

Maine Administrative Procedure Act
2022-2023 Regulatory Agendas

02

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

by umbrella-unit number

- 02-029: Bureau of Financial Institutions
- 02-031: Bureau of Insurance
- 02-039: Real Estate Commission

- 02-041: **Office of Professional and Occupational Regulation (OPOR)**
 - American Sign Language Interpreters (OPOR)
 - Athletic Trainers (OPOR)
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Maine Administrative Procedure Act
2022-2023 Regulatory Agenda
Bureau of Financial Institutions, DPFR
June 17 2022

The following is the Bureau of Financial Institutions' 2022-2023 Regulatory Agenda prepared in accordance with Title 5 M.R.S. § 8060.

AGENCY UMBRELLA-UNIT NUMBER: 02-029

AGENCY NAME: Department of Professional & Financial Regulation, Bureau of Financial Institutions

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EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2022-2023 RULEMAKING ACTIVITY:

CHAPTER 101: Retention Of Records - Financial Institutions

STATUTORY AUTHORITY: 9-B M.R.S. § 225

PURPOSE: This rule sets forth the minimum time frames under which a financial institution must retain its customer transaction records. The Bureau may amend this rule to keep pace with changes in the industry.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: All state-chartered financial institutions and their customers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 107: Activities Permissible For Financial Institution Holding Companies

STATUTORY AUTHORITY: 9-B M.R.S. § 1014

PURPOSE: This rule identifies permissible closely related activities in which a financial institution may engage either directly or through a subsidiary of a financial institution holding company. The Bureau may amend this rule to keep pace with changes in authorizing state statute, federal rules in this area, and the evolution of the financial services industry.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: All state-chartered financial institutions and holding companies

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 108: Loans Secured By A First Mortgage On Residential Real Estate Payable On Demand

STATUTORY AUTHORITY: 9-B M.R.S. § 241

PURPOSE: This rule prohibits the use of demand mortgages for most consumer transactions. The Bureau may amend this rule to keep pace with changes in industry and secondary market standards for sale of mortgages.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: State-chartered financial institutions and consumers of financial services

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 109: Advertising By Financial Institutions, Financial Institution Holding Companies, And Subsidiaries Or Service Corporations

STATUTORY AUTHORITY: 9-B M.R.S. §§ 215, 241, and 242

PURPOSE: This rule provides guidance for advertising by financial institutions. The Bureau may amend this rule to keep pace with changes in state/federal rules governing this area.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: State-chartered financial institutions and consumers of financial services

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 118: Funds Availability And Truth-In-Savings

STATUTORY AUTHORITY: 9-B M.R.S. §§ 241-242

PURPOSE: This regulation sets forth minimum standards for funds availability and for disclosure of policies and fees charged to customers of financial institutions in conjunction with the maintenance and operation of deposit accounts. The Bureau may amend this rule to keep pace with changes in the industry and/or federal rules.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: State-chartered financial institutions and consumers of financial services

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 119: Alternative Mortgage Transactions (Bureau of Consumer Credit Protection Chapter 250).

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 215, and 241; 9-A M.R.S. §§ 1-102, 6-104, 8-504, 8-507, 8-508, and 9-302

PURPOSE: This joint rule sets forth the guidelines for regulating alternative mortgage transactions entered into by financial institutions and supervised lenders. The Bureau and the Bureau of Consumer Credit Protection may amend the rule in response to changes in federal law and in response to industry and secondary market standards for sale of mortgages.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Maine consumers of financial services, state-chartered financial institutions and other licensed creditors

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 122: Securities Activities Of Subsidiaries Of Financial Institutions

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 131, and 416

PURPOSE: This rule provides the regulatory framework for financial institutions to engage in certain securities brokerage activities. The Bureau may amend the rule to keep pace with changes in industry.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: State-chartered financial institutions and consumers of financial services

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 123: Insurance Activities In Financial Institutions

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 241, and 416

PURPOSE: This rule provides the regulatory framework for financial institutions to enter into lease arrangements with an insurance producer for the distribution of insurance products. The Bureau may amend rule to keep pace with changes in state law and the regulated industry.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: State-chartered financial institutions and consumers of financial services

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 126: Guaranty Association Lines Of Credit (Bureau of Insurance Chapter 570)

STATUTORY AUTHORITY: 9-B M.R.S. § 215 and 24-A M.R.S. §§ 212, 4435 and 4605-A

PURPOSE: This joint rule was issued to establish the terms, conditions, standards, and form of any line of credit extended to the Maine Insurance Guaranty Association, Maine Life and Health Insurance Guaranty Association, or any of their member insurers, for purposes of facilitating the prompt payment of covered claims against insolvent insurers. The Bureau may amend this rule to keep pace with changes in the industry.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: All financial institutions and Maine insurance company members of the Maine Insurance Guaranty Association

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 127: Minimum Capital Standards

STATUTORY AUTHORITY: 9-B M.R.S. § 412-A

PURPOSE: This regulation sets forth minimum capital requirements for Maine chartered financial institutions. The Bureau may amend this rule to keep pace with changes in federal law and/or the regulated industry.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: All state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 128: Loans To One Borrower Limitations

STATUTORY AUTHORITY: 9-B M.R.S. §§ 215 and 439-A

PURPOSE: This regulation establishes the basis for determining the legal lending limit for all Maine chartered financial institutions, including their subsidiaries, to an individual borrower. The Bureau may amend this rule to keep pace with changes in federal law and/or the regulated industry.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: All state-chartered financial institutions and their borrowers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 129: Financial Institutions And Broker-Dealers Engaging In Third Party Brokerage Arrangements (Office of Securities Chapter 506)

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 241, and 416; 32 M.R.S. § 16605

PURPOSE: This joint rule provides the regulatory framework for financial institutions and licensed broker-dealers to enter into arrangements for the sale of securities. The Bureau and the Office of Securities may amend this rule to keep pace with federal law and/or the regulated industry.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: All state-chartered financial institutions and consumers of non-deposit products

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 130: Distribution Of Annuities Through Financial Institutions

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 241, and 443

PURPOSE: This regulation establishes the framework within which a financial institution may sell, or arrange for the sale of, annuities purchased from a licensed insurance company. The Bureau may amend this rule to keep pace with state or federal law.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: All state-chartered financial institutions and consumers of non-deposit products

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 131: Assessments – Financial Institutions

STATUTORY AUTHORITY: 9-B M.R.S. §§ 214, 215

PURPOSE: This regulation establishes the assessment rate to be applied to Maine chartered financial institutions in order to provide for a reasonable flow of revenue to support Bureau operations. The Bureau may amend this rule to keep pace with changes in the regulated industry.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: All state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 132: Mutual Holding Companies

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 416, and 1055

PURPOSE: This rule provides the regulatory framework to permit a mutual financial institution to reorganize into a subsidiary stock savings bank and form a mutual holding company. The Bureau may amend this rule to keep pace with state/federal law.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: All state-chartered mutual and cooperative financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 133: Leasing Of Personal Property By State-Chartered Credit Unions

STATUTORY AUTHORITY: 9-B M.R.S. §111, 215, and 828

PURPOSE: This rule provides the regulatory framework to permit state-chartered credit unions to lease personal property to their members. The Bureau may amend this rule to keep pace with federal law.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: All state-chartered credit unions and their members

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 134: Credit Union Service Corporations

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 131, 215, 828, and 864

PURPOSE: This rule authorizes state-chartered credit unions to invest in service corporations that may engage in any activity permissible for a service corporation owned by a federally chartered credit union. The Bureau may amend this rule to keep pace with federal law.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: All state-chartered credit unions and their members

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 135: Permissible Tie-In Arrangements

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 215, and 243

PURPOSE: This rule permits a financial institution authorized to do business in Maine to tie certain products/services to those of affiliates as permitted under federal law. The Bureau may amend this rule to keep pace with federal law.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: All state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 136: Deposit Production Offices

STATUTORY AUTHORITY: 9-B M.R.S. § 241

PURPOSE: This rule sets forth the factors that the Superintendent will consider in determining whether a financial institution or credit union authorized to do business in this State is operating a deposit production office. The Bureau may amend this rule to keep pace with changes on state/federal level.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Maine consumers and businesses and all financial institutions authorized to do business in this state

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 137: Interstate Branch Assessment

STATUTORY AUTHORITY: 9-B M.R.S.A § 214

PURPOSE: This rule establishes a reasonable fee which must be paid to the Bureau by out of state, state chartered and foreign banks that operate interstate branches in Maine. The Bureau may amend this rule to keep pace with changes in the industry.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Any financial institution operating an interstate branch

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 138. Truth-In-Lending, Regulation Z-3 (Reg. 38) (Bureau of Consumer Credit Protection Chapter 240)

STATUTORY AUTHORITY: 9-A M.R.S. §§ 1-102, 6-104, 8-504, and 8-507

PURPOSE: In order to keep pace with federal regulatory changes, the Bureau may adopt or amend a rule substantially similar to, or that affords more protection for consumers than, the implementing regulations Z and M of the Federal Truth-in-Lending Act. The Bureau may engage in joint rulemaking with the Bureau of Consumer Credit Protection, consistent with Article 8-A of the Maine Consumer Credit Code.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: All state-chartered financial institutions, supervised lenders, and consumers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 139: Sale Of Insurance Products By Financial Institutions And Supervised Lenders. (Bureau of Consumer Credit Protection Chapter 400 and Bureau of Insurance Regulation Chapter 880)

STATUTORY AUTHORITY: 9-B M.R.S. §§ 416 and 448; 9-A M.R.S. §4-407; and 24-A M.R.S.A. § 1443-A(3)

PURPOSE: This tripartite rule establishes the requirements with respect to signage, physical location and identification of insurance agencies, producers and consultants in connection with the sale of insurance products by financial institutions, etc. The Bureau may amend this rule with Bureau of Insurance and Bureau of Consumer Credit Protection to keep pace with changes in the industry and regulatory arena.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Maine consumers and state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 140: Student Loan Disclosures. (Bureau of Consumer Credit Protection Chapter 245)

STATUTORY AUTHORITY: 9-A M.R.S. §8-104; Title 10 M.R.S. §363

PURPOSE: This joint rule establishes disclosure and procedural requirements for student loan products offered by lenders and issuers and funded by an allocation of the state's bond ceiling. The Bureau may amend this joint rule with the Bureau of Consumer Credit Protection to keep pace with changes in the industry.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: All lenders and issuers of student loan products and consumers borrowing under those programs

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 141: Assessments – Nondepository Trust Companies, Uninsured Banks, and Merchant Banks

STATUTORY AUTHORITY: 9-B M.R.S. §§ 214 and 215

PURPOSE: This rule addresses assessments paid by state-chartered nondepository trust companies, uninsured banks, and merchant banks.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: State chartered limited purpose financial institutions.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 142: Charges Permitted For Prepayment of Certain Consumer Loans

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111, 215, 241, 242; and 251; 9-A M.R.S. § 2-509

PURPOSE: This rule addresses reasonable charges that a bank or credit union may assess for the prepayment of a consumer loan.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: State chartered financial institutions and Maine consumers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: 143: Multiple Of The State Or Federal Minimum Wage (Bureau of Consumer Credit Protection Chapter 120)

STATUTORY AUTHORITY: 9-A M.R.S. §§1-301, 5-105, 6-103, and 6-104; 9-B M.R.S. § 215

PURPOSE: To establish a method for calculating the maximum earnings subject to garnishment when an individual debtor is not paid on a weekly basis.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Maine consumers, financial institutions, non-bank lenders, and general creditors

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 145: Student Loans (Bureau of Consumer Credit Protection Chapter 600)
STATUTORY AUTHORITY: 9-A M.R.S. §§1-301 6-103, 6-104 and 8-504; 9-B M.R.S. § 215

PURPOSE: Engage in joint rulemaking with the Bureau of Consumer Credit Protection to allow creditors to engage in nonguaranteed student lending.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Maine consumers, financial institutions, and nonbank lenders

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule

STATUTORY AUTHORITY: 9-B M.R.S. §§ 111 and 1015

PURPOSE: If circumstances warrant, may propose new rule to address applications processing protocol.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: All state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule

STATUTORY AUTHORITY: 9-B M.R.S. § 215

PURPOSE: If circumstances warrant, may propose new rule to address safety and soundness issues essential to the supervision of state-chartered financial institutions.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Maine businesses and consumers of financial services and all state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule

STATUTORY AUTHORITY: 9-B M.R.S. § 367-A

PURPOSE: If circumstances warrant, may propose new rule to address the process for establishing and implementing a receivership or conservatorship in a Maine financial institution.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Maine businesses and consumers of financial services and all state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule

STATUTORY AUTHORITY: 9-B M.R.S. §§ 416 and 828

PURPOSE: If circumstances warrant, may propose new rule to address safety and soundness and consumer protection issues relating to powers granted through parity.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Consumers of financial services and all state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule

STATUTORY AUTHORITY: 9-B M.R.S. § 418

PURPOSE: If circumstances warrant, may propose new rule to expand the activities in which a financial institution may engage under agency agreement.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Consumers of financial services and any financial institution providing services through agency agreements

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule

STATUTORY AUTHORITY: 9-B M.R.S. §§ 131(6-A), 446-A, and 1014

PURPOSE: If circumstances warrant, may propose new rule expanding the list of closely related activities to keep pace with changes in state/federal law and in the financial services industry.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Maine consumers and businesses and state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule

STATUTORY AUTHORITY: 9-B M.R.S. § 469

PURPOSE: If circumstances warrant, may propose new rule defining a change in the composition of all or substantially all of a financial institution's assets and setting forth the factors to consider in determining what constitutes a fundamental change in assets.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Maine state-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule

STATUTORY AUTHORITY: 9-B M.R.S. § 468

PURPOSE: If circumstances warrant, may propose new rule to define or further define instructions on transactions with affiliates.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: State-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule

STATUTORY AUTHORITY: 9-B M.R.S. § 475

PURPOSE: If circumstances warrant, may propose new rule to address trust activities of financial institutions.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: State-chartered financial institutions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule

STATUTORY AUTHORITY: 9-B M.R.S. § 814

PURPOSE: If circumstances warrant, may propose new rule to address conversion of a credit union field of membership to a community based field of membership.

ANTICIPATED SCHEDULE: 2022-2023
AFFECTED PARTIES: State chartered credit unions
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule
STATUTORY AUTHORITY: 9-B M.R.S. §§ 842 and 828
PURPOSE: If circumstances warrant, may propose new rule to address powers and duties of the Board of Directors of credit unions.
ANTICIPATED SCHEDULE: 2022-2023
AFFECTED PARTIES: All state-chartered credit unions
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule
STATUTORY AUTHORITY: 9-B M.R.S. § 831
PURPOSE: If circumstances warrant, may propose new relating to adequate levels of net worth for credit unions.
ANTICIPATED SCHEDULE: 2022-2023
AFFECTED PARTIES: State chartered credit unions
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule
STATUTORY AUTHORITY: 9-B M.R.S. § 843
PURPOSE: If circumstances warrant, may propose new rule to address employee benefits, including retirement benefits, for credit union employees and officers.
ANTICIPATED SCHEDULE: 2022-2023
AFFECTED PARTIES: State chartered credit unions
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule
STATUTORY AUTHORITY: 9-B M.R.S. § 844
PURPOSE: If circumstances warrant, may propose new rule to address duties of a credit union Supervisory Committee.
ANTICIPATED SCHEDULE: 2022-2023
AFFECTED PARTIES: State chartered credit unions
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule
STATUTORY AUTHORITY: 9-B M.R.S. § 854
PURPOSE: If circumstances warrant, may propose new rule to address credit union lending limitations.
ANTICIPATED SCHEDULE: 2022-2023
AFFECTED PARTIES: State chartered credit unions
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule
STATUTORY AUTHORITY: 9-B M.R.S. §§1213-A, 1223-A, and 1233-A
PURPOSE: If circumstances warrant, may propose new rule to implement the asset pledge requirement for Maine chartered limited purpose banks.
ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Maine businesses and consumers of financial services and all state-chartered financial institutions
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule
STATUTORY AUTHORITY: 9-B M.R.S.A § 1216
PURPOSE: If circumstances warrant, may propose new rule to address activities of non-depository trust companies and implement provisions of Chapter 121.
ANTICIPATED SCHEDULE: 2022-2023
AFFECTED PARTIES: Non-depository trust companies
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule
STATUTORY AUTHORITY: 9-B M.R.S. § 1227
PURPOSE: If circumstances warrant, may propose new rule to address activities of merchant banks and implement provisions of Chapter 122.
ANTICIPATED SCHEDULE: 2022-2023
AFFECTED PARTIES: Merchant banks
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule
STATUTORY AUTHORITY: 9-B M.R.S. § 1238
PURPOSE: If circumstances warrant, may propose new rule to address activities of uninsured banks and implement provisions of Chapter 123.
ANTICIPATED SCHEDULE: 2022-2023
AFFECTED PARTIES: Uninsured banks
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule
STATUTORY AUTHORITY: 9-A M.R.S. §2-501
PURPOSE: If circumstances warrant, may engage in joint rulemaking, as appropriate, with the Bureau of Consumer Credit Protection to promulgate a rule addressing permissible charges for benefits conferred upon the consumer.
ANTICIPATED SCHEDULE: 2022-2023
AFFECTED PARTIES: Maine consumers, financial institutions, non-bank lenders, and general creditors
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule
STATUTORY AUTHORITY: 9-A M.R.S. § 2-510(3)
PURPOSE: If circumstances warrant, may engage in joint rulemaking, as appropriate, with the Bureau of Consumer Credit Protection to promulgate a rule which authorizes the use of rate tables for calculating unearned interest on certain precomputed transactions and establishes certain standards that the tables must meet.
ANTICIPATED SCHEDULE: 2022-2023
AFFECTED PARTIES: Maine consumers in credit transactions and creditors offering consumer credit on a precomputed basis
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule

STATUTORY AUTHORITY: 9-A M.R.S. §§ 4-301(4) and 6-104

PURPOSE: If circumstances warrant, may engage in joint rulemaking, as appropriate, with the Bureau of Consumer Credit Protection to promulgate a rule which prohibits dual coverage of insurance on items related to credit transactions.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Maine consumers, financial institutions, non-bank lenders, and general creditors

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER: New rule

STATUTORY AUTHORITY: 9-A M.R.S. §§ 6-104(1) (E) and 6-104(4) (A)

PURPOSE: If circumstances warrant, may engage in joint rulemaking, as appropriate, with the Bureau of Consumer Credit Protection to promulgate a rule governing agency organization, administration and procedures.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Maine consumers, financial institutions, non-bank lenders, and general creditors

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER: New rule

STATUTORY AUTHORITY: 9-A M.R.S. §§ 6-104(1) (E) and 8-505

PURPOSE: If circumstances warrant, propose new rule to engage in rulemaking, as appropriate, to promulgate a rule that establishes the procedures the Bureau plans to follow upon discovery of certain violations of the Maine Consumer Credit Code or to carry out the purposes of the Consumer Credit Code. Rulemaking may occur as amendment to Bureau of Consumer Credit Protection Chapter 190, enforcement policy guidelines.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Maine consumers and financial institutions.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule

STATUTORY AUTHORITY: 9-A MRSA § 8-508

PURPOSE: If circumstances warrant, engage in joint rulemaking with the Bureau of Consumer Credit Protection to promulgate a rule regarding unfair, deceptive or abusive mortgage lending.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Maine consumers, financial institutions, non-bank lenders

CONSENSUS BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule

STATUTORY AUTHORITY: 10 M.R.S. §1350-A

PURPOSE: If circumstances warrant, may propose new rule to address security breach notification requirements for financial institutions.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Maine consumers and businesses
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule

STATUTORY AUTHORITY: 10 M.R.S. §1495-F

PURPOSE: If circumstances warrant, may engage in joint rulemaking, as appropriate, with the Bureau of Consumer Credit Protection to promulgate a rule regarding payroll processing companies.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Maine consumers and businesses

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule

STATUTORY AUTHORITY: 32 M.R.S. § 6200

PURPOSE: If circumstances warrant, may adopt rules to carry out the purposes of 32 M.R.S. Chap. 80-B related to the Foreclosure Purchasers Act

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Maine consumers, financial institutions, non-bank lenders

CONSENSUS BASED RULE DEVELOPMENT: Not contemplated

CHAPTER: New rule

STATUTORY AUTHORITY: 9-B M.R.S. § 312

PURPOSE: If circumstances warrant, may propose a new rule that an application to charter an investor-owned financial institution must provide information about the city or town in Maine where the institution's principal office is to be located.

ANTICIPATED SCHEDULE: 2022-2023

AFFECTED PARTIES: Financial institutions charter applicants

CONSENSUS BASED RULE DEVELOPMENT: Not contemplated

02-031
MAINE BUREAU OF INSURANCE
Regulatory Agenda
May 2023

AGENCY UMBRELLA-UNIT NUMBER: **02-031**

AGENCY NAME: **Department of Professional and Financial Regulation, Bureau of Insurance**

RULEMAKING LIAISON: Benjamin Yardley, Senior Staff Attorney, 34 State House Station, Augusta, ME 04333-0034. Tel: (207) 624-8537. E-mail: Benjamin.Yardley@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

CONSENSUS-BASED RULE DEVELOPMENT: None anticipated

EXPECTED 2022-2023 RULEMAKING ACTIVITY:

Health Insurance:

New Rule: Chapter 820, Explanation of Benefits

STATUTORY BASIS: 24-A M.R.S. §§ 212 and 4303(13)

PURPOSE: to establish the minimum information and standards for explanation of benefits forms used by carriers that offer health plans in Maine

SCHEDULE FOR ADOPTION: Fall 2023

AFFECTED PARTIES: health insurers

Amended Rule: Ch. 835, Dental Insurance Plan Loss Ratio Reporting

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 4319-A

PURPOSE: to establish standards for calculating average loss ratios for plans providing dental care services, reporting dental loss ratios to the Superintendent, and determining dental plan credibility, and to establish a process to determine outlier dental plans.

ANTICIPATED SCHEDULE: Summer 2023

AFFECTED PARTIES: individuals and small businesses buying health insurance, health insurance carriers

New Rule: Chapter 865, Standards for Fertility Coverage

STATUTORY BASIS: 24-A M.R.S. §§ 212 and 4320-U

PURPOSE: to implement the fertility care coverage requirements of 24-A M.R.S. § 4320-U

SCHEDULE FOR ADOPTION: Summer 2023

AFFECTED PARTIES: health insurers

Amended Rule: Chapter 945, Annual Report Supplement for Health Insurers

STATUTORY BASIS: 24-A M.R.S. §§ 212 and 423-D

PURPOSE: to coordinate with the recently developed Supplemental Exhibit filed with Annual Statements as part of the Affordable Care Act data collection efforts

SCHEDULE FOR ADOPTION: Fall 2023

AFFECTED PARTIES: health insurers

Financial Regulation of Insurers:**New Rule: Requirements for Eligibility to Operate a Multiple Employer Welfare Arrangement**

STATUTORY BASIS: 24-A M.R.S. §§ 212 and 6616

PURPOSE: to establish standards and procedures for employers to follow to establish and maintain eligibility to operate a multiple employer welfare arrangement in Maine

SCHEDULE FOR ADOPTION: Fall 2023

AFFECTED PARTIES: self-insured employers and stop-loss insurers

Property and Casualty Insurance:**Amended Rule: Chapter 250, Requirements of Eligibility to Self-Insure Workers' Compensation Benefits**

STATUTORY BASIS: 24-A M.R.S. § 212 and 39-A M.R.S. § 403

PURPOSE: to update standards and procedures for employers to establish and maintain eligibility to self-insure their Maine workers' compensation risks

SCHEDULE FOR ADOPTION: Fall 2023

AFFECTED PARTIES: employers self-insured for workers' compensation

02-039
REAL ESTATE COMMISSION
2022 - 2023 Regulatory Agenda

UMBRELLA-UNIT NUMBER: **02-039**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Real Estate Commission**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: Rulemaking necessary to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to adopt rules to establish a process to issue a license by endorsement or to grant provisional licenses to applicants from other jurisdictions.

CHAPTER 300: General Information

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter sets forth the guidelines for meetings and maintenance of Commission records. It may be necessary to amend the "records" section to clarify access to electronic records or other issues resulting from changes in technology.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 310: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 13065; 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: This chapter details procedures for submission, consideration and disposition of requests for advisory rulings. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 340: Complaints and Investigations

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter sets forth the guidelines for filing complaints and conducting investigations. As Commission decisions go through the appellate process, procedural issues may arise that would require the Commission to change its complaint and/or investigative process. Commission complaints are not typically filed under oath and the reference to filing a complaint under oath may be repealed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and complainants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 350: Adjudicatory Hearings

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter establishes the guidelines for adjudicatory hearings. As Commission decisions go through the appellate process, procedural issues may arise that would require the Commission to change its hearing process.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and hearing participants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 360: Prerequisites to Licensure by Individuals

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter establishes the educational qualifications for licensure. Clarification of the educational options available to individuals at the different levels of licensure may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate license applicants and course providers.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 370: Continuing Education

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter sets forth the guidelines for review and approval of continuing education courses. Changes in approved course topics may be necessary to reflect changes in the industry. Changes may be necessary to ensure that course filing procedures for all types of educational programs are consistent and provide for reasonable standards to ensure the delivery of qualified educational programs, including distance education delivery formats.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and continuing education providers.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 390: Licensing Procedures and Requirements

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter provides information regarding examinations and explains the procedure for filing various license applications. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees, license applicants and course providers.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 400: Agency/Designated Broker Responsibilities

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter details requirements of maintaining a real estate brokerage agency and establishes the specific supervisory responsibilities of the designated broker. The Commission may need to amend this chapter to clarify supervisory responsibilities, record keeping requirements and schedules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate companies, designated brokers, licensee and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 410: Minimum Standards of Practice

STATUTORY AUTHORITY: 32 M.R.S. § 13065

PURPOSE: This chapter establishes and clarifies standards for practicing real estate brokerage. The Commission may need to amend this chapter to clarify brokerage practice standards, as necessary, in response to consumer complaints or industry practice.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Real estate licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-041

OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION (General)

Maine Administrative Procedure Act
2022-2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional & Financial Regulation, **Office of Professional and Occupational Regulation (OPOR)** - General Rules

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: Rules may be promulgated as needed to implement provisions contained in P.L. 2021, c. 167, An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions.

CHAPTER 10: Establishment of License Fees (*amendment*)

STATUTORY AUTHORITY: 10 M.R.S. §8003(2-A)(D)

PURPOSE: Establishment of license and related fees for OPOR programs. OPOR amends license fee amounts contained in this rule, as needed.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees, continuing education course providers

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 11: Late Renewals

STATUTORY AUTHORITY: 10 M.R.S. §8003(2-A)(E)

PURPOSE: Amendment of rule, as necessary, in light of experience.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 13: Uniform Procedures for Substantiating Continuing Education Requirements

STATUTORY AUTHORITY: 10 M.R.S. §8003(2-A)(E)

PURPOSE: Amendment of rule, as necessary, in light of experience.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees, board staff, board members.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER XX: Uniform Complaint Procedures

STATUTORY AUTHORITY: 10 M.R.S. §8003(2-A)(E)

PURPOSE: Establishment of a uniform complaint procedure for all the OPOR programs.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Complainants, licensees, board staff, board members, members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER XX: Uniform Policy on Protested Checks

STATUTORY AUTHORITY: 10 M.R.S. §8003(2-A)(E)

PURPOSE: Establishment of a uniform policy for all OPOR programs regarding bounced checks.

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees whose license checks are returned unpaid for insufficient funds or other reasons, OPOR and board staff.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER XX: No specific title – see description of purpose below

STATUTORY AUTHORITY: 10 M.R.S. §8003(2-A)(E)

PURPOSE: “To establish by rule, such processes and procedures necessary to administer the various boards, commissions and regulatory functions of the office...”

SCHEDULE FOR ADOPTION: Variable.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-041
Office of Professional and Occupational Regulation
AMERICAN SIGN LANGUAGE INTERPRETERS
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **American Sign Language Interpreters**

CONTACT PERSON FOR THIS AGENCY: Anne L. Head, Regulatory Board Manager, 35 State House Station Augusta, ME 04333, (207) 624-8511, anne.l.head@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: Rules will be promulgated to implement 2021 Public Law Chapter 48, which amends licensing requirements for a new conditional licenses and discontinuance of initial limited licensure. Review and revise current rules to implement 2021 Public Law Chapter 167 for licensure of credentialed individuals from other jurisdictions. Rules will be established to implement 2021 Public Law Chapter 291 governing telehealth services within the scope of practice of the licensee's license. Telehealth rules shall establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules will be revised to conform with 2019 Public Law Chapter 284, which repealed the repealed the disclosure statement requirement.

CHAPTER 50: Definitions

STATUTORY BASIS: 32 M.R.S. § 1522(1), 1521

PURPOSE: This chapter defines certain terms used in these rules. Rule changes may be made as necessary to clarify program requirements.

SCHEDULE FOR ADOPTION: Within the year.

AFFECTED PARTIES: Applicants, licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 51: Requirements for Initial Licensure

STATUTORY BASIS: 32 M.R.S. § 1522(1), 1524-B, 1524-C; 10 M.R.S. § 8003-H

PURPOSE: This chapter sets forth criteria for the initial licensure of interpreters and describes the application process. Rule changes may be made as necessary to clarify program requirements.

SCHEDULE FOR ADOPTION: Within the year.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 52: License Renewal and Continuing Education

STATUTORY BASIS: 32 M.R.S. § 1522(1), 1528, 1528-A

PURPOSE: This chapter sets forth continuing education requirements and describes the license renewal process. Rule changes may be made as necessary to clarify program requirements.

SCHEDULE FOR ADOPTION: Within the year.

AFFECTED PARTIES: Licensees.

AFFECTED PARTIES: Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 54: Disclosure Statement

STATUTORY BASIS: 32 M.R.S. §§ 1522(1)
PURPOSE: This chapter describes the statutory disclosure to be furnished by interpreters to consumers and clients.
SCHEDULE FOR ADOPTION: Within the year.
AFFECTED PARTIES: Licensees and members of the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 55: Complaints and Investigations

STATUTORY BASIS: 32 M.R.S. § 1522(1)
PURPOSE: This chapter sets forth the rights of an applicant or licensee to appeal certain regulatory actions and identifies the enforcement and disciplinary procedure used by the director. Rule changes may be made as necessary to clarify program requirements.
SCHEDULE FOR ADOPTION: Within the year.
AFFECTED PARTIES: Licensees and members of the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 1522(1), 32 M.R.S. § 1533
PURPOSE: To adopt rules to establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.
SCHEDULE FOR ADOPTION: Within the year.
AFFECTED PARTIES: Licensees and members of the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-041
ATHLETIC TRAINERS
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Athletic Trainers**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: No rules currently exist for this program. However, rulemaking is anticipated to implement Public Law 2021, c. 167 and P.L. 2021, c. 642, to establish a process to grant provisional licenses to applicants for licensure educated in or with relevant experience or licensure in other jurisdictions, and to establish a process to issue a license by endorsement to individuals from other U.S. jurisdictions. National standards may emerge from future recommendations by the Board of Certification, which may be determined to be appropriate for adoption in Maine.

Public Law 2021, c. 291, which authorizes licensees to provide services via telehealth within the scope of practice of the licensee's license. Telehealth rules shall establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

Rules may be established for updates and compliance with current law regarding licensure requirements and procedures for athletic trainers.

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. §§ 14353(2), 14357-A, 10 M.R.S. § 8003, sub-§5-A, ¶D(7), 8003-H

PURPOSE: To adopt rules for provisional licensure of individuals educated in or with relevant experience or licensure in other jurisdictions outside of the United States and licensure of credentialed individuals from other jurisdictions through endorsement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 14353(2), 14363

PURPOSE: To adopt rules to establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 14353(2)

PURPOSE: To adopt by reference future national uniform standards, as these emerge.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-041
BARBERING AND COSMETOLOGY LICENSING PROGRAM
2022 - 2023 Regulatory Agenda

UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Barbering and Cosmetology Licensing Program**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: Review and update current rules on licensure for credentialed individuals from other jurisdictions to implement P.L. 2021, c. 167 and P.L. 2021, c. 642. Review and update current rules to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired” pursuant to P.L. 2021, c. 348. Rules will be established to implement P.L. 2019, c. 373, which includes course of study and licensing requirements for a new Hair Designer license, delete barber licensing and requirement references and replace limited barber licensing and requirements with barber hair stylist licensing and requirements, amend license title references for establishments and booth establishments and update and clarify reporting requirements, delete demonstrator licensing, delete age and secondary schooling requirement for all license types, update licensure by endorsement requirements, update trainee requirements, supervision and employment, address exemption of bond and financial audit reports for career technical education school if student tuition is not imposed or collected, update student enrollment age from 16 to 15, delete special events permit requirement, and review and update special events practice requirements. Rules were last adopted on December 11, 2016, for this program, which consisted of a complete rewrite and reorganization of the rules. Review of practice and physical plant safety, sanitation, disinfecting, and infection control standards will be conducted and updated as may be necessary. If necessary, review, update and address errors and omissions resulting from the recent rewrite and reorganization of the rules.

