**02-502**

**BOARD OF COMPLEMENTARY HEALTH CARE PROVIDERS**

2020 – 2021 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**

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

**EXPECTED 2020-2021 RULE-MAKING ACTIVITY:** The Board last adopted rules in 2013. 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, including but not limited to, establishing requirements for initial and renewal licensure, continuing professional education, standards for the practice of midwives and jointly with the Maine Board of Licensure in Medicine rules on the drug formulary, informed consent documentation, preexisting conditions that render a pregnancy ineligible for out-of-hospital birth and data collection and reporting, and rules on data collection. The Board is expected to adopt rules to implement 2019 Public Law Chapter 269 for licensing auricular acupuncture detoxification specialists, which will include at a minimum, requirements for licensure and approved training.

**CHAPTER 1**: Definitions

STATUTORY BASIS: 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 BASIS: 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 BASIS: 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 BASIS: 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 BASIS: 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 BASIS: 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 BASIS: 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 BASIS: 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 BASIS: 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 BASIS: 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