 9**: Fees

STATUTORY AUTHORITY: 32 MRSA §§ 12514(2) and 12526 (1)

PURPOSE: Establish fees at a level that insures the financial integrity of the Board. This chapter is subject to repeal as fees for this program are adopted under Chapter 10 Fee Rules issued by the Office of Professional and Occupational Regulation as authorized by 10 MRSA §8003(2-A)(D).

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

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated