**02-383**

**BOARD OF OSTEOPATHIC LICENSURE**

2017-2018 Regulatory Agenda

May 4, 2018

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

AGENCY NAME: **Board of Osteopathic Licensure**

**RULEMAKING LIAISON**: Susan E. Strout, Executive Secretary, 142 State House Station, Augusta, ME 04333-0142. Telephone: (207) 287-2480. Email: osteo.pfr@maine.gov or Susan.E.Strout@Maine.gov .

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

**EXPECTED 2017 - 2018 RULE-MAKING ACTIVITY:**

**NEW RULE CHAPTER 1**: Definitions

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

PURPOSE: To identify the definition(s) of certain terms/words frequently used. ANTICIPATED SCHEDULE: Winter/Spring 2018

AFFECTED PARTIES: Citizens and licensees of the State of Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**CHAPTER 2**: Joint Rule Regarding Physician Assistants

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

PURPOSE: This rule, joint with the Board of Licensure in Medicine sets forth the licensure, registration, scope of practice, supervision, notification & continuing medical education (CME) requirements for physician assistants who are supervised by osteopathic and/or allopathic physicians. Proposed revisions to Chapter 2 include clarification of clinical competency and continuing medical education requirements for physician assistants.

SCHEDULE FOR ADOPTION: Winter/Spring 2018

AFFECTED PARTIES: Applicants for licensure/renewal of licensure and patients CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

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

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

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 2018

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

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

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

ANTICIPATED SCHEDULE: Winter/Spring 2018

AFFECTED PARTIES: Citizens and licensees of the State of Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**NEW RULE CHAPTER 9**: Citing Costs/Issuing Citations & Fines

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

PURPOSE: This chapter lists violations for which the Board may cite costs, issue a citation or administrative fine and 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 2018

AFFECTED PARTIES: Citizens and licensees of the State of Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**AMEND RULE CHAPTER 10**: Sexual Misconduct

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

PURPOSE: This rule, joint with the Board of Licensure in Medicine, defines sexual misconduct by physicians and physician assistants, sets forth the range of sanctions applicable to violations of this rule. The Boards will propose revisions to this chapter including identifying the factors to be considered by the Boards when contemplating Board action.

ANTICIPATED SCHEDULE: Winter/Spring 2018

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 M.R.S. §§ 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: Winter/Spring 2018

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**NEW RULE CHAPTER 12**: Office Based Medication-Assisted Treatment of Opioid Use Disorder with Buprenorphine

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

PURPOSE: The proposed rule joint with the Board of Licensure in Medicine and the Board of Nursing will establish standards of care to ensure the safe and adequate medication-assisted treatment of opioid use disorder with buprenorphine, in an office-based setting.

SCHEDULE FOR ADOPTION: Winter/Spring 2018

AFFECTED PARTIES: Physicians, physician assistants and patients

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**NEW RULE CHAPTER 13**: Disruptive Conduct

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

PURPOSE: To protect the citizens of the State of Maine.

ANTICIPATED SCHEDULE: Spring/Summer 2018

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 M.R.S. §§ 2562 & 2581

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

ANTICIPATED SCHEDULE: Spring/Summer 2018

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**NEW RULE CHAPTER 15**: Alternative Therapies

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

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

ANTICIPATED SCHEDULE: Spring/Summer 2018

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**AMEND RULE CHAPTER 19**: Physician - Schedule for License Renewals

STATUTORY AUTHORITY: 32 M.R.S. §2581

PURPOSE: To update and clarify the schedule for the renewal of an osteopathic physician's license.

ANTICIPATED SCHEDULE: Spring/Summer 2018

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 M.R.S. §§ 2562 & 2581

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

ANTICIPATED SCHEDULE: Winter/Spring 2018

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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**REPEAL/REPLACE RULE CHAPTER 21**: Use of Controlled Substances for Treatment of Pain

STATUTORY AUTHORITY: 32 M.R.S. §§ 2562 & 2600-C

PURPOSE: This rule, joint with the Board of Li censure in Medicine, the Board of Nursing and the Board of Podiatric Medicine ensures adequate pain relief to Maine citizens. Proposed revisions to this chapter include establishing 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 (CME) requirement for the prescribing of opioid medication(s).

SCHEDULE FOR ADOPTION: Winter/Spring 2018

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

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

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

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

ANTICIPATED SCHEDULE: Winter/Spring 2018

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 M.R.S. §§ 2562 & 2581

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

ANTICIPATED SCHEDULE: Winter/Spring 2018

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 M.R.S. §§ 2562 & 2581

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

ANTICIPATED SCHEDULE: Winter/Spring 2018

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

CONSENSUS-BASED RULE DEVELOPMENT: N/A