**02-383**

**BOARD OF OSTEOPATHIC LICENSURE**

2016/2017 Regulatory Agenda

August 8, 2016

*(including amendments filed November 29, 2016 and August 2, 2017)*

AGENCY UMBRELLA-UNIT NUMBER: **02-383**

AGENCY NAME: **Board of Osteopathic Licensure** (Affiliated with the Department of Professional & Financial Regulation)

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

**EXPECTED 2016/2017 RULE-MAKING ACTIVITY**:

**NEW RULE CHAPTER 1**: Definitions

STATUTORY AUTHORITY: 32 MRS §§ 2562 & 2581

PURPOSE: To identify the meanings of certain words used throughout the Board rules.

ANTICIPATED SCHEDULE: Winter/Spring 2016/2017

AFFECTED PARTIES: Citizens and licensees of the State of Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

*Chapter 6 added by amendment November 29, 2016*

**CHAPTER 6**: Telemedicine Standards of Practice

STATUTORY BASIS: 32 MRS §§ 2562 & 2581

PURPOSE: To create a joint rule with the Board of Licensure in Medicine to establish standards for the practice of medicine using telemedicine.

SCHEDULE FOR ADOPTION: Winter 2016/2017

AFFECTED PARTIES: Physicians, physician assistants and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE CHAPTER 7**: Complaints, Investigations, Ethics & Unprofessional Conduct

PURPOSE: To protect the citizens of Maine, this rule will describe the procedure the Board uses for processing complaints and or initiating its own complaints & investigations and define those acts and/or omissions that constitute unprofessional conduct and unethical behavior.

ANTICIPATED SCHEDULE: Winter/Spring 2016/2017

AFFECTED PARTIES: Citizens and licensees of the State of Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**NEW RULE CHAPTER 8**: Rules/Regulations for Licensure of Osteopathic Physicians

PURPOSE: To protect the citizens of Maine, this chapter will clarify the statute for licensure and will describe the requirements established by the Board for the licensing and renewal of osteopathic physicians.

ANTICIPATED SCHEDULE: Winter/Spring 2016/2017

AFFECTED PARTIES: Citizens and licensees of the State of Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**NEW RULE CHAPTER 9**: Citations/Costs/Fines

STATUTORY AUTHORITY: 32 MRS §§ 2562 & 2581

PURPOSE: This chapter lists the violations for which the Board may issue a citation and administrative fine, describes the licensee’s right to request a hearing and describes the time and manner in which the fine must be paid.

ANTICIPATED SCHEDULE: Winter/Spring 2016/2017

AFFECTED PARTIES: Citizens and licensees of the State of Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**AMEND RULE CHAPTER 10**: Sexual Misconduct (jointly with the Board of Licensure in Medicine)

STATUTORY AUTHORITY: 32 MRS §§ 2562 & 2581

PURPOSE: To clarify rules regarding sexual misconduct by physicians and physician assistants to protect the citizens of Maine.

ANTICIPATED SCHEDULE: Winter/Spring 2016/2017

AFFECTED PARTIES: Citizens and licensees of the State of Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**NEW RULE CHAPTER 11**: Offer, Sale, Rental or Lease of Health-Related or Non-Health Related Goods

STATUTORY AUTHORITY: 32 MRS §§ 2562 & 2581

PURPOSE: To establish policy and guidelines regarding the offer, sale, rental or lease of health-related or non-health related goods by a physician or physician assistant.

ANTICIPATED SCHEDULE: Spring 2017

AFFECTED PARTIES: Citizens and licensees of the State of Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**NEW RULE CHAPTER ~~12~~ 15**: Alternative Therapies *(APA Office Note: chapter number changed by an amendment received on August 3, 2017.)*

STATUTORY AUTHORITY: 32 MRS §§ 2562 & 2581

PURPOSE: To clarify the professional responsibilities of those osteopathic physicians who utilize alternative therapies in their treatment of patients.

ANTICIPATED SCHEDULE: Spring 2017

AFFECTED PARTIES: Citizens and licensees of the State of Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

*Chapter 12 added by amendment August 3, 2017*

**CHAPTER 12**: Medication-Assisted Treatment (MAT)

STATUTORY BASIS: 32 MRS §§ 2562 & 2581

PURPOSE: To set standards for prescribing for and treatment of patients with Buprenorphine.

SCHEDULE FOR ADOPTION: Summer/Fall 2017

AFFECTED PARTIES: Physicians, physician assistants and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**NEW RULE CHAPTER 13**: Disruptive Conduct

STATUTORY AUTHORITY: 32 MRS §§ 2562 & 2581

PURPOSE: To protect the citizens of the State of Maine

ANTICIPATED SCHEDULE: Spring/Summer 2017

AFFECTED PARTIES: Citizens and licensees of the State of Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**AMEND RULE CHAPTER 14**: Continuing Medical Education (amend existing rule)

STATUTORY AUTHORITY: 32 MRS §§ 2562 & 2581

PURPOSE: To update and clarify the continuing medical education requirements for osteopathic physicians.

ANTICIPATED SCHEDULE: Spring 2017

AFFECTED PARTIES: Citizens and licensees of the State of Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**REPEAL RULE CHAPTER 20**: Medical Liability Demonstration Project – Anesthesiology Specialty Practice/Risk Protocol

STATUTORY AUTHORITY: 32 MRS §§ 2562 & 2581

PURPOSE: No longer applicable – this project ended years ago.

ANTICIPATED SCHEDULE: Winter 2016

AFFECTED PARTIES: Citizens and licensees of the State of Maine.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

*Chapter 21 added by amendment November 29, 2016*

**CHAPTER 21**: Use of Controlled Substances for Treatment of Pain

STATUTORY BASIS: 32 MRS §§ 2562 & 2581

PURPOSE: To revise the current rule, joint with the Board of Licensure in Medicine, the Board of Dental Examiners, the Board of Nursing and the Board of Podiatric Medicine. Revisions will include the establishment of standards for proper pain management which will include, but not be limited to, a treatment plan, documentation and other universal precautions as well as a continuing medical education for the prescribing of opioid medications.

SCHEDULE FOR ADOPTION: Winter/Spring 2017

AFFECTED PARTIES: Physicians, physician assistants and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**REPEAL RULE CHAPTER 22**: Medical Liability Demonstration Project – Emergency Medicine Specialty Practice/Risk Protocol

STATUTORY AUTHORITY: 32 MRS §§ 2562 & 2581

PURPOSE: No longer applicable – this project ended years ago

ANTICIPATED SCHEDULE: Winter 2016

AFFECTED PARTIES: Citizens and licensees of the State of Maine.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**REPEAL RULE CHAPTER 24**: Medical Liability Demonstration Project – Ob/Gyn Specialty Practice/Risk Protocol

STATUTORY AUTHORITY: 32 MRS §§ 2562 & 2581

PURPOSE: No longer applicable – this project ended years ago

ANTICIPATED SCHEDULE: Winter 2016

AFFECTED PARTIES: Citizens and licensees of the State of Maine.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**REPEAL RULE CHAPTER 26**: Medical Liability Demonstration Project – Radiology Specialty Practice/Risk Protocol

STATUTORY AUTHORITY: 32 MRS §§ 2562 & 2581

PURPOSE: No longer applicable – this project ended years ago

ANTICIPATED SCHEDULE: Winter 2016

AFFECTED PARTIES: Citizens and licensees of the State of Maine.

CONSENSUS-BASED RULE DEVELOPMENT: N/A