**02-383**

**BOARD OF OSTEOPATHIC LICENSURE**

2019 - 2020 Regulatory Agenda

September 25, 2019

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](mailto:osteo.pfr@maine.gov) or [Susan.E.Strout@Maine.gov](mailto:Susan.E.Strout@Maine.gov).

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

**EXPECTED 2019 – 2020 RULE-MAKING ACTIVITY:**

**NEW RULE CHAPTER 1**: **Definitions**

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

PURPOSE: To define certain terms/words frequently used.

ANTICIPATED SCHEDULE: Winter/Spring 2020

AFFECTED PARTIES: Citizens and licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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

STATUTORY BASIS: 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.

SCHEDULE FOR ADOPTION: Winter/Spring 2020

AFFECTED PARTIES: Citizens and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

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

STATUTORY BASIS: 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 2020

AFFECTED PARTIES: Citizens and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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

STATUTORY BASIS: 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 2020

AFFECTED PARTIES: Citizens and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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

STATUTORY BASIS: 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 2020

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

**AMEND EXISTING RULE CHAPTER 10**: **Sexual Misconduct**

STATUTORY BASIS: 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 and sets forth the range of sanctions which are applicable to rule violations. The Boards will propose revisions to this chapter including identifying the factors to be considered by the Boards when contemplating action against a licensee.

ANTICIPATED SCHEDULE: Winter/Spring 2020

AFFECTED PARTIES: Citizens and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

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

STATUTORY BASIS: 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 2020

AFFECTED PARTIES: Citizens and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

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

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

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

SCHEDULE FOR ADOPTION: Winter/Spring 2020

AFFECTED PARTIES: Physicians, physician assistants and their patients.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**NEW RULE CHAPTER 13**: **Disruptive Conduct**

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

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

ANTICIPATED SCHEDULE: Winter/Spring 2020

AFFECTED PARTIES: Citizens and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**AMEND EXISTING RULE CHAPTER 14**: **Continuing Medical Education**

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

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

ANTICIPATED SCHEDULE: Winter/Spring 2020

AFFECTED PARTIES: Citizens and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**NEW RULE CHAPTER 15**: **Alternative Therapies**

STATUTORY BASIS: 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: Winter/Spring 2020

AFFECTED PARTIES: Citizens and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**AMEND EXISTING RULE CHAPTER 19**: **Physician – Schedule for License Renewals**

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

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

ANTICIPATED SCHEDULE: Winter/Spring 2020

AFFECTED PARTIES: Citizens and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**AMEND EXISTING RULE CHAPTER 21: Use of Controlled Substances for Treatment of Pain**

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

PURPOSE: Proposed revisions to this rule which is joint with the Board of Licensure in Medicine and the State Board of Nursing, will update and clarify certain sections of the rule and address issues raised.

ANTICIPATED SCHEDULE: Winter/Spring 2020

AFFECTED PARTIES: Citizens and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.