CHAPTER 20: Definitions and References

STATUTORY BASIS: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter defines specialized terms used in the Program’s rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 21: Licensure of Aestheticians, Barbers, Cosmetologists, Limited Barbers and Nail Technologists

STATUTORY BASIS: 32 M.R.S. §§ 14212-A(2), 14231

PURPOSE: This chapter sets forth requirements for licensure as an aesthetician, barber, cosmetologist, limited barber, and nail technologist.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 22: Licensure of Demonstrators

STATUTORY BASIS: 32 M.R.S. §§ 14212-A(2), 14234

PURPOSE: This chapter sets forth requirements for licensure of demonstrators and the articles, machines and techniques performed outside a licensed establishment.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 23: Trainee Aesthetician, Barber, Cosmetologist, Limited Barber and Nail Technologist

STATUTORY BASIS: 32 M.R.S. §§ 14202(13), 14212-A(2), 14228(3), 14232(3), 14233

PURPOSE: This chapter sets forth licensure, training and supervision requirements for practitioners.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 24: Licensure of Instructors

STATUTORY BASIS: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter sets forth requirements for licensure as an instructor in aesthetics, barbering, cosmetology, limited barbering and nail technology to teach in a licensed school.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 25: Licensure of Establishments and Independent Booths

STATUTORY BASIS: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter sets forth license requirements for a place, facility, salon, shop, establishment, mobile establishment or independent booth within an establishment in which aesthetics, barbering, cosmetology, limited barbering, or nail technology services are offered and performed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 26: Establishment, Independent Booth and School Operation, Sanitation and Infection Control Standards, and Safe Practice Procedures

STATUTORY BASIS: 32 M.R.S. § 14212-A(2)

PURPOSE: This chapter sets forth sanitization and infection control standards and safe practice procedures and requirements for the operation of an establishment, independent booth within an establishment, mobile establishment, and school in which aesthetics, barbering, cosmetology, limited barbering, or nail technology services are offered and performed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 27: Rules for Licensure and Operation of Schools Offering One or More Courses of Study in Aesthetics, Barbering, Cosmetology, Limited Barbering, Nail Technology and Instructing

STATUTORY BASIS: 32 M.R.S. §§ 14212-A(2), 14228(3), 14233, 14246(1)

PURPOSE: This chapter establishes the criteria to be met in order to obtain a license to operate a school and to offer and teach one or more courses of study in aesthetics, barbering, cosmetology, limited barbering, nail technology and instructing. This chapter also sets standards for the operation of an off-site [satellite] classroom.
SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Applicants for licensure and Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 28: Special Event Services Permit

STATUTORY AUTHORITY: 32 M.R.S. §§ 14212-A(2), 14203(2)(J)
PURPOSE: This chapter sets forth requirements for issuance of a special event services permit pursuant to 32 M.R.S. § 14203(2)(J).
SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 29: Grounds for Discipline

STATUTORY BASIS: 10 M.R.S. § 8003(5-A)(A); 32 M.R.S. §§ 14212-A(2), 14236-A
PURPOSE: This chapter references the statutory grounds for discipline against licensees and includes examples of prohibited conduct that may result in discipline.
SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 30: Citations

STATUTORY BASIS: 10 M.R.S. § 8003-E; 32 M.R.S. § 14212-A(2)
PURPOSE: This chapter lists the violations for which a citation may be issued pursuant to 10 M.R.S. § 8003-E, describes the licensee's right to request a hearing, and describes the time and manner in which the fine shall be paid or a hearing requested.
AFFECTED PARTIES: Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-041

Office of Professional and Occupational Regulation
BOILER AND PRESSURE VESSEL SAFETY PROGRAM
Maine Administrative Procedure Act
2022-2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Boiler and Pressure Vessel Safety Program**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: May initiate rulemaking to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

Rulemaking is expected to implement P.L. 2013, c. 70, enacted by the 126th Maine State Legislature, which restructured the licensing and regulation of boilers and pressure vessels by eliminating the Board of Boilers and Pressure Vessels and creating the Boiler and Pressure Vessel Safety Program that is administered by the Director of the Office of Professional and Occupational Regulation. Amended rules will be relocated to the Office of Professional and Occupational Regulation rules, which will require new chapter numbers.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. §§ 15101, 15104-A, 15109

PURPOSE: This Chapter defines the terms that are used in the rules and terms used in statute not defined by statute. This Chapter will be amended to be consistent with the provisions of P.L. 2013, c. 70, as well as to clarify other terms used in the rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: Variances

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104-A, 15104-B

PURPOSE: This Chapter establishes the procedures for the filing of a petition for a variance. This Chapter will be amended to be consistent with the provisions of P.L. 2013, c. 70.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Board Meetings

STATUTORY AUTHORITY: 32 M.R.S. §§ 15103, 15104-A

PURPOSE: This Chapter authorizes board meetings. This Chapter will be repealed to be consistent with the provisions of P.L. 2013, c. 70, as the legislation eliminated the board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 4: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. § 9001; 32 M.R.S. § 15104-A

PURPOSE: This Chapter establishes requirements and guidelines for the discretionary issuance of advisory rulings. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 11: National Codes Applicable to Boilers and Pressure Vessels

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104-A, 15105

PURPOSE: This Chapter specifies the national safety codes and standards that apply to boilers and pressure vessels regulated in the State of Maine. This Chapter will be amended to be consistent with the provisions of Public Law 2013, Chapter 70, as well as updated to incorporate more recent national safety codes and standards that would apply to boilers and pressure vessels regulated in the State of Maine. May repeal and replace current Chapter 3 and rename it Safety Codes and Standards and include the content of this chapter in that location of the rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 12: Power Boilers

STATUTORY AUTHORITY: 32 M.R.S. §§ 15103-A(2), 15104-A(1)

PURPOSE: This Chapter establishes requirements for the design, construction, installation, operation, and inspection of power boilers. This Chapter will be amended to be consistent with the provisions of P.L. 2013, c. 70 and may be updated to clarify and update provisions for the periodic inspections of power boilers. May relocate this chapter to newly created Chapter 5.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 13: Low Pressure Boilers

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104-A(1), 15102

PURPOSE: This Chapter establishes specific requirements for the identification, construction, installation, inspection, and operation of low pressure boilers. This Chapter will be amended to be consistent with the provisions of P.L. 2013, c. 70 and otherwise update and clarify provisions as needed. May relocate this chapter to newly created Chapter 6.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 14: Pressure Vessels

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104-A(1), 15109(8)
PURPOSE: This Chapter establishes requirements for the design, construction, installation, inspection, and operation of pressure vessels. This Chapter will be amended to be consistent with the provisions of P.L. 2013, c. 70, and may be updated and provisions clarified as needed. May relocate chapter to newly created Chapter 7.
SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees and members of the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 15: Repairs and Alterations

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104, 15109(8), 15110
PURPOSE: This Chapter establishes requirements for performing welded repairs, mechanical replacement of pressure parts, and alterations on boilers or pressure vessels. This Chapter will be amended to be consistent with the provisions of P.L. 2013, c. 70 and otherwise amended to clarify and update provisions as necessary. May relocate chapter to newly created Chapter 8.
SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees and members of the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 21: Duties and Responsibilities of All Owners of Boilers and Pressure Vessels

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104-A, 15119, 15121
PURPOSE: This Chapter establishes general guidelines of all owners of boilers and pressure vessels. This Chapter will be amended to be consistent with the provisions of P.L. 2013, c. 70 and otherwise amended to clarify and update provisions as necessary. May relocate chapter to newly created Chapter 9.
SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 31: Inspectors

STATUTORY AUTHORITY: 32 M.R.S. §§ 15103, 15208
PURPOSE: This Chapter establishes requirements for initial and renewal licensure of inspectors. This Chapter will be amended to be consistent with the provisions of P.L. 2013, c. 70, and otherwise amended to clarify and update provisions as necessary. May relocate chapter to newly created Chapter 10.
SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Applicants for licensure and Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 32: Boiler Operators and Stationary Steam Engineers

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104-A, 15109
PURPOSE: This Chapter establishes requirements for licensure and responsibilities of boiler operators and stationary steam engineers. This Chapter will be amended to be consistent with the provisions of P.L. 2013, c. 70, and otherwise amended to clarify

and update provisions as necessary. May relocate chapter to newly created Chapter 11.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 15103-A; 10 M.R.S. 8003-H

PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-041

Office of Professional and Occupational Regulation
CHARITABLE SOLICITATIONS
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Charitable Solicitations**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULEMAKING ACTIVITY: The Director may consider repealing all rules chapters for the Charitable Solicitations Act.

CHAPTER 1: Registration Applications and Financial Statements

STATUTORY BASIS: 9 M.R.S. § 5018

PURPOSE: This chapter contains provisions relating to the submission of licensing applications and financial statements required to be filed with the Office of Professional and Occupational Regulation under the Maine Charitable Solicitations Act. The Director may repeal this chapter due to P.L. 2013, Chapters 313 and 539.

SCHEDULE FOR REPEAL: Within one year, if necessary.

AFFECTED PARTIES: Licensees, applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: Annual Fundraising Activity Reports

STATUTORY BASIS: 9 M.R.S. § 5018

PURPOSE: This chapter explains how charitable organizations and professional solicitors shall calculate their remittances and retentions from the prior year in order to comply with the requirement to file an annual report of the prior year's fund-raising activity. The Director may repeal this chapter due to P.L. 2013, Chapters 313 and 539.

SCHEDULE FOR REPEAL: Within one year, if necessary

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Enforcement and Disciplinary Procedures

STATUTORY BASIS: 9 M.R.S. § 5018

PURPOSE: This chapter sets forth the right of an applicant or a licensee to appeal certain regulatory actions. This chapter contains an outdated reference to enforcement and disciplinary procedures used by the Office of Professional and Occupational Regulation.

The Director may repeal this chapter.

SCHEDULE FOR REPEAL: Within one year.

AFFECTED PARTIES: Licensees, applicants and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-041

Office of Professional and Occupational Regulation
ELEVATOR AND TRAMWAY SAFETY PROGRAM
Maine Administrative Procedure Act
2022-2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Elevator and Tramway Safety Program**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: Rulemaking to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

CHAPTER 501: Definitions

STATUTORY AUTHORITY: 32 M.R.S. §15202 and §15206

PURPOSE: This chapter defines specialized terms that are used in the program's rules.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees, elevator and tramway owners, and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 503: Variances

STATUTORY AUTHORITY: 32 M.R.S. §15204 and §15206

PURPOSE: This chapter establishes procedures for the filing of a petition for a variance.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees, elevator and tramway owners, and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 507: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. §15206; 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: This chapter establishes the procedures for issuing advisory rulings.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees, elevator and tramway owners, and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 511: National Codes Applicable to Elevators and Tramways

STATUTORY AUTHORITY: 32 M.R.S. §15206

PURPOSE: This chapter allows the adoption of national codes and standards that apply to elevators and tramways installed in the State of Maine. This chapter will be amended in order to update the adopted code editions.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees, elevator and tramway owners and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 513: Elevators

STATUTORY AUTHORITY: 32 M.R.S. §15206, §15221, §15224, §15227, §15228 and §15229

PURPOSE: This chapter establishes the specific requirements for elevators.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Licensees, elevator owners and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 515: Tramways

STATUTORY AUTHORITY: 32 M.R.S. §15206, §15221, §15224 and §15229

PURPOSE: This chapter establishes the specific requirements for tramways.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Tramway Owners and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 521: Elevator Owners' Duties and Responsibilities

STATUTORY AUTHORITY: 32 M.R.S. §15206, §15211, §15212, §15221 and §15229

PURPOSE: This chapter establishes standards for the general duties and responsibilities of owners of elevators. SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Elevator Owners and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 523: Tramways Owners' Duties and Responsibilities

STATUTORY AUTHORITY: 32 M.R.S. §15206, §15211, §15212, §15221 and §15229

PURPOSE: This chapter establishes standards for the general duties and responsibilities of owners of tramways.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Tramway Owners and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 531: Licensed Private Elevator Inspectors

STATUTORY AUTHORITY: 32 M.R.S. §15206, §15208, §15216-C, §15221 and §15226

PURPOSE: This chapter establishes standard requirements for initial and annual licensure of private elevator inspectors.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 533: Licensed Private Tramway Inspectors

STATUTORY AUTHORITY: 32 M.R.S. §15206, §15209, §15216-C, §15221 and §15226

PURPOSE: This chapter establishes standard requirements for initial and renewal licensure of private tramway inspectors.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 535: Licensed Wire Rope Inspectors

STATUTORY AUTHORITY: 32 M.R.S. §15206, §15209-A, §15216-C, §15221 and §15226

PURPOSE: This chapter establishes standard requirements for initial and renewal licensure of private wire rope inspectors.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 537: Licensed Elevator Mechanics

STATUTORY AUTHORITY: 32 M.R.S. §15206, §15213-15216 and §15216-C

PURPOSE: This chapter establishes standard requirements for initial and renewal licensure of elevator mechanics.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 539: Licensed Lift Mechanics

STATUTORY AUTHORITY: 32 M.R.S. §15206, §15213-15216 and §15216-C

PURPOSE: This chapter establishes standard requirements for initial and renewal licensure of lift mechanics.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 541: Elevator Contractors

STATUTORY AUTHORITY: 32 M.R.S. §15206 and §15208-A

PURPOSE: This chapter establishes standard requirements for initial and renewal registration of elevator contractors.

SCHEDULE FOR ADOPTION: Within 1 year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 15207-A; 10 M.R.S. 8003-H

PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-041
MESSAGE THERAPY LICENSURE PROGRAM
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Massage Therapy Licensure Program**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: Rulemaking to implement P.L. 2021, c. 167 and P.L. 2021, c. 642 to grant provisional licenses to applicants for licensure educated in or with relevant experience or licensure in other jurisdictions, including other states, United States territories, foreign nations, and foreign administrative divisions and to establish a process to issue a license by endorsement to individuals from other jurisdictions.

CHAPTER 100: Definitions

STATUTORY BASIS: 32 M.R.S. § 14302(2), 14301

PURPOSE: This chapter clarifies terms used throughout the program's rules.

Additions may be made to the definitions, if needed.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 200: General Information

STATUTORY BASIS: 32 M.R.S. § 14302(2)

PURPOSE: This chapter establishes guidelines for the maintenance of records and display of licenses and registrations.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 300: Licensure/Registration Requirements

STATUTORY BASIS: 32 M.R.S. § 14302(2), 14306-D

PURPOSE: This chapter sets forth the procedures and requirements for individuals seeking licensure by application and for schools seeking approval for their massage therapy program.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure, Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 400: Complaints and Investigations

STATUTORY BASIS: 32 M.R.S. § 14302(2)

PURPOSE: This chapter describes the procedure by which complaints and adjudicatory hearings are handled.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-041
REGULATION OF TRANSIENT SALES
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-041**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Regulation of Transient Sales**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: Currently, no rules exist for this program; however, rules may become necessary in the future if statutory changes are enacted.

CHAPTER AND TITLE: N/ A

STATUTORY BASIS: None currently.

PURPOSE: N/ A

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-070
STATE BOARD OF LICENSURE FOR GEOLOGISTS AND SOIL SCIENTISTS
Maine Administrative Procedure Act
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-070**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **State Board of Licensure for Geologists and Soil Scientists**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: The board may adopt rules to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 4908

PURPOSE: Defines terms used in statute and rule The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: General Information

STATUTORY AUTHORITY: 32 M.R.S. § 4908; 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute to establish guidelines relating to meetings, advisory rulings, and maintenance of records.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. § 4908

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute to promulgate a code of ethics to assist in the protection of the public welfare.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 4: Certification Requirements

STATUTORY AUTHORITY: 32 M.R.S. § 4908

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute to describe the procedures to be followed in determining whether an applicant is eligible to be certified as a geologist or soil scientist.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for Licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 5: Fees

STATUTORY AUTHORITY: 32 M.R.S. § 4908

PURPOSE: The Board may repeal this chapter as it is no longer necessary. The fee schedule is set forth in rules established for all boards and programs in Chapters 10 and 11 of the Rules of the Office of Professional and Occupational Regulation.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for Licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 6: Complaints, Investigations and Adjudicatory Hearings

STATUTORY AUTHORITY: 32 M.R.S. § 4908

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity the procedures by which complaints and adjudicatory hearings are handled by other OPOR agencies.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-280
BOARD OF ACCOUNTANCY
Maine Administrative Procedure Act
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-280**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Board of Accountancy**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: The board may adopt rules to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 12214(4)

PURPOSE: The Board may review and revise its rule definitions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051 and 9001(4)

PURPOSE: The Board may review and revise its rules relating to advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Examination Requirements

STATUTORY AUTHORITY: 32 M.R.S. §§ 12214(4), 12228(4), 12240(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the examination requirement for certified public accountants.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

CHAPTER 5: Certified Public Accountant License Requirements

STATUTORY AUTHORITY: 32 M.R.S. §§ 12214(4), 12251(4)(b)(3), 12251(5)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the licensing requirements for certified public accountants and the continuing professional education requirements for maintaining licensure.

SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Applicants for licensure and Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 6: Firm License Requirements

STATUTORY AUTHORITY: 32 M.R.S. §§ 32 M.R.S. §12214(4), §12252, §12252(8), 10 M.R.S. §8003(4)

PURPOSE: The Board may review and revise its rules of firm licenses.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 8: Rules of Professional Conduct

STATUTORY AUTHORITY: 32 M.R.S. § 12214(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute and standards of practice by amending its code of professional conduct.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-285
BOARD OF VETERINARY MEDICINE
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-285**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Veterinary Medicine**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: Review and update current rules on licensure for credentialed individuals from other jurisdictions to implement P.L. 2021, c. 167 and P.L. 2021, c. 642. Review and update current rules to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired” pursuant to P.L. 2021, c. 348. Adopt new rules to implement P.L. 2021, c. 291 governing telehealth services within the scope of practice of the licensee’s license. Telehealth rules shall establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. The Board may review and amend for updates and compliance with current law the licensing requirements for veterinarians, veterinary technicians and veterinary relief service, continuing professional education, rules concerning misconduct and the treatment or care of animals, fraud, advertising, standards of competency, treatment records, recordkeeping, practice standards, sanitation and safety standards for the operation of veterinary hospitals, associations with other veterinarians, and unprofessional conduct. Continuing education changes may be subject to updates.

CHAPTER 1: Definitions and Advisory Rulings

STATUTORY BASIS: 5 M.R.S. § 9001(4); 32 M.R.S. §§ 4859(1) and (3), 4861, 4871(2)

PURPOSE: This chapter defines terms used throughout the Board's rules and describes the Board's procedures for issuance of advisory rulings. 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: Licensure Requirements for Veterinarians and Permit for Performance of Relief Veterinary Service

STATUTORY BASIS: 32 M.R.S. §§ 4859(1), 4861(4), 4871(2)

PURPOSE: This chapter sets forth requirements for issuance of a license to practice veterinary medicine and permits for the performance of relief veterinary service including: application, education, experience, and references. The Board may review this chapter for conformance with current statutes and make changes as needed.

The section on temporary permits will be repealed to conform to newly enacted law.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Registration Requirements for Veterinary Technicians

STATUTORY BASIS: 32 M.R.S. § 4859(6)

PURPOSE: This chapter establishes registration requirements and procedures for veterinary technicians. 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: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 4: Continuing Professional Education for Veterinarians

STATUTORY BASIS: 32 M.R.S. §§ 4871(2), 4878(3)

PURPOSE: This chapter establishes requirements for continuing professional education for license renewal and the manner in which sponsored continuing education courses and programs are considered for approval. The Board may amend this chapter to conform to rules adopted by the Office of Professional and Occupational Regulation on substantiation of continuing education by licensed practitioners. Rule amendment for implementation of P.L. 2017, c. 360 requiring a veterinarian to complete one hour of continuing education every two years on the administration, prescription and management of controlled substances, including benzodiazepine and opioid medications.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 5: Standards for Veterinary Practice Facilities and Record Keeping

STATUTORY BASIS: 32 M.R.S. § 4859(3)

PURPOSE: This chapter establishes appropriate safety, sanitation, and procedural guidelines for veterinarians and veterinary clinic operations. The Board may review this chapter for conformance with current statutes and to improve the manner in which veterinary clinics operate within the Board's statutory authority and recordkeeping.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 6: Enforcement and Disciplinary Procedures

STATUTORY BASIS: 32 M.R.S. § 4859(3)

PURPOSE: This chapter sets forth enforcement and disciplinary procedures used by the Board. 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 7: Code of Ethics

STATUTORY BASIS: 32 M.R.S. §§ 4859(2) and (3), 4864(11)

PURPOSE: This chapter establishes professional practice standards for the practice of veterinary 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-288
BOARD FOR LICENSURE OF ARCHITECTS, LANDSCAPE ARCHITECTS AND
INTERIOR DESIGNERS
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-288**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board for Licensure of Architects, Landscape Architects and Interior Designers**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: Rulemaking necessary to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

CHAPTER 10: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This chapter defines specialized terms used throughout the board's rules. Changes may be necessary to define terms adopted for purposes related to other sections of the Board rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 11: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051 and 9001(4)

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the Board. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 12: Licensure of Architects

STATUTORY AUTHORITY: 32 M.R.S. § 214(1) and 220(1)(B)

PURPOSE: This chapter sets forth the educational qualifications, experience and examination requirements necessary for licensure as an architect. Changes may be necessary to clarify a provision or update the versions of guidelines and standards adopted by reference; and to amend provisions as necessary to implement P.L. 2021, c. 167, and P.L. 2021, c. 642, with regards to licensure by endorsement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 13: Licensure of Landscape Architects

STATUTORY AUTHORITY: 32 M.R.S. § 214(1) and 220(2)(B)

PURPOSE: This chapter sets forth the educational qualifications, experience and examination requirement necessary for licensure as a landscape architect. Changes may be necessary to clarify a provision and to amend provisions as necessary to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, with regards to licensure by endorsement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 14: Licensure of Certified Interior Designers

STATUTORY AUTHORITY: 32 M.R.S. § 214(1) and 220-B(2) and (3)

PURPOSE: This chapter sets forth the educational qualifications, experience and examination requirement necessary for licensure as a certified interior designer. Changes may be necessary to clarify a provision, amend qualifications for licensure and the standards and/or guidelines adopted by reference, and to amend provisions as necessary to implement P.L. 2021, c. 167, with regards to licensure by endorsement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 15: Application for Licensure

STATUTORY AUTHORITY: 32 M.R.S. § 214(1), 220(1)(B), 220(2)(B), 220-B(2) and (3)

PURPOSE: This chapter sets forth the license application process and references the license fees established by the Office of Professional & Occupational Regulation. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 16: License Denials and Disciplinary Procedure

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This chapter sets forth a licensee's right to appeal certain Board actions and specifies the enforcement and disciplinary procedures used by the Board. Changes may be necessary to clarify a provision and/or relocate content to other chapters as appropriate.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 17: Grounds for Disciplinary Action

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This chapter sets forth prohibited practices that may result in disciplinary action against a licensee, or denial of nonrenewal of a license. Information from complaint investigations may identify conduct that is not currently set out in this section of the rules or is needed to clarify professional standards.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 18: Documentation

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

PURPOSE: This chapter authorizes reliance on technical submissions in electronic form and requires licensees to retain certain records for a period of five years. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 19: Incorporation by Reference

STATUTORY AUTHORITY: 32 M.R.S. § 214(1), 220(1)(B), 220(2)(B)

PURPOSE: This chapter incorporates by reference codes and standards into the board's rules. Changes may be necessary to clarify a provision or to update the incorporated codes and standards to a current version. The contents of this chapter may be incorporated into other chapters, in which case this chapter would be repealed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-297
BOARD OF CHIROPRACTIC LICENSURE
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-297**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Chiropractic Licensure**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: Review and update current rules on licensure for credentialed individuals from other jurisdictions to implement Public Law 2021 Chapter 167 and Public Law 2022 Chapter 642. Review and update current rules to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired” pursuant to Public Law 2021 Chapter 348. Adopt new rules to implement Public Law 2021 Chapter 291 governing telehealth services within the scope of practice of the licensee’s license. Telehealth rules shall establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. The Board may review and update rules for licensing chiropractic interns including, but not limited to, licensing requirements, supervision of chiropractic interns, level of professional liability insurance required. The Board may review, and update rules as needed, which may include, but is not limited to, updating the licensing requirements and procedures for chiropractors and chiropractic acupuncture, training and licensure of chiropractic assistants, and temporary licensing. Continuing education requirements and course approvals will be reviewed and updated as may be necessary, including national program and sponsor approval systems currently available. The Board may establish patient record standards and record keeping requirements, and may update the code of ethics in the practice of chiropractic services. Amendment of these requirements may affect several rule chapters and therefore may require updating those chapters, including definitions and enforcement and disciplinary procedures.

CHAPTER 1: Definitions

STATUTORY BASIS: 32 M.R.S. § 502

PURPOSE: This 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: General Provisions

STATUTORY BASIS: 32 M.R.S. § 502

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.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3-A: Licensure Requirement for Chiropractic Doctors and Temporary Chiropractic Interns

STATUTORY BASIS: 32 M.R.S. §§ 502, 551, 552, and 564

PURPOSE: This chapter states the requirements for a chiropractor license and the professional liability insurance coverage for a temporary chiropractic intern. 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 chiropractor applicants and temporary chiropractic interns applicants

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 4: Requirements for Certifying Chiropractors to Practice Chiropractic Acupuncture

STATUTORY BASIS: 32 M.R.S. § 502

PURPOSE: The chapter establishes acceptable qualifications, procedures and continuing education requirements for certifying licensed chiropractors in the practice of chiropractic acupuncture. 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 and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 5: Certification Requirements for Chiropractic Assistants and the Issuance of Temporary Certificates for Chiropractic Assistants

STATUTORY BASIS: 32 M.R.S. §§ 502, 555, 556

PURPOSE: This chapter establishes requirements for issuance of a certificate to function as a certified chiropractic assistant, and the issuance of a temporary certificate to function as a certified chiropractic assistant. 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: N/A

CHAPTER 6: Continuing Professional Education

STATUTORY BASIS: 32 M.R.S. §§ 502, 553-A(2)

PURPOSE: This chapter establishes requirements for continuing professional education to be completed by licensees for licensing renewal and approval for sponsored continuing education courses or programs. 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: N/A

CHAPTER 7: Enforcement and Disciplinary Procedures

STATUTORY BASIS: 32 M.R.S. § 502

PURPOSE: This chapter establishes 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.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 8: Code of Ethics

STATUTORY BASIS: 32 M.R.S. § 502

PURPOSE: This chapter establishes standards of professional practice in the practice of chiropractic services. 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: N/A

02-298
BOARD OF REAL ESTATE APPRAISERS
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-298**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board of Real Estate Appraisers**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: The board may adopt rules to implement the regulation of Appraisal Management Companies ("AMCs"). Currently, no rules exist regarding AMCs. The board may adopt rules to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

CHAPTER NUMBER AND TITLE: N/A

STATUTORY AUTHORITY: 32 M.R.S. § 14012

PURPOSE: To adopt standards to implement statutory requirements for regulation of Appraisal Management Companies.

SCHEDULE FOR ADOPTION: Within one year if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 150: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 14012, 5 M.R.S. §§ 8051 and 9001(4)

PURPOSE: This chapter establishes the procedures for submission, consideration and disposition of requests for advisory rulings. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and license applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 220: Educational Course Requirements

STATUTORY AUTHORITY: 32 M.R.S. §§ 14012, 14027

PURPOSE: This chapter requires that qualifying education and continuing education be approved by the Appraiser Qualifications Board. Changes to the course approval process established by the Appraiser Qualifications Board may require the Board to amend the chapter to comply with any procedural change.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and license applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 230: Supervising Appraiser Duties

STATUTORY AUTHORITY: 32 M.R.S. §§ 14012, 14039

PURPOSE: This chapter establishes the supervisory responsibilities for a certified residential or certified general real property appraiser who supervises a trainee real property appraiser. This chapter may need to be amended to comply with federal changes.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and license applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 240: Standards of Professional Practice

STATUTORY AUTHORITY: 32 M.R.S. §§ 14012, 14028

PURPOSE: This chapter references the edition of the standards of professional practice. The Board may need to amend this chapter to reference the most recent edition and effective date of the Uniform Standards of Professional Practice ("USPAP"). USPAP is amended on a two-year cycle. The current edition has been extended through 2022.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 250: Denial Appeals; Member Communications

STATUTORY AUTHORITY: 32 M.R.S. § 14012

PURPOSE: This chapter sets forth a licensee's right to appeal Board license denials. It provides procedures for Board members to file complaints. It includes prohibitions for certain Board member communication about any specific case under investigation or review. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and license applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-302
BOARD OF LICENSURE OF AUCTIONEERS
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-302**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board of Licensure of Auctioneers**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULEMAKING ACTIVITY: Rulemaking to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement or to grant provisional licenses to applicants from other jurisdictions.

CHAPTER 10: General Information

STATUTORY AUTHORITY: 32 M.R.S. §§ 288, 289

PURPOSE: This chapter establishes guidelines relating to meetings and agendas. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 20: Fees

STATUTORY AUTHORITY: 32 M.R.S. § 289

PURPOSE: This chapter needs to be repealed. This chapter is no longer necessary, as the Office of Professional and Occupational Regulation amended its fee chapter to include fees for purposes related to the Auctioneers Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 30: Qualifications for Licensure

STATUTORY AUTHORITY: 32 M.R.S. §§ 289, 292

PURPOSE: This chapter establishes the qualifications for licensure. The Board may need to amend the chapter to increase the amount of the required bond applicants for initial and renewal licensure must have.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure, Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 40: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 289; 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: This chapter details procedures for submission, consideration and disposition of requests for advisory rulings. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 50: Minimum Standards of Practice

STATUTORY AUTHORITY: 32 M.R.S. § 289

PURPOSE: This chapter establishes the standards of practice. The Board may need to make amendments to the standards of practice in response to changes in business practices that impact the public or complaints filed with the Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-313
BOARD OF DENTAL PRACTICE
Maine Administrative Procedure Act
2022-2023 Regulatory Agenda
Prepared: July 20, 2022

AGENCY UMBRELLA-UNIT NUMBER: **02-313**

AGENCY NAME: **Board of Dental Practice** (Affiliated with the Department of Professional and Financial Regulation)

CONTACT PERSON: **Penny Vaillancourt, Executive Director**, 143 State House Station, Augusta, ME 04333-0143, Tel (207) 287-3333/Fax (207) 287-8140, e-mail – penny.vaillancourt@maine.gov

EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA: None

EXPECTED 2022 - 2023 RULE-MAKING ACTIVITY: The board may undergo a review of existing chapters that identifies the education and examination requirements for initial licensure and renewal of licensure; continuing education requirements for renewal of licensure, practice standards, teledentistry standards and sedation practice requirements. Additional rulemaking on the establishment of fees may be required, including anticipated rulemaking as a result of newly enacted laws of the 130th and 131st legislative sessions. In addition, outdated or duplicative regulations that may exist in Title 10, Chapter 901 and other statutes governing dental professionals will be updated or repealed.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18379

PURPOSE: This chapter defines certain specialized terms used throughout all rules adopted by the board. The Board is expected to review this chapter to ensure compliance with newly enacted laws and clarify existing rules.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: Qualifications for Dental Hygienist Licensure and Dental Hygienist Practice Authorities

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18345; 10 M.R.S. § 8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure and practice authorities as a dental hygienist. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Qualifications for Expanded Function Dental Assistant Licensure

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18344; 10 M.R.S. § 8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure as an expanded function dental assistant. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 4: Qualifications for Dental Radiography Licensure

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18343; 10 M.R.S. § 8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure as a dental radiographer.

The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 5: Qualifications for Denturist Licensure

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18346; 10 M.R.S. § 8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure as a denturist. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 6: Qualifications for Dentist Licensure

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18342; 10 M.R.S. § 8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure as a dentist. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 7: Establishment of Fees

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18323(3), 18324

PURPOSE: This chapter establishes fees for licenses, registrations and related services. The Board is expected to review this chapter as part of its fiscal responsibilities.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees, applicants, and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 8: Qualifications for Initial and Renewal Registrations

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18348

PURPOSE: This chapter identifies the requirements for initial and renewal registrations in the following categories: sedation, general anesthesia, local anesthesia, nitrous oxide analgesia and denturist trainee for the purpose of completing supervised, clinical experience. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 9: Unprofessional Conduct

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18325(1)

PURPOSE: This chapter sets forth unprofessional conduct subject to disciplinary action pursuant to 32 M.R.S. § 18325(1)(E). The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10: Sexual Misconduct

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18325(1)

PURPOSE: This rule sets for unprofessional conduct by defining sexual misconduct and setting the range of sanctions and factors the Board should consider in imposing sanctions. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 11: Qualifications for Licensure by Endorsement; Requirements for Renewal, Late Renewal, and Reinstatement of Licensure and Authorities

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18347, 18349, 18350

PURPOSE: This chapter establishes the qualifications for licensure by endorsement and the requirements for renewal, late renewal and reinstatement for licenses and authorities. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 12: Practice Requirements

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18325, 18371, 18372, 18373, 18374, 18375, 18376, 18377, 18378, 18393

PURPOSE: This chapter establishes the practice requirements for individuals licensed or authorized to practice under the Dental Practice Act. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 13: Continuing Education

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18308(4), 18324, 18350, 18351

PURPOSE: This chapter establishes the continuing education required for licensees of the board, including provisions for inactive status. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees and continuing education providers.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 14: Rules for Use of Sedation and General Anesthesia by Dentists

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18379

PURPOSE: This chapter outlines the requirements under which dentists may administer minimal, moderate, deep sedation and general anesthesia. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

ANTICIPATED NEW CHAPTER 15 “Practice Guidelines When Utilizing Teledentistry”

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18394

PURPOSE: This chapter establishes the practice requirements when utilizing teledentistry.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 17: Requirements for Establishing a Board Approved Dental Hygiene Therapy Program

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18345(2)(C)(2)

PURPOSE: This chapter establishes the requirements for dental hygiene therapy programs to be approved by the Board. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 21: Use of Controlled Substances for Treatment of Pain

STATUTORY AUTHORITY: 32 M.R.S.A. § 18324

PURPOSE: This chapter is a joint rule to ensure adequate relief of pain to the citizens of Maine. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-318
ELECTRICIANS' EXAMINING BOARD
Maine Administrative Procedure Act
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-318**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Electricians' Examining Board**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULEMAKING ACTIVITY: Rulemaking is expected to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, regarding provisional licenses and establishing a process to issue licenses by endorsement.

CHAPTER 100: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 1101, 1153

PURPOSE: The Board may review and revise its rules on definitions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 110: Conflict of Interest

STATUTORY AUTHORITY: 32 M.R.S. § 1153

PURPOSE: The Board may review and revise its rules with regards to conflicts of interest of board members.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 115: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 1153; 5 M.R.S. § 9001(4)

PURPOSE: The Board may review and revise its rules on the guidelines relating to advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 130: Examination and Licensing Requirements

STATUTORY AUTHORITY: 32 M.R.S. §§ 1153, 1202-A, 1204

PURPOSE: The Board may review and revise its rules on examination and licensing requirements for electricians.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 135: Electrical Permits

STATUTORY AUTHORITY: 32 M.R.S. §§ 1102-C, 1153, 1153-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending requirements relating to the issuance of electrical permits.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASES RULE DEVELOPMENT: N/A

CHAPTER 150: Reciprocity

STATUTORY AUTHORITY: 32 M.R.S. §§ 1153, 1206

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the procedures for qualifying for licensure by reciprocity.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 160: Power Generation Systems as Electrical Installations

STATUTORY AUTHORITY: 32 M.R.S. §§ 1101, 1153, & 1153-A

PURPOSE: The Board may review and revise its rules on when installations of power generation systems are, and are not, considered "electrical installations" as defined in statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 1201-B; 10 M.R.S. 8003-H

PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-331
BOARD OF FUNERAL
SERVICE
2022-2023 Regulatory
Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-331**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Funeral Service**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: Rules to implement Public Law 2021, c. 268, which directs the Board engage in major substantive rulemaking to promulgate a rule to govern the safety of drivers of vehicles owned, leased, or otherwise used by a funeral practitioner or a funeral establishment for the transport of human remains.

Review and revise current rules to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to grant provisional licenses to applicants for licensure educated in or with relevant experience or licensure in other jurisdictions, including other states, United States territories, foreign nations and foreign administrative divisions and to establish a process to issue a license by endorsement to individuals from other jurisdictions.

Review and revise current rules to conform with Public Law. 2019, c. 101, which includes changes to the licensing requirements for out-of-state applicants and changes to the continuing education requirements, including the continuing education program approval process.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: This chapter sets forth definitions of terms used in the rules. The board may review and revise its rules that define terms related to the practice of funeral service.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure, licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

CHAPTER 2-A: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: The board may review and revise its rules that provide for the discretionary issuance of advisory rulings by the board.

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

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Educational Requirements for Licensure

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501; 10 M.R.S. § 8003, sub-§5-A, D(7), 8003-H

PURPOSE: The board may review and revise the educational requirements for a person seeking licensure as a practitioner of funeral service in the State of Maine.

ANTICIPATED SCHEDULE: Within one year.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

CHAPTER 5: Practitioner Trainees

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501; 10 M.R.S. § 8003, sub-§5-A, D(7), 8003-H

PURPOSE: The board may review and revise the requirements completed by practitioner trainees prior to application for licensure as a practitioner of funeral service.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Applicants for trainee status, practitioner trainees, and applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

CHAPTER 6-A: Pathways to Licensure as a Practitioner of Funeral Service

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501, 1501(C); 10 M.R.S. § 8003, sub-§5-A, D(7), 8003-H

PURPOSE: The board may review and revise the procedures and requirements for licensure as a practitioner of funeral service.

ANTICIPATED SCHEDULE: Within one year.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

CHAPTER 7: Funeral Establishments

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise the licensing requirements for funeral establishments.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

CHAPTER 8: Safety and Health Standards

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the protection of the safety and health of the general public by setting forth the equipment and health-related requirements applicable to licensed funeral establishments.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10: General Rules/Scope of Practice

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding (1) hairdressing and cosmetology; (2) the scope of practice of practitioners of funeral service and funeral attendants; (3) the referral of inquiries to a licensed practitioner; (4) mandatory disclosures; and other topics.

ANTICIPATED SCHEDULE: Within one year, if necessary

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

CHAPTER 11: Annual Renewal; Continuing Education; Inactive Status

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501 and 1506

PURPOSE: The board may review and revise its rules, in accordance with 32 M.R.S. § 1506, regarding continuing education requirements for license renewal.

ANTICIPATED SCHEDULE: Within one year.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

CHAPTER 12: Transportation of Human Remains

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board will revise its rules regarding the transportation of human remains to implement Public Law 2021, c. 268.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Yes. To date, a stakeholder group met on several occasions, and consisted of individuals with various areas of expertise including a practitioner of funeral service, a representative of the Department of Transportation with expertise in cargo transportation, a representative of the State Police, and a representative of the insurance industry. The stakeholder group issued a report that has been used to develop a draft rule.

CHAPTER 13: Disinterment

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the disinterment of human remains by funeral service licensees.

ANTICIPATED SCHEDULE: Within one year, if

necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 14: Temporary Storage

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the storage of human remains by funeral service licensees.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 15: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. §§ 1451, 1501

PURPOSE: The board may review and revise its rules regarding the established code of ethics for licensees of the Board.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 16: Prearranged Funerals – Mortuary Trust Agreements

STATUTORY AUTHORITY: 32 M.R.S. §§ 1401(2), 1451, 1501

PURPOSE: The board may review and revise the forms of mortuary trust agreements for use in Maine. The board may propose rulemaking to address the question of funding Mortuary Trust Accounts with proceeds of Life Insurance policies.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-333
BOARD OF LICENSURE OF PROFESSIONAL FORESTERS
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-333**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board of Licensure of Professional Foresters**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: Rulemaking to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement or to grant provisional licenses to applicants from other jurisdictions.

CHAPTER 20: General Information

STATUTORY AUTHORITY: 32 M.R.S. § 5506

PURPOSE: This chapter provides for the election of Board officers. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 30: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the Board. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 40: Educational Qualifications for Intern Forester License

STATUTORY AUTHORITY: 32 M.R.S. §§ 5506(1), (2), and 5514(2)

PURPOSE: This chapter sets forth the education and experience requirements necessary for licensure as an intern forester. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 70: Qualifications for Forester License

STATUTORY AUTHORITY: 32 M.R.S. §§ 5506(2), 5515(3), (5), (5-A), (6), (10) and 5516(2)

PURPOSE: This chapter sets forth the education, experience, and examination requirements for licensure as a forester. Changes may be necessary to clarify a

provision and to amend provisions as necessary to implement P.L. 2021, c. 167, with regards to licensure by endorsement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 80: Continuing Forestry Education

STATUTORY AUTHORITY: 32 M.R.S. §5515(7); 5506(4), 5514(4)

PURPOSE: This chapter establishes the minimum continuing education required for license renewal. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 90: Registration of Foresters for the Supervision of Unlicensed Personnel

STATUTORY AUTHORITY: 32 M.R.S. § 5515(10)(B)

PURPOSE: This chapter implements a registration system for foresters who supervise unlicensed individuals in the practice of forestry. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 100: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. § 5506(3)

PURPOSE: This chapter defines unprofessional practice as failure to comply with the Code of Ethics adopted by the Board in this chapter. This chapter may be amended as necessary to address unprofessional conduct resulting from Board complaints and changes in forestry practice.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 5516; 10 M.R.S. 8003-H

PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-343
BOARD OF RESPIRATORY CARE PRACTITIONERS
Maine Administrative Procedure Act
2022-2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-343**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Respiratory Care Practitioners**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULEMAKING ACTIVITY: Rulemaking to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions. Rulemaking to implement P.L. 2021, c. 291 governing telehealth services within the scope of practice of the licensee's license. Telehealth rules shall establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Review of current rules will be conducted and updated as may be necessary.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 9704

PURPOSE: This chapter 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.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. § 9001; 32 M.R.S. § 9704

PURPOSE: This chapter sets forth procedures for the issuance of advisory rulings by the board. This chapter may be subject to review for updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: License Requirements for Respiratory Care Practitioners

STATUTORY AUTHORITY: 32 M.R.S. §§ 9702(6) and (7), 9704(1) and (2), 9705, 9706-A, 9707-A, 9711

PURPOSE: This chapter defines and describes eligibility requirements for Respiratory Therapists, Respiratory Care Technicians, temporary licensees and trainees. This chapter also sets forth license renewal procedures for Respiratory Therapists and Respiratory Care Technicians. This chapter may be subject to review for updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Applicants for licensure and Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 6: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. § 9704(2)
PURPOSE: This chapter specifies the manner in which respiratory care practitioners shall practice respiratory care. 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 and members of the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 7: Misconduct

STATUTORY AUTHORITY: 32 M.R.S. §§ 9704(2)
PURPOSE: This chapter provides examples of inappropriate behaviors that would constitute unprofessional conduct. The Board may review this for conformance with current statutes and make changes as needed.
SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees and members of the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 9714
PURPOSE: To adopt rules to establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.
SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees and members of the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 9709-A; 10 M.R.S. 8003-H
PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.
SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Applicants for licensure.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-344
BOARD OF LICENSING OF DIETETIC PRACTICE
2022-2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-344**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Licensing of Dietetic Practice**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULEMAKING ACTIVITY: Rulemaking to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions. Rulemaking to implement P.L. 2021, c. 291 governing telehealth services within the scope of practice of the licensee's license. Telehealth rules shall establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Review of current rules will be conducted and updated as may be necessary.

CHAPTER 1: General Information

STATUTORY AUTHORITY: 32 M.R.S. § 9904(2)

PURPOSE: The board may review and revise its rules outlining the guidelines relating to meetings, records and advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary

AFFECTED PARTIES: Consumers, applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: Rules for Licensing of Dietetic Practice

STATUTORY AUTHORITY: 32 M.R.S. § 9904(2); 10 M.R.S. § 8003(2-A)(D)

PURPOSE: The board may review and revise its rules regarding licensure in dietetic practice, including educational requirements, examination requirements, application and licensing procedures, fees, and continuing education requirements.

SCHEDULE FOR ADOPTION: Within one year, if necessary

AFFECTED PARTIES: Applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Complaints and Investigations

STATUTORY AUTHORITY: 32 M.R.S. § 9904(2)

PURPOSE: The board may review and revise its rules describing the procedure by which complaints and investigations will be handled by the Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary

AFFECTED PARTIES: Consumers, applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 4: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. § 9904(2)

PURPOSE: The board may review and revise its rules regarding codes of ethics for licensed dietitians and dietetic technicians.

SCHEDULE FOR ADOPTION: Within one year, if necessary

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-360

BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS

2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-360**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board of Licensure for Professional Land Surveyors**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULEMAKING ACTIVITY: The board may adopt rules to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

CHAPTER 10: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This chapter defines terms used in the Board's rules. The Board may need to amend the rule to define new terms or clarify existing terms.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 20: General Information

STATUTORY AUTHORITY: 32 M.R.S. § 18212

PURPOSE: This chapter establishes guidelines for meeting agendas and election of Board officers. The Board has proposed a change that clarifies how agendas are sent to Board members. Additional changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 30: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the Board. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 40: Qualification for Licensure as Land Surveyor-In-Training

STATUTORY AUTHORITY: 32 M.R.S. §§ 18212, 18223

PURPOSE: This chapter sets forth the requirements for licensure as a land surveyor-in-training. Changes may be needed to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Applicants for licensure.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 50: Qualification for Licensure as Professional Land Surveyor

STATUTORY AUTHORITY: 32 M.R.S. §§ 18212, 18224
PURPOSE: This chapter establishes the licensing qualifications for professional land surveyors. Changes may be needed to clarify a provision.
SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Applicants for licensure.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 60: Licensure by Comity

STATUTORY AUTHORITY: 32 M.R.S. §§ 18212, 18227, 18227-A; 10 M.R.S. § 8003-H;
PURPOSE: This chapter sets forth the conditions under which a licensee from another jurisdiction may be licensed as a land surveyor-in-training or professional land surveyor in Maine. Changes may be needed to clarify a provision and to amend provisions as necessary to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, with regards to licensure by endorsement.
SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Applicants for licensure.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 70: Continuing Education

STATUTORY AUTHORITY: 32 M.R.S. §§ 18212 & 18225
PURPOSE: This chapter establishes the continuing education requirements for license renewal. Changes may be needed to clarify a provision.
SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees and the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 90: Standards of Practice

STATUTORY AUTHORITY: 32 M.R.S. § 18212
PURPOSE: This chapter sets forth the standards of practice for licensees. Changes may be needed to clarify a provision.
SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees and the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-371
NURSING HOME ADMINISTRATORS LICENSING BOARD
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-371**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Nursing Home Administrators Licensing Board**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULEMAKING ACTIVITY: The board intends to repeal and replace all existing rules in their entirety. Rulemaking expected to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions. Rulemaking to implement P.L. 2021, c. 291 governing telehealth services within the scope of practice of the licensee's license. Telehealth rules would establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: The board will update and revise its definitions for applicable terms contained in the rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: Nursing Home Administrators

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: This chapter sets forth the general requirements for licensure as a Nursing Home Administrator and the continuing education requirements for license renewal. The board will propose that no new nursing home administrator licenses be issued but that those licensees who hold current, valid nursing home administrator licenses may continue to renew that license or may transition to the multi-level facility administrator license by passing a board-approved exam. The board will also propose to update and revise provisions pertaining to the administrator-in-training program for nursing home and multi-level facility administrators.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Residential Care Facility Administrators

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: The board will revise and update the general requirements for licensure as a Residential Care Facility Administrator and the continuing education requirements for license renewal.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 4: Multi-Level Long Term Care Facility Administrators

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: The board will update and revise the general requirements for licensure as a Multi-Level Long Term Care Facility Administrator and the continuing education requirements for license renewal.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 5: Licensing

STATUTORY AUTHORITY: 32 M.R.S. §§ 63-B(2), 64-A, 66; 10 M.R.S. § 8003(5-A)(D)(5); Title 5, Chapter 375

PURPOSE: The board will update and revise the guidelines for license issuance, renewal, and reinstatement, and for the disciplining of licensees. The board will also propose to add new provisions on inactive status licensure, as authorized by 10 M.R.S. § 8003(5-A)(D)(5).

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 6: Endorsement

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2) and (9)

PURPOSE: The board will update and revise the requirements for licensure by endorsement for licensees who hold licenses from another jurisdiction.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants currently licensed in other jurisdictions who will seek licensure in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 7: Temporary Licenses

STATUTORY AUTHORITY: 32 M.R.S. §§ 63-B(2), 64-A, 66; Title 5, Chapter 375

PURPOSE: The board will update and revise the requirements for temporary licensure.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 8: Continuing Education

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

PURPOSE: The board will update and revise the continuing professional education requirements for administrators licensed by the board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 9: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2); 5 M.R.S. §§ 8051, 9001

PURPOSE: The board will update and revise the process for obtaining advisory rulings with regard to interpretation of these rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure, licensees, and public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10: Fees

STATUTORY AUTHORITY: 10 M.R.S. § 8003(2-A)(D)

PURPOSE: This chapter has been superseded by 10 M.R.S. § 8003(2-A)(D) and rulemaking pursuant to Chapter 10 of the rules of the Office of Professional & Occupational Regulation, and therefore should be repealed entirely.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 11: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. § 63-B(2)

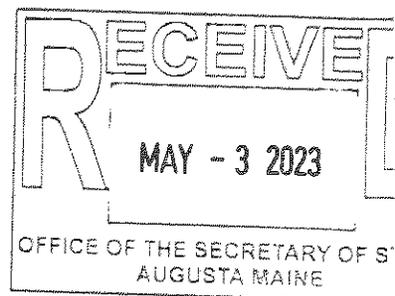
PURPOSE: The board will update and revise its code of ethics by adopting nearly verbatim the most recent version of the American College of Health Care Administrators Code of Ethics.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-373
MAINE BOARD OF LICENSURE IN MEDICINE
2022 - 2023 Regulatory Agenda
Amended April 28, 2023



AGENCY UMBRELLA-UNIT NUMBER: **02-373**

AGENCY NAME: **Board of Licensure in Medicine**

RULE-MAKING LIAISON: Maureen S. Lathrop, Administrative Assistant, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3603; e-mail: maureen.s.lathrop@maine.gov

The 2022-2023 regulatory agenda is amended to reflect that the Board of Licensure in Medicine plans to propose amendments to Chapter 12 Joint Rule Regarding Office Based Treatment of Opioid Use Disorder and Chapter 21 Use of Controlled Substances for Treatment of Pain.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2022 - 2023 RULE-MAKING ACTIVITY:

CHAPTER 1: Rule Regarding Physicians

STATUTORY BASIS: 32 M.R.S. §§ 3269(1),(2),(3),(7); 3271; 3280-A

PURPOSE: This chapter sets forth licensure and renewal requirements for medical doctors. The Board may propose changes as needed.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Applicants for licensure/renewal of licensure and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: dennis.e.smith@maine.gov

CHAPTER 2: Joint Rule Regarding Physician Assistants

STATUTORY BASIS: 32 M.R.S. §§ 3269(7), 3270-E(5); 10 M.R.S. § 8003(5)(C)(4)

PURPOSE: This chapter is a joint rule with the Board of Osteopathic Licensure pertaining to the licensure, scope of practice, continuing clinical competency, consultation, collaborative agreements, practice agreements, notification, and continuing education requirements for physician assistants who are licensed in Maine. The Board may propose changes as needed.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Applicants for licensure/renewal of licensure and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: dennis.e.smith@maine.gov

CHAPTER 3: Professional Standards

STATUTORY BASIS: 32 M.R.S. § 3269(3),(7)

PURPOSE: The Board may develop and propose a rule to define unprofessional conduct by physicians and physician assistants.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: dennis.e.smith@maine.gov

CHAPTER 4: Rules for the Issuance of Citations

STATUTORY BASIS: 32 M.R.S. § 3269(7); 10 M.R.S. § 8003-E

PURPOSE: This chapter lists the violations for which a citation and administrative fine may be issued, describes the licensee's right to request a hearing, and describes the time and manner in which the fine must be paid. The Board may propose changes as needed.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Physicians and physician assistants

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: dennis.e.smith@maine.gov

CHAPTER 7 Rule Related to the Conduct of Adjudicatory Hearings

STATUTORY BASIS: 32 M.R.S. §§ 3282-A, 3269(4)

PURPOSE: The Board may develop and propose a rule regarding the conduct of adjudicatory hearings.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: dennis.e.smith@maine.gov

CHAPTER 8 Rule Related to Complaint Investigations and Complaint Reviews

STATUTORY BASIS: 32 M.R.S. §§ 3282-A, 3269(8)

PURPOSE: The Board may develop and propose a rule regarding complaint investigations and complaint reviews.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: dennis.e.smith@maine.gov

CHAPTER 10: Sexual Misconduct

STATUTORY BASIS: 32 M.R.S. §§ 3269(3), 3269(7)

PURPOSE: This chapter is a joint rule with the Board of Osteopathic Licensure that defines sexual misconduct by physicians and physician assistants, sets forth the range of sanctions applicable to violations of this rule, and identifies the factors the Board should consider in imposing sanctions. The Board may propose changes as needed.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Physicians, physician assistants and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: dennis.e.smith@maine.gov

CHAPTER 11: Joint Rule Regarding Telehealth Standards of Practice

STATUTORY BASIS: 32 M.R.S. § 3269(3),(7), 3300AA – 3300EE

PURPOSE: This chapter establishes standards for using telehealth in providing healthcare. The Board of Licensure in Medicine and Board of Osteopathic Licensure proposed amendments to the existing joint rule which was also adopted by the State Board of Nursing. The amended joint rule updates definitions to comport with definitions in P.L. Chapter 291 and includes terminology and requirements applicable to nurses.

SCHEDULE FOR ADOPTION: In process

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON FOR THIS CHAPTER: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: dennis.e.smith@maine.gov

CHAPTER 12: Joint Rule Regarding Office Based Treatment of Opioid Use Disorder

STATUTORY BASIS: 32 M.R.S. §§ 3269(3),(7), 3300-EE, 3300-F

PURPOSE: This chapter is a joint rule with the Board of Osteopathic Licensure and the Board of Nursing. The purpose of this chapter is to ensure safe and adequate treatment of opioid use disorder with Approved Medications in an outpatient medical setting that is not a certified Opioid Treatment Program. The Board plans to propose amendments to make the rule consistent with changes to DEA registration requirements. The Board may also propose changes as needed.

SCHEDULE FOR ADOPTION: 2023

AFFECTED PARTIES: Physicians, physician assistants and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: dennis.e.smith@maine.gov

CHAPTER 21: Use of Controlled Substances for Treatment of Pain

STATUTORY BASIS: 32 M.R.S. §§ 3269(3),(7), 3300-F

PURPOSE: This chapter is a joint rule with the Board of Osteopathic Licensure and the Board of Nursing to ensure adequate relief of pain to the citizens of Maine. The Board plans to propose amendments to make the rule consistent with changes to DEA registration requirements. The Board may also propose changes as needed.

SCHEDULE FOR ADOPTION: 2023

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: dennis.e.smith@maine.gov

CHAPTER X

STATUTORY BASIS: Title 32 M.R.S. § 3269(3),(7)

PURPOSE: The Board may develop and propose a joint rule with the Maine Medical Marijuana Program regarding appropriate record keeping, the physician-patient relationship, unethical or unprofessional conduct, and standards of practice.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04333-0137; (207) 287-3605; e-mail: dennis.e.smith@maine.gov

CHAPTER X

STATUTORY BASIS: Title 32 M.R.S. § 3269(3),(7)

PURPOSE: The Board may develop and propose a joint rule with the Board of Osteopathic Licensure and the Board of Nursing regarding universal precautions for prescribing controlled substances.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04330-0137; (207) 287-3605; e-mail: dennis.e.smith@maine.gov

CHAPTER X

STATUTORY BASIS: Title 32 M.R.S. § 3269(3),(7)

PURPOSE: The Board may develop and propose a joint rule with the Board of Osteopathic Licensure regarding medical records retention, including storage, length of time for retention, and notification to patients about how to access medical records following the closure of a medical practice.

SCHEDULE FOR ADOPTION: N/A

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Dennis E. Smith, Executive Director, 137 State House Station, Augusta, ME 04330-0137; (207) 287-3605; e-mail: dennis.e.smith@maine.gov

02-380
MAINE STATE BOARD OF NURSING
2022-2023 Regulatory Agenda
July 1, 2022

AGENCY UMBRELLA-UNIT NUMBER: **02-380**
AGENCY NAME: **Maine State Board of Nursing**

RULEMAKING LIASION: Jessica A. Richardson MSN, RN, FNP-C,
AGACNP-BC, Assistant Executive Director 158 State House Station,
Augusta, ME 04333-0137. Telephone: (207) 287-1147. Email:
Jessica.A.Richardson@maine.gov

CONTACT PERSON: Kim Esquibel, PhD, MSN, RN, Executive Director,
158 State House Station, Augusta, ME 04333-0158. Tel: (207) 287-1148.
Email: Kim.Esquibel@Maine.gov .

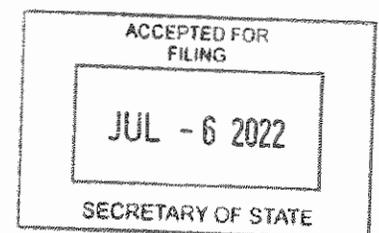
EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:

None

EXPECTED 2022-2023 RULE-MAKING ACTIVITY:

CHAPTER 3: Rules Relating to General Requirements Relating to Licensure
STATUTORY AUTHORITY: 32 M.R.S. §2153-A(1)
PURPOSE: This chapter explains the procedure for change of name and/or address;
policy and procedure in regard to a lost license; and verification of Maine licensure to
another state or country. Proposed revisions to this chapter include ensuring rules
conform to the requirements as set in statute.
SCHEDULE FOR ADOPTION: Anticipated completion 2023
AFFECTED PARTIES: Licensees
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated
CONTACT PERSON FOR THIS CHAPTER: Jessica A. Richardson MSN, RN, FNP-C,
AGACNP-BC, Assistant Executive Director 158 State House Station, Augusta, ME
04333-0137. Telephone: (207) 287-1147. Email: Jessica.A.Richardson@maine.gov

CHAPTER 4: Rules Relating to Disciplinary Action and Violations of Law
STATUTORY AUTHORITY: 32 M.R.S. §§ 2105-A, 2153-A(1)
PURPOSE: This chapter lists the legal grounds for action against a license; explains the
procedure for initiating disciplinary action; describes disciplinary proceedings and
sanctions; states the authority of the Administrative Court, following a formal hearing, to
revoke or suspend a licensee; lists the violations of law over which the District Court and
the Superior Court shall have jurisdiction for prosecution; and defines unprofessional
conduct. Proposed revisions to this chapter include amending disciplinary process by
further defining fraud and deceit and addressing multi-state licensure.
SCHEDULE FOR ADOPTION: Anticipated completion 2023
AFFECTED PARTIES: Licensed Nurses
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated



CONTACT PERSON FOR THIS CHAPTER: Kim Esquibel, Executive Director,
158 State House Station, Augusta, ME 04333-0158; (207) 287-1148; email:
Kim.Esquibel@Maine.gov

CHAPTER 5: Regulations Relating to Training Programs and Delegation by Registered Professional Nurses of Selected Nursing Tasks to Certified Nursing Assistants

STATUTORY AUTHORITY: 32 M.R.S. §§ 2102, 2104 and 2153-A(1)

PURPOSE: This chapter defines delegation; states the responsibilities of a registered professional nurse in delegating selected nursing tasks to certified nursing assistants; sets forth the requirements relating to training programs; and states the criteria for listing on the MAINE REGISTRY OF CERTIFIED NURSING ASSISTANTS. Proposed changes to this chapter include: modify clinical sites approved for CNA-M medication administration; include diabetic subcutaneous medication administration, gastrostomy tube medication administration, and nebulizer therapy; modify faculty requirements for course instruction with changes in related experience; include an exemption to permit registered nurse students in a nursing program that meet medication administration requirements to administer medications; and add language to permit practical nurses/ registered professional nurses who successfully complete a precicensure program to administer medications.

SCHEDULE FOR ADOPTION: In process, anticipated completion 2022

AFFECTED PARTIES: Licensed Nurses, Certified Nursing Assistants-Medication

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Jessica A. Richardson MSN, RN, FNP-C, AGACNP-BC, Assistant Executive Director 158 State House Station, Augusta, ME 04333-0137. Telephone: (207) 287-1147. Email: Jessica.A.Richardson@maine.gov

CHAPTER 6: Regulations Relating to Coordination and Oversight of Patient Care Services by Unlicensed Health Care Assistive Personnel

STATUTORY AUTHORITY: 32 M.R.S. §§ 2102(2)(H), 2153-A(1)

PURPOSE: This chapter sets forth regulations governing coordination and oversight by registered professional nurses of patient care services provided by unlicensed health care assistive personnel. Proposed revisions to this chapter are to ensure rules conform to requirements as set in statute.

SCHEDULE FOR ADOPTION: Anticipated completion 2023

AFFECTED PARTIES: Licensed Nurses, Unlicensed Assistive Personnel

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Jessica A. Richardson MSN, RN, FNP-C, AGACNP-BC, Assistant Executive Director 158 State House Station, Augusta, ME 04333-0137. Telephone: (207) 287-1147. Email: Jessica.A.Richardson@maine.gov

CHAPTER 7: Standards for Educational Programs in Nursing

STATUTORY AUTHORITY: 32 M.R.S. §§ 2104(1)(B), 2153-A(1)

PURPOSE: This chapter serves as a basic guide to the minimum legal requirements for approval of educational programs in nursing by the Board of Nursing; provides information and guidance for administrators and faculty, and for all persons concerned with the establishment, development and implementation of educational programs in nursing; and provides criteria for self-appraisal by faculty and serves as a basis for continued program improvement. Proposed revisions to this chapter are to ensure rules conform to requirements as set in statute.

SCHEDULE FOR ADOPTION: Anticipated completion 2023

AFFECTED PARTIES: Nursing Education Programs

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Kim Esquibel, Executive Director, 158 State House Station, Augusta, ME 04333-0158; (207) 287-1148; email: Kim.Esquibel@Maine.gov

CHAPTER 8: Rules Relating to Advanced Practice Registered Nursing

STATUTORY AUTHORITY: 32 M.R.S. §§ 2102(2-A), 2153-A(1), 2210, 2211(4)

PURPOSE: This chapter identifies the role of a registered professional nurse in advanced practice registered nursing; implements the Board's authority to approve the credentials for practice as a certified nurse practitioner, certified nurse-midwife, certified registered nurse anesthetist, and certified clinical nurse specialist; delineates the scope of practice; implements the Board's authority to grant prescriptive authority, clarifies the 24 months supervision requirement for new nurse practitioners, outlines the continuing education requirement for advanced practice registered nurses, and clarifies the treatment and prescribing of medications to family members. Proposed revisions to this chapter are to ensure rules conform to requirements as set in statute.

SCHEDULE FOR ADOPTION: Anticipated completion 2023

AFFECTED PARTIES: Advanced Practice Registered Nurses

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Jessica A. Richardson MSN, RN, FNP-C, AGACNP-BC, Assistant Executive Director 158 State House Station, Augusta, ME 04333-0137. Telephone: (207) 287-1147. Email: Jessica.A.Richardson@maine.gov

CHAPTER 10: Regulations Relating to Administration of Intravenous Therapy by Licensed Nurses

STATUTORY AUTHORITY: 32 M.R.S. §2153-A(1); 32 M.R.S. §2102(2)(C)

PURPOSE: This chapter identifies the roles of licensed nurses in the administration of intravenous therapy. It also includes the approved course outlines for the administration of intravenous therapy by the licensed practical nurse, who works with the adult and/or pediatric patient. The Board may propose changes to this chapter to include clarifying and updating standards of current practice in intravenous therapy to ensure rules conform to the requirements as set in statute.

SCHEDULE FOR ADOPTION: Anticipated completion 2023

AFFECTED PARTIES: Licensed Nurses; Facilities hiring licensed practical nurses

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Jessica A. Richardson MSN, RN, FNP-C, AGACNP-BC, Assistant Executive Director 158 State House Station, Augusta, ME 04333-0137. Telephone: (207) 287-1147. Email: Jessica.A.Richardson@maine.gov

CHAPTER 11: Telehealth Standards of Practice

STATUTORY AUTHORITY: 32 M.R.S. §2266

PURPOSE: This chapter is a joint rule with the Board of Osteopathic Licensure and the Board of Licensure in Medicine to establish standards for using telehealth in providing health care.

SCHEDULE FOR ADOPTION: 2022

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Kim Esquibel, Executive Director, 158 State House Station, Augusta, ME 04333-0158; (207) 287-1148; kim.esquibel@maine.gov

CHAPTER 12: Joint Rule Regarding Office Based Medication-Assisted Treatment of Opioid Addiction with Buprenorphine

STATUTORY BASIS: 32 M.R.S. §§ 2102(2-A), 2153-A(1), 2210

PURPOSE: This chapter is a joint rule with the Board of Osteopathic Licensure and the Board of Licensure in Medicine to ensure safe and adequate treatment of opioid use disorder with Approved Medications in an outpatient medical setting that is not a certified Opioid Treatment Program. Proposed revisions to this chapter are to ensure rules conform to the requirements as set in statute and update the definition of telehealth.

SCHEDULE FOR ADOPTION: Anticipated completion 2023

AFFECTED PARTIES: Advanced Practice Registered Nurses with prescriptive authority and patients

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Kim Esquibel, Executive Director, 158 State House Station, Augusta, ME 04333-0158; (207) 287-1148; email: kim.esquibel@maine.gov

CHAPTER 21: Use of Controlled Substances for Treatment of Pain

STATUTORY BASIS: 32 M.R.S. §§ 2102(2-A), 2153-A(1), 2210

PURPOSE: This chapter is a joint rule with the Board of Osteopathic Licensure, the Board of Licensure in Medicine, the Board of Podiatric Medicine, and the Board of Nursing to insure adequate relief of pain to the citizens of Maine. This chapter outlines exemptions for applicability of certain portions of the rule for inpatients of medical facilities or custodial care facilities where controlled substances are dispensed or administered to the patient and exemptions for applicability of certain portions of the rule for patients who are terminally ill and who are receiving hospice services as defined in the rule. Proposed revisions to this chapter are to ensure rules conform to the requirements as set in statute.

SCHEDULE FOR ADOPTION: Anticipated completion 2023

AFFECTED PARTIES: Advanced Practice Registered Nurses with prescriptive authority and patients

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON FOR THIS CHAPTER: Kim Esquibel, Executive Director, 158 State House Station, Augusta, ME 04333-0158; (207) 287-1148; email: Kim.Esquibel@Maine.gov

02-382

BOARD OF OPTOMETRY

Maine Administrative Procedure Act
2022 – 2023 Regulatory Agenda
Prepared: August 11, 2022

AGENCY UMBERLLA-UNIT NUMBER: **02-382**

AGENCY NAME: Department of Professional and Financial Regulation, Affiliated Board, **Maine Board of Optometry**

CONTACT PERSON FOR THIS AGENCY: Tina Carpentier, Office specialist II, 113 State House Station, Augusta, ME 04333, 207-624-8691, tina.carpentier@maine.gov

RULEMAKING LIASON FOR THE BOARD: Dr. Thomas Nadeau, O.D., Board Chair, 143 Townsend Ave., Boothbay Harbor, ME 04538, 207-592-0412, tpnod@roadrunner.com

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULEMAKING ACTIVITY: The Board is undergoing a review of existing chapters that identifies the application for examination, approved schools, license renewal requirements, fees, and continuing education. Additional rulemaking will be required because of the proposed repeal and replace of the laws for the 131st legislative sessions.

These rule changes are necessary and badly needed to provide new provisions to protect the public, create consistency, clarity, and the ease of use for licensees and the public. This proposal will also allow the Maine State Board of Optometry to update grammar, language, organization.

CHAPTER 1: Fees

STATUTORY AUTHORITY: 34-A M.R.S.A. §2423 (1)(2)(3)(4) (5)

PURPOSE: This chapter establishes fee for licenses, applications, and related services. The Board needs to increase the annual License fee from \$380.00 to \$490.00 to adequately provide revenue for the Board to meet the expenditures. The Board has reviewed this chapter to ensure compliance with proposed repeal and replace of the laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees, applicants,

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated

ANTICIPATED NEW CHAPTER 4: PROCEDURE TO BECOME AUTHORIZED TO TREAT GLAUCOMA:

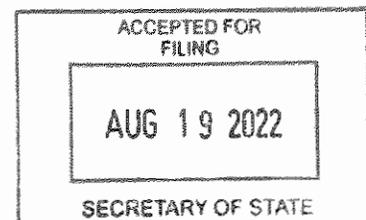
STATUTORY AUTHORITY: 34-A M.R.S.A. §2423

PURPOSE: This chapter consists of rules and regulations regarding the process for licensees not previously authorized to treat glaucoma and for applicants who have graduated from Optometry School before 1996 to be issued a Therapeutic Advance Glaucoma license.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees, applicants,

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated



ANTICIPATED NEW CHAPTER 5: TELEHEALTH STANDARDS, USES, AND LIMITATIONS:

STATUTORY AUTHORITY: 34-A M.R.S.A. §2423

PURPOSE: This chapter establishes standards for the practice of optometry using telehealth in providing optometrist care.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees, applicants,

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated

ANTICIPATED NEW CHAPTER 6: CODE OF ETHICS:

STATUTORY AUTHORITY: 34-A M.R.S.A. §2423

PURPOSE: This chapter sets forth a code of ethics applicable to licensed optometrists.

SCHEDULE FOR ADOPTION: Anticipated completion 2022-2023.

AFFECTED PARTIES: Licensees, applicants,

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated

02-384
BOARD OF ALCOHOL AND DRUG COUNSELORS
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-384**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Alcohol and Drug Counselors**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULEMAKING ACTIVITY: Rulemaking to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions. Rulemaking to implement P.L. 2021, c. 291 governing telehealth services within the scope of practice of the licensee's license. Telehealth rules shall establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Review of current rules will be conducted and updated as may be necessary.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 6212

PURPOSE: This chapter defines certain specialized terms used in 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: This chapter provides for the discretionary 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Requirements for Registration as an Alcohol and Drug Counseling Aide (ADCA)

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 6213-B

PURPOSE: This chapter states the eligibility requirements for registration to practice as an alcohol and drug counseling aide. This chapter also requires ADCAs to provide prompt notice of change of employment. 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: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 4: Requirements for Licensure as a Certified Alcohol and Drug Counselor (CADC)

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212(1), 6214-C, 6216

PURPOSE: This chapter states the eligibility requirements for a certificate to practice as a certified alcohol and drug counselor, including application, education, experience and examination. 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: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 5: Requirements for Licensure as a Licensed Alcohol and Drug Counselor (LADC)

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 6214-D, 6216

PURPOSE: This chapter states the eligibility requirements for issuance of a license to practice as a licensed alcohol and drug counselor, including application, education, experience and examination. 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: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 6: Standards for Certification of Clinical Supervisors

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 6214-E, 6216

PURPOSE: This chapter states the eligibility requirements for certification of clinical supervision to alcohol and drug counseling aides, certified alcohol and drug counselors and licensed alcohol and drug counselors. 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: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 7: Continuing Professional Education for Alcohol and Drug Counselors, Alcohol and Drug Counseling Aides and Certified Clinical Supervisors

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 6219, 6219-A, 6219-B

PURPOSE: This chapter describes the continuing education required for renewal of licenses, registrations and certificates. The Board may review this chapter for conformance with statutes and make updates to continuing education requirements.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 8: Enforcement and Disciplinary Procedures

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 6217-B

PURPOSE: This chapter sets forth the right of an applicant or an alcohol and drug counselor, alcohol and drug counseling aide, or certified clinical supervisor to appeal certain board actions. This chapter also specifies the enforcement and disciplinary procedures used by the board and sets forth as standards of practice the board's

interpretation of certain grounds for discipline contained in 32 M.R.S. § 6217-B. 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 9: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. § 6212(9)

PURPOSE: This chapter contains the Code of Ethics for the performance of alcohol and drug counseling services. 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 6212, 32 M.R.S. § 6235

PURPOSE: To adopt rules to establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. §§ 6212, 6220; 10 M.R.S. 8003-H

PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-385
MANUFACTURED HOUSING BOARD
2022- 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-385**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Manufactured Housing Board**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022 – 2023 RULE-MAKING ACTIVITY:

CHAPTER 110: State Certification of Modular Homes

STATUTORY AUTHORITY: 10 M.R.S. §§ 9005-A, 9041, and 9042

PURPOSE: This chapter sets forth construction standards, compliance assurance, inspection requirements, grounds for violation, and licensee appeal procedures relating to State-certified modular homes. The Board may propose a rule to update the adopted codes for modular home construction.

SCHEDULE FOR ADOPTION: February 2023.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 340: Licensing – Licenses

STATUTORY AUTHORITY: 10 M.R.S. § 9021

PURPOSE: This chapter sets forth requirements for licensure as a mechanic, installer, dealer, developer dealer or manufacturer of manufactured housing. The Board may update this rule to amend the license renewal from a 2-year period to the current 1-year period, and to clarify recordkeeping requirements at dealer branches.

SCHEDULE FOR ADOPTION: February 2023.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 350: Licensing – Scope of Practice, Obligations of Licensees, Prohibited Practices

STATUTORY AUTHORITY: 10 M.R.S. § 9021

PURPOSE: This chapter describes the scope of practice applicable to the different licenses, obligations of licensees, and prohibited practices. The Board may update this rule to clarify the obligations of licensees and prohibited practices regarding contractors, and to clarify recordkeeping requirements at dealer branches.

SCHEDULE FOR ADOPTION: February 2023.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 820: Definitions

STATUTORY AUTHORITY: 10 M.R.S. § 9085

PURPOSE: This chapter defines terms used in the rules relating to manufactured housing communities. The board may propose an amendment of this rule to update/change the private water system definition to align with Chapter 840.

SCHEDULE FOR ADOPTION: February 2023.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 840: Rules Relating to Drinking Water Systems of Manufactured Housing Communities

STATUTORY AUTHORITY: 10 M.R.S. §§ 9005-A, 9084, 9085

PURPOSE: This chapter outlines the jurisdiction of the Board and the Division of Environmental Health within the Maine Center for Disease Control and Prevention, Department of Health and Human Services, in regulating the drinking water systems of manufactured housing communities. This chapter also sets forth the safe drinking water requirements for manufactured housing communities with Private Water Systems, which are regulated by the Board. These requirements pertain to Private Water System approval, operation, and modification; annual water testing, reporting, and notice to community residents; and enforcement remedies when a community violates these rules. The rules in this chapter are established to protect public health from unsafe Private Water Systems and to require that a community notify the population served of annual water test results. The Board may propose a rule to simplify the test scheduling requirements making it easier to understand while maintaining the same level of safety.

SCHEDULE FOR ADOPTION: February 2023.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 850: Community Licensing – Standards

STATUTORY AUTHORITY: 10 M.R.S. § 9082 and § 9085.

PURPOSE: This chapter establishes licensing standards relating to minimum lot size, potable water, plumbing, fuel supplies, electrical connections, life and fire safety, streets, and nuisances. The Board may propose rulemaking to move Chapter 850, Section 2 to Chapter 840, Section 3(1), update/change the incorporation of the NFPA 70, 2014 to the edition currently adopted by the Electrician Examining Board and update requirements for fuel supply systems to meet requirements of the Maine Fuel Board.

SCHEDULE FOR ADOPTION: February 2023

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 890: Manufactured Home Installation Standards

STATUTORY AUTHORITY: 10 M.R.S. § 9061, 42 U.S.C. § 5404(c)(2)(section 605(c)(2))

PURPOSE: This chapter sets forth minimum requirements for the initial installation of new manufactured homes (HUD) in accordance with federal standards. The Board may propose rulemaking to clarify that these standards do not apply to Tiny Homes as defined in 29-A M.R.S. § 101(80-C), to make compliance with the Pre-Occupation inspection program easier while adding clarity to those requirements and adding clarification language to other individual sections of the chapter.

SCHEDULE FOR ADOPTION: February 2023

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 900: Used Manufactured Home Installation Standard

STATUTORY AUTHORITY: 10 M.R.S. § 9061 and §§ 9062-9070

Purpose: This chapter sets forth minimum requirements for the installation of used manufactured homes. The Board may propose rulemaking to clarify that these standards do not apply to Tiny Homes as defined in MRS 29-A §101(80-C), and add language for clarification.

SCHEDULE FOR ADOPTION: February 2023

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 950: Used Standard – Plumbing Systems

STATUTORY AUTHORITY: 10 M.R.S. § 9061 and §§ 9062-9070

Purpose: This chapter covers the plumbing materials, fixtures, and equipment installed within or on used manufactured (HUD) homes. It is the intent of this chapter to assure water supply, drain, waste and vent systems permit satisfactory functioning and provide for health and safety under all conditions. The Board may propose rulemaking in order to assure that sections within this rule do not conflict with those adopted by the Plumbers Examining Board.

SCHEDULE FOR ADOPTION: February 2023

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 960: Used Standard – Heating and Fuel Burning Systems

STATUTORY AUTHORITY: 10 M.R.S. § 9061 and §§ 9062-9070

Purpose: This chapter covers heating and fuel burning equipment installed within or on used manufactured (HUD) homes. It is the intent of this chapter to assure that properly licensed technician inspects the heating equipment for safe operation and compliance with appropriate codes. The Board may propose rulemaking in order to clarify, adding specific requirements for gas fired systems, and assure that sections within this rule do not conflict with those adopted by the Maine Fuel Board.

SCHEDULE FOR ADOPTION: February 2023

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-392
MAINE BOARD OF PHARMACY
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-392**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Maine Board of Pharmacy**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2022-2023 RULEMAKING ACTIVITY: A number of new laws passed by the 130th Legislature will require the Board to adopt new rules and review current rules for updates. They include:

- *P.L. 2021, c. 167 and P.L. 2021, c. 642* – Review and update current rules on licensure for credentialed individuals from other jurisdictions.
- *P.L. 2021, c. 348* – Review and update current rules to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired.”
- *P.L. 2021, c. 291* – Adopt new rules to implement law authorizing telehealth services within the scope of practice of the licensee’s license. Telehealth rules shall establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.
- *P.L. 2021, c. 289* –
 - Adopt rules to establish the terms and conditions for compounding drugs for veterinary office use including, but not limited to, requirements and specifications of minimum professional and technical equipment, environments, supplies and procedures and quality assurance requirements; labeling requirements; limits on the supply for administration to the veterinarian's patient and the supply for dispensing to the veterinarian's client; record-keeping requirements; and procedures for notifications regarding defective drug products and adverse events. The Board shall consult with the State Board of Veterinary Medicine in the establishment of the terms and conditions for compounding drugs for veterinarian office use.
 - Adopt rules identifying the duties and responsibilities of the Pharmacist-In-Charge of a licensed pharmacy.
 - Update the timeline for certain reporting requirements.
 - Update the current rules relating to board approval requirements for the operation of a vaccine administration clinic and treatment protocol.
- *P.L. 2021, c. 20* – Establish protocols for notifying practitioners when emergency refills of insulin are dispensed.
- *P.L. 2021, c. 265* – Establish standards for authorizing pharmacists to prescribe, dispense and administer HIV prevention drugs, adequate training requirements and protocols for when there is no prescription drug order, standing order or collaborative practice agreement.
- *P.L. 2021, c. 271* – Establish the criteria for one-time board approval of the plan for the administration of drugs by intramuscular or subcutaneous injection by an authorized pharmacist. The Board may review the qualifications and requirements

for pharmacists on drug administration to ensure that it meets administration needs for intramuscular and subcutaneous drugs.

- *P.L. 2021, c. 84* – Review and update current continuing professional education requirements to reflect that a pharmacist who does not administer drugs and immunizations is not required to complete 2 hours of continuing professional education in drug administration.
- *P.L. 2021, c. 303* – The Board may adopt rules to implement the Insulin Safety Net Program and insulin product registration pursuant to 32 M.R.S. § 13800-D, sub-§2.
- *P.L. 2021, c. 566* – The Board may adopt rules on dispensing an emergency supply of chronic maintenance drugs, which may include determining what constitutes a chronic maintenance drug and what reporting procedures are necessary in dispensing an emergency supply of a chronic maintenance drug.

The Board is expected to complete an all-chapters comprehensive review of its rules to update, streamline, and eliminate unnecessary rules for individuals applying for pharmacist, pharmacy intern and pharmacy technician licensure and practice requirements, the licensing, operation and reporting requirements of entities and to ensure that rules are compliant with current laws and practice standards, and provide clarification of certain rules as necessary. As part of this rules review, the Board will consider remote prescription delivery systems and pharmacy practice to the extent permitted by law. The Board will review all current federal and state regulations and good practice guidelines adopted by reference for updates and may consider related federal regulations based on practice need determination, including sterile and nonsterile compounding. Review rules throughout for updates to the term “habitual substance abuse” to “habitual substance use” pursuant to P.L. 2018, c. 407. The Board will develop rules to implement P.L. 2019, c. 454 for the sale of nonprescription drugs through vending machines. If necessary, the Board may consider rules for purposes of registration of manufacturers that produce opioids and opioid product registration and may be necessary for requirements under P.L. 2019, c. 536 to improve accountability of opioid manufacturers. The Board may consider recommendations to pharmacies on use of 2-dimensional machine-scannable barcode that can be read by use of electronic devices for storing information or directing or leading a user to additional prescription drug use and information. The Board may review collaborative drug therapy management rules for updates or adjustments. The comprehensive review of all chapters will update, consolidate, streamline and eliminate unnecessary rules and to ensure the rules are consistent with current rulemaking authorization granted by the Maine Legislature.

CHAPTER 1: Definitions

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13723

PURPOSE: This chapter defines certain specialized terms used throughout all rules adopted 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: Advisory Rulings

STATUTORY BASIS: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: This chapter provides for the discretionary 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 and members of the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Applicability of Rules to Unregistered Facilities

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(D), 13723
PURPOSE: This chapter provides for the applicability of the board's rules to the facilities identified in 32 M.R.S. §13721(1)(D). 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: N/A

CHAPTER 4: Licensure of Pharmacists

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13723, 13732, 13733, 13734
PURPOSE: This chapter sets forth the application procedure for persons applying for licensure as a pharmacist. 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: Applicants for licensure.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 4-A: Administration of Drugs and Immunizations

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13723, 13831, 13832, 13833, 13834(1), 13835
PURPOSE: This chapter sets forth minimum requirements for treatment protocols, administration and recordkeeping requirements, and standards for the operation of drug administration clinics. 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 and members of the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 5: Continuing Pharmacy Education

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13723, 13735
PURPOSE: This chapter implements the requirement in 32 M.R.S. § 13735 that each pharmacist complete 15 hours of continuing pharmacy education annually as a condition of license renewal. 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: N/A

CHAPTER 6: Pharmacy Student Internship Programs (Repealed)

CHAPTER 6-A: Pharmacy Student Internship Programs

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(G), 13723, 13732(3), 13834(1)
PURPOSE: This chapter sets forth requirements of the pharmacy student internship required for licensure by Chapter 4, Section 1(4)(B) of 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: N/A

CHAPTER 7: Licensure and Employment of Pharmacy Technicians

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(I)(H), 13723
PURPOSE: This chapter sets forth the qualifications, permissible duties and supervision responsibilities of the pharmacist in charge with respect to licensed pharmacy technicians. 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: Applicants for licensure and Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 8: Licensure of Retail Drug Outlets

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751, 13752, 13752-A, 13753
PURPOSE: This chapter sets forth licensure requirements for retail drug outlets. 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 and members of the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 9: Registration of Rural Health Centers

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13723, 13751, 13762, 13763, 13764
PURPOSE: This chapter sets forth registration requirements for rural health centers. 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: Applicants for licensure and Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10: Registration of Free Clinics

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13723, 13751, 13752, 13752-A, 13753
PURPOSE: This chapter sets forth registration requirements for free clinics. 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: Applicants for licensure and Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 11: Registration of Mail Order Prescription Pharmacies and Licensure of Mail Order Contact Lens Suppliers

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13721(2), 13723, 13751, 13752, 13752-A, 13753
PURPOSE: This chapter sets forth registration requirements for mail order prescription pharmacies and license requirements for mail order contact lens suppliers. This chapter also contains enforcement provisions unique to these two types of drug outlet. 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: N/A

CHAPTER 12: Licensure of Manufacturers and Wholesalers

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13723, 13751, 13758

PURPOSE: This chapter sets forth license requirements for wholesalers, also known as wholesale pharmacies or wholesale drug distributors, and manufacturers. 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: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 13: Operation of Retail Pharmacies

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13751

PURPOSE: This chapter sets forth operation requirements for retail pharmacies licensed 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 14: Pharmacy Services at Rural Health Centers

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13762, 13763, 13764

PURPOSE: This chapter sets forth requirements for the pharmacy services provided by rural health centers licensed 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 15: Operation of Free Clinics

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723

PURPOSE: This chapter sets forth requirements for the operation of free clinics licensed 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 16: Operation of Wholesalers and Manufacturers

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13751(3), 13758

PURPOSE: This chapter sets forth operational requirements for wholesale drug distributors, including wholesalers and manufacturers. 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 17: Operation of Nuclear Drug Outlets

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723

PURPOSE: This chapter incorporates by reference rules of the Maine Radiation Control Program applicable to nuclear drug outlets. The board may review this chapter for conformance with statutes and rules and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 18: Sterile Pharmaceuticals (Repealed)

CHAPTER 19: Receipt and Handling of Prescription Drug Orders

STATUTORY BASIS: 22 M.R.S. § 2681(6); 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13781, 13785, 13786-A, 13794, 13795

PURPOSE: This chapter sets forth requirements for creating, transmitting, filling and transferring prescription drug orders. 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 20: Automated Pharmacy Systems

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722(1)(B-1), 13723, 13751(3)

PURPOSE: This chapter sets forth requirements for automated pharmacy systems. 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 20-A: Self-Service Customer Kiosks

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722(1)(B-1), 13723, 13751(3)

PURPOSE: This chapter sets forth requirements for self-service customer kiosks. The board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Retail pharmacists, retail pharmacies, and members of the public

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 21: Central Prescription Processing

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13784, 13785, 13794

PURPOSE: This chapter sets forth requirements for central prescription processing. 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: N/A

CHAPTER 22: Sale of Schedule V Controlled Substances

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722(1)(E), 13723

PURPOSE: This chapter sets forth requirements for the sale of Schedule V controlled substances. 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: N/A

CHAPTER 23: Accounting for Prescription Drugs

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723

PURPOSE: This chapter sets forth requirements relating to maintenance of a perpetual inventory, disposal of drugs, and reporting the loss of controlled substances. 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 24: Retention of Records by Pharmacies

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722(1)(B-1), 13723(7), 13785

PURPOSE: This chapter sets forth record retention requirements for pharmacies. 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 25: Patient Counseling

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13784

PURPOSE: This chapter sets forth the pharmacist's obligation to counsel patients. 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 26: Generic Substitutions

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13781

PURPOSE: This chapter defines and outlines the use of generic and therapeutically equivalent drugs by pharmacists. 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 27: Possession and Administration of Noncontrolled Prescription Drugs by Nurses

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1), 13722, 13723, 13810

PURPOSE: This chapter defines the conditions under which nurses can possess and administer noncontrolled prescription drugs. This chapter, including the chapter title, will be amended to include new rules on the possession, dispensing and administration of certain noncontrolled drugs and substances to certified midwives.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 28: Enforcement and Disciplinary Procedures

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723, 13741
PURPOSE: This chapter sets forth a licensee's right to appeal certain board actions and specifies the enforcement and disciplinary procedures used 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 and members of the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 29: Violations of State or Federal Law or Rule; Other Standards

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723, 13742-A(1)(C)
PURPOSE: This chapter recognizes certain state and federal statutes and rules and certain chapters of the U.S. Pharmacopeia as having established standards of professional behavior, the violation of which constitutes unprofessional conduct pursuant to 32 M.R.S. § 13742-A(1)(C). 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: N/A

CHAPTER 30: Unprofessional Conduct

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723, 13742-A(1)(C)
PURPOSE: This chapter establishes standards of professional behavior, the violation of which constitutes unprofessional conduct pursuant to 32 M.R.S. § 13742-A(1)(C). 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 and members of the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 31: Practice of Fraud or Deceit

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723, 13741, 13742(2)(A)
PURPOSE: For purposes of 32 M.R.S. § 13742(2)(A), the practice of fraud or deceit includes, but is not limited to, the conduct described in this chapter. 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 and members of the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 32: Issuance of Citations

STATUTORY BASIS: 10 M.R.S. § 8003-E; 32 M.R.S. §§ 13720, 13721(1)(F), 13722, 13723
PURPOSE: This chapter lists the violations for which a citation may be issued, describes the licensee's right to request a hearing, and describes the time and manner in which the fine must be paid or a hearing requested. 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: N/A

CHAPTER 33: Access to Certain Medications by Certified Midwives

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13722, 13723, 13811, 13812

PURPOSE: This chapter implements P.L. 2007, c. 669 by: (a) regulating the sale of certain noncontrolled drugs and substances to certified midwives, (b) regulating the purchase and administration of certain noncontrolled drugs and substances by certified midwives, and (c) requiring certified midwives to record and report their purchase and administration of certain noncontrolled drugs and substances.

This chapter will be repealed as a result of Public Law 2015, Chapter 502, which repealed 32 M.R.S. §§ 13811 and 13812, the statutory references for this rule.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 34: Licensure of Retail Suppliers of Medical Oxygen

STATUTORY BASIS: 22 M.R.S. § 2681(6); 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter establishes a limited type of retail pharmacy license for retail suppliers of medical oxygen. 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: Retail suppliers of medical oxygen and prescription devices

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 35: Licensure of Extended Hospital Pharmacies

STATUTORY BASIS: 22 M.R.S. § 2681(6); 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter provides for the licensure of extended hospital pharmacies. 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, residents of long-term care facilities that are wholly owned by the hospital in which the extended hospital pharmacy is located.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 36: Licensure of Opioid Treatment Programs

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter provides for the licensure of opioid treatment programs. 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, general public

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 37: Licensure of Sterile Compounding Pharmacies

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter provides for the licensure of sterile compounding pharmacies. 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, general public

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 38: Licensure of Closed-Shop Pharmacies

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13721(1)(E), 13722(1)(B), 13723, 13751(3), 13752, 13752-A, 13753(1)(D)

PURPOSE: This chapter provides for the licensure of closed-shop pharmacies. 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, residents of long-term care facilities and other institutions

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 39: Collaborative Drug Therapy Management (a joint rule with 02-373, Board of Licensure in Medicine (Ch. 5))

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13846

PURPOSE: This chapter is a joint rule between the Board of Licensure in Medicine and the Board of Pharmacy for purposes of establishing safe and effective collaborative practice agreements, treatment protocols, and documentation and reporting requirements between a pharmacist and a practitioner. 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 of the Maine Boards of Pharmacy and Medicine.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 39-A: Collaborative Drug Therapy Management (a joint rule with 02-380, Board of Nursing)

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13846

PURPOSE: This chapter is a joint rule between the Board of Nursing and the Board of Pharmacy for purposes of establishing safe and effective collaborative practice agreements, treatment protocols, and documentation and reporting requirements between a pharmacist and a nurse practitioner.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Licensees of the Maine Boards of Pharmacy and Nursing.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 40: Authorization, Training and Procedures for Prescribing and Dispensing Naloxone Hydrochloride

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13815

PURPOSE: This chapter establishes procedures and standards for authorizing pharmacists to prescribe and dispense naloxone hydrochloride ("Naloxone HCl") and training requirements and protocols for prescribing and dispensing naloxone hydrochloride.

SCHEDULE FOR BASIS: Within one year.

AFFECTED PARTIES: Licensees, general public

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 41 (New-Contemplated): Sale of Nonprescription Drugs Through Vending Machine Outlets

STATUTORY BASIS: 32 M.R.S. §§ 13751, 13792(2)

PURPOSE: This chapter sets forth requirements for licensing, management and safe operation of vending machine outlets.

SCHEDULE FOR BASIS: Within one year.

AFFECTED PARTIES: Licensees, general public

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 42 (New-Contemplated): Compounding Drugs For Veterinarian Office Use

STATUTORY BASIS: 32 M.R.S. §§ 13720, 13723, 13722(1)(B-2)

PURPOSE: This chapter establishes the terms and conditions for compounding drugs for veterinarian office use. In accordance with Public Law 2021 Chapter 289, section 15, this rule will be developed in consultation with the Maine State Board of Veterinary Medicine.

SCHEDULE FOR BASIS: Within one year.

AFFECTED PARTIES: Licensees, general public

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-393
BOARD OF EXAMINERS IN PHYSICAL THERAPY
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-393**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Examiners in Physical Therapy**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULEMAKING ACTIVITY: Review and update current rules on licensure for credentialed individuals from other jurisdictions to implement P.L. 2021, 167 and P.L. 2021, c. 642. Review and update current rules to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired” pursuant to P.L. 2021, c. 348. Adopt new rules to implement P.L. 2021, c. 291 governing telehealth services within the scope of practice of the licensee’s license. Telehealth rules shall establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. The Board may review and amend for updates and compliance with current law the licensure requirements and procedures for physical therapists, physical therapist assistants, and physical therapy aids. Pursuant to P.L. 2019, c. 503, the Board will delete the character references for initial licensing. The Board may also review and update the code of professional practice as may be necessary.

CHAPTER 1: Definitions

STATUTORY BASIS: 32 M.R.S. § 3112(5)(C)

PURPOSE: The chapter defines certain professional 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: General Provisions

STATUTORY BASIS: 32 M.R.S. § 3112(5)(C); 5 M.R.S. §§ 8051, 9001(4)

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.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Licensure Requirements for Physical Therapists and Physical Therapist Assistants

STATUTORY BASIS: 32 M.R.S. §§ 3112(5)(A), (B), and (C), 3114-A, 3116

PURPOSE: The chapter states the requirements for issuance of a license to practice physical therapy, including application, education, experience, and references. The Board may review this chapter for conformance with law and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure, Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 4: Standards for Supervision of Physical Therapist Assistants and Physical Therapy Aides

STATUTORY BASIS: 32 M.R.S. §§ 3112(5)(C), 3113-B(6)

PURPOSE: The chapter establishes the standards by which physical therapist assistants and physical therapy aides will be supervised. 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: N/A

CHAPTER 5: Enforcement and Disciplinary Procedures

STATUTORY BASIS: 32 M.R.S. § 3112(5)

PURPOSE: The chapter outlines enforcement and disciplinary procedures used by the Board, including grounds for discipline and clarification of terms. 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 6: Code of Ethics

STATUTORY BASIS: 32 M.R.S. §§ 3112(5)(C), (E), (F), and (G), 3117-A

PURPOSE: The chapter sets the standards of professional practice of physical therapy. 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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 7: Fees

STATUTORY AUTHORITY: 32 M.R.S. §§ 3112(5)(C) and (D), 3114-A(2)(B)

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: N/A

02-395
PLUMBERS' EXAMINING BOARD
Maine Administrative Procedure Act
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-395**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Plumbers' Examining Board**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: Rulemaking is expected to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, regarding issuance of provisional licenses and establishing a process to issue licenses by endorsement.

CHAPTER 1: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 3403-A; 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the guidelines relating to advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Licensing Requirements

STATUTORY AUTHORITY: 32 M.R.S. § 3403-A

PURPOSE: The Board may review and revise its rules for licensure as a Trainee Plumber, Journeyman-in-Training, Journeyman Plumber, and Master Plumber.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure, Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 4: Installation Standards

STATUTORY AUTHORITY: 32 M.R.S. § 3403-A

PURPOSE: The Board review and revise this chapter.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 6: Reciprocity

STATUTORY AUTHORITY: 32 M.R.S. § 3403-A

PURPOSE: The Board may review and revise its rules to ensure clarity and conformity with the enabling statute by amending the procedures for qualifying for licensure by reciprocity.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-396
BOARD OF LICENSURE OF PODIATRIC MEDICINE
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-396**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Licensure of Podiatric Medicine**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULEMAKING ACTIVITY: Rulemaking expected to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions. Rulemaking to implement P.L. 2021, c. 291 governing telehealth services within the scope of practice of the licensee's license. Telehealth rules would establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Review of current rules will be conducted and updated as may be necessary.

CHAPTER 1: Licensing of Podiatrists

STATUTORY AUTHORITY: 32 M.R.S. §§ 3605-B(3), 3651-A, 3652, 3654

PURPOSE: The board may review and revise the application procedure and qualifications for licensure. Provisions may be added pertinent to the staff review of applications.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: Fees

STATUTORY AUTHORITY: 10 M.R.S. § 8003(2-A)(D)

PURPOSE: The board may repeal existing fee provisions now that the Office of Professional & Occupational Regulation has established fees for this board pursuant to 10 M.R.S. § 8003(2-A)(D) and 02-041 C.M.R., Chapters 10 and 11.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Continuing Education of Podiatrists

STATUTORY AUTHORITY: 32 M.R.S. §§ 3605-B(2), (3) and 3652

PURPOSE: The board may review and revise the academic requirements for license renewal.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 21: Use of Controlled Substances for Treatment of Pain

STATUTORY AUTHORITY: 32 M.R.S. § 3657

PURPOSE: The board may review and revise the principles of proper pain management and the treatment of pain.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. §§ 3605-B, 3665

PURPOSE: To adopt rules to establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 3654; 10 M.R.S. § 8003-H

PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-415
BOARD OF EXAMINERS OF PSYCHOLOGISTS
Maine Administrative Procedure Act
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-415**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional and Occupational Regulation, **Board of Examiners of Psychologists**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: Rules will be established to implement P.L. 2021, c. 167, An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions; P.L. 2021, c. 233, An Act to Address Behavioral Health Practice in the State; P.L. 2021, c. 291, An Act Regarding Telehealth Regulations and P.L. 2021, c. 302, An Act to Ensure That Children Receive Behavioral Health Services. Review of current rules will be conducted and updated as may be necessary.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2)

PURPOSE: This chapter defines terms used throughout the board's rules. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

CHAPTER 2: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the board. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

CHAPTER 3: Application, Examination and the Licensure Process

STATUTORY AUTHORITY: 32 M.R.S. §§ 3824(2), (5); 3831-3832

PURPOSE: This chapter sets forth the application and examination sequence for persons applying for licensure as a psychologist or psychological examiner, including authorization for acceptance of the ASPPB Certificate of Professional Qualification in Psychology (CPQ), ASPPB Psychology Licensure Universal System (PLUS) and the National Register (NR). This chapter also contains limitations on the conditional and temporary licenses, and provisions relating to licensure generally and supervision.

The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

CHAPTER 4: Licensure of Psychologists

STATUTORY AUTHORITY: 32 M.R.S. §§ 3824(2); 3831-3832

PURPOSE: This chapter establishes standards for the education and pre- and post-doctoral supervised experience of psychologists, supervision program requirements and supervisor responsibilities. The board may review this chapter to amend pre- and post-doctoral supervised experience requirements and review the rules for clarity and conformance with current statutes and make updates as may be necessary. The board may consider establishing procedures for licensees in another state to be licensed in this State by written agreement with another jurisdiction under a written licensing compact or any other method of license recognition.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

CHAPTER 5: Licensure of Psychological Examiners

STATUTORY AUTHORITY: 32 M.R.S. §§ 3811(1), 3824(2)

PURPOSE: This chapter establishes standards for the education and supervised experience of psychological examiners. This chapter also addresses the provision of intervention services by psychological examiners. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

CHAPTER 6: Supervision of Unlicensed Personnel

STATUTORY AUTHORITY: 32 M.R.S. §§ 3812-A(1), 3824(2)

PURPOSE: This chapter establishes standards for the supervision of unlicensed persons who participate in the provision of psychological services. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

CHAPTER 7: Qualifications of Supervisors

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2)

PURPOSE: This chapter sets forth qualification standards for supervising psychologists. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

CHAPTER 8: Continuing Professional Education

STATUTORY AUTHORITY: 32 M.R.S. §§ 3824(2), (6); 3835

PURPOSE: This chapter requires licensees to update and advance their skills through continuing professional education so that the public may benefit from the most current and effective standards of professional practice. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

CHAPTER 9: Ethical Standards and Practice Requirements

STATUTORY AUTHORITY: 32 M.R.S. §§ 3816, 3824(2)

PURPOSE: This chapter establishes ethical standards for psychologists and psychological examiners. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

CHAPTER 10: Enforcement and Disciplinary Procedures

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2)

PURPOSE: This chapter specifies the enforcement and disciplinary procedures used by the board, sets forth grounds for discipline that interpret or supplement the statutory grounds for discipline contained in 10 M.R.S. § 8003(5-A) and 32 M.R.S. § 3837-A, and provides for the psychological evaluation of psychologists who may be impaired. The board may review this chapter for clarity and conformance with current statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A.

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 3850-I

PURPOSE: To adopt rules to establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 3836; 10 M.R.S. § 8003-H

PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-416
BOARD OF SOCIAL WORKER LICENSURE
2022-2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: 02-416

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Social Worker Licensure**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULEMAKING ACTIVITY: Rules will be established to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions; P.L. 2021, c. 233, An Act to Address Behavioral Health Practice in the State; P.L. 2021, c. 291, An Act Regarding Telehealth Regulations and P.L. 2021, c. 302, An Act to Ensure That Children Receive Behavioral Health Services. The Board is expected to adopt a repeal and replace of most chapters, including a new chapter, Chapter 18, Telehealth. Review of current rules will be conducted and updated as may be necessary.

CHAPTER 10: Definitions

STATUTORY AUTHORITY: 32 M.R.S. §§ 7001-A, 7030(2)

PURPOSE: The board may review and revise the terms used in these rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 11: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: The board may review and revise the provision that allows for the Board's discretionary issuance of advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 12: Application for Licensure

STATUTORY AUTHORITY: 32 M.R.S. §§ 7030(1) and (2), 7051, 7053, 7054-A, 7056, 7060; 10 M.R.S. § 8003(2-A)(D)

PURPOSE: The board may review and revise the application process for social work licensure.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 13: Licensure

STATUTORY AUTHORITY: 32 M.R.S. §§ 7030(1) and (2), 7051, 7053, 7054-A, 7056, 7060

PURPOSE: The board may review and revise the requirements for the various types of social work licenses.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 14: Continuing Professional Education

STATUTORY AUTHORITY: 32 M.R.S. § 7030(5)

PURPOSE: The board may review and revise the continuing professional education requirements for social workers.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 15: Scope of Practice

STATUTORY AUTHORITY: 32 M.R.S. §§ 7001-A(11), 7053-A

PURPOSE: The board may review and revise the permissible scope-of-practice provisions applicable to the various licensure types issued by the board, and related provisions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 16: Enforcement and Disciplinary Procedures

STATUTORY AUTHORITY: 32 M.R.S. §§ 7030(1) and (2), 7051, 7059

PURPOSE: The board may review and revise its rules regarding enforcement and disciplinary procedures and the board's interpretation of certain grounds for discipline contained in 32 MRSA § 7059.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 17: Record Retention Requirements

STATUTORY AUTHORITY: 32 M.R.S. § 7030(2)

PURPOSE: The board may review and revise its existing rules with regard to retaining client records by licensees.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 18: Telehealth

STATUTORY AUTHORITY: 32 M.R.S. §§ 7030(2), 7071

PURPOSE: This Chapter implements the provisions of P.L. 2021, c. 291 (32 M.R.S. §§ 7071 *et seq.*) by establishing standards of practice and appropriate restrictions for when social workers use telehealth to provide services to clients.

SCHEDULE FOR ADOPTION: Within one year.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-465
RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS
2022-2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-465**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Radiologic Technology Board of Examiners**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULEMAKING ACTIVITY: Rulemaking to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions. Rulemaking to implement P.L. 2021, c. 291 governing telehealth services within the scope of practice of the licensee's license. Telehealth rules shall establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Review of current rules will be conducted and updated as may be necessary.

CHAPTER 1: Application and Scope

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E)

PURPOSE: The board may review and revise this chapter, which describes the scope of the board's rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E)

PURPOSE: The board may review and revise the terms used in these rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: The board may review and revise this chapter, which provides for its discretionary issuance of advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 4: Licensure of Radiographers, Nuclear Medicine Technologists and Radiation Therapists

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E)

PURPOSE: The board may review and revise qualifications for the initial licensure of radiographers, nuclear medicine technologists and radiation therapists. The issuance of limited licenses, temporary licenses and special permits is described in Chapters 5 and 7 of the board's rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 5: Temporary Licenses and Special Permits

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E)

PURPOSE: The board may review and revise qualifications and application procedures for the issuance of temporary licenses to practice as a radiographer, nuclear medicine technologist or radiation therapist, and special permits to practice as a nuclear medicine technologist.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 6: Trainees for Limited Radiographer License

STATUTORY AUTHORITY: 32 M.R.S. §§ 9853(6)(C), 9854(3)(C), 9855(4)

PURPOSE: The board may review and revise the education and training to be completed by trainees in preparation for the limited radiographer license.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 7: Limited Radiographer License

STATUTORY AUTHORITY: 32 M.R.S. § 9855(4)

PURPOSE: The board may review and revise the application and examination procedure leading to issuance of the limited radiographer license.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 8: Scope of Practice

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E)

PURPOSE: The board may review and revise the permissible scope of practice of radiographers, nuclear medicine technologists, radiation therapists and limited radiographers.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 9: Initial Application; License Renewal and Continuing Education; Inactive Status

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E); 10 M.R.S. § 8003(5-A)(D)(5)

PURPOSE: The board may review and revise the license renewal, continuing education requirements and procedures relating to inactive status licensure.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10: Denial Appeals

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E); 10 M.R.S. § 8003(5-A)

PURPOSE: The board may review and revise this chapter, which sets forth a licensee's right to appeal a license denial.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 11: Grounds for Disciplinary Action

STATUTORY AUTHORITY: 32 M.R.S. § 9853(6)(E); 10 M.R.S. § 8003(5-A)(A)(5)

PURPOSE: The board may review and revise this chapter, which sets forth the grounds for disciplinary action against licensees.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 9863

PURPOSE: To adopt rules to establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 9857; 10 M.R.S. § 8003-H

PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-477
BOARD OF OCCUPATIONAL THERAPY PRACTICE
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-477**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Occupational Therapy Practice**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULEMAKING ACTIVITY: Review and revise current rules to conform with P.L. 2021, c. 167 and P.L. 2021, c. 642 to grant provisional licenses to applicants for licensure educated in or with relevant experience or licensure in other jurisdictions, including other states, United States territories, foreign nations and foreign administrative divisions and to establish a process to issue a license by endorsement to individuals from other jurisdictions.

Rules will be established to implement P.L. 2021, c. 278 which amended the definition of occupational therapy and requires the board to adopt rules for continuing education requirements; rules governing the code of ethics and ethics standards may be revised to conform with changes pertaining to the scope of practice adopted at a national level.

Rules will be established to implement P.L. 2021, c. 291 governing telehealth services within the scope of practice of the licensee's license. Telehealth rules would establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

CHAPTER 2: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: The board may revise its rules regarding the discretionary issuance of advisory rulings by the Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and Consumers.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3-A: Licensure as a Temporary Licensee, Occupational Therapist or Occupational Therapy Assistant

STATUTORY AUTHORITY: 32 M.R.S. §§ 2274(2), 2278, 2279, 2284; 10 M.R.S. § 8003, sub-§5-A, ¶D(7), 8003-H

PURPOSE: The board may review and revise the requirements and procedures governing the issuance of permanent and temporary licenses, and licenses granted via endorsement, for the practice of occupational therapy.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 5: Role of the Occupational Therapy Assistant; Supervision of Occupational Therapy Assistants and Temporary Licensees

STATUTORY AUTHORITY: 32 M.R.S. §§ 2272(12), 2274(2)

PURPOSE: The board may review and revise the permissible duties of the Occupational Therapy Assistants and the duties of Occupational Therapists in the supervision of their Assistants.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 6-A: License Renewal; Reinstatement

STATUTORY AUTHORITY: 32 M.R.S. § 2274(2), 2283

PURPOSE: The board may review and revise the requirements for license renewal and reinstatement; which may involve repealing and replacing this chapter with a new Chapter 4; License Renewal and Continuing Education Requirements; Reinstatement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 7: Code of Ethics and Ethics Standards

STATUTORY AUTHORITY: 32 M.R.S. §§ 2274(2), 2272(12-D)

PURPOSE: The board may review and revise the rules regarding the code of ethics for licensed Occupational Therapists and Occupational Therapy Assistants by adopting the Occupational Therapy Code of Ethics published by the American Occupational Therapy Association.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 9: Professional Misconduct

STATUTORY AUTHORITY: 32 M.R.S. § 2274(2), 2286

PURPOSE: The board may review and revise the rules describing professional misconduct that may result in disciplinary action against a licensee, including denial or nonrenewal of a license.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 2274(2), 2272(12-D), 2276-A

PURPOSE: To adopt rules to establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

SCHEDULE FOR ADOPTION: Within the year.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-502
BOARD OF COMPLEMENTARY HEALTH CARE PROVIDERS
2022 – 2023 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**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: Review and update current rules on licensure for credentialed individuals from other jurisdictions to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to issue licenses by endorsement and provisional licenses. Review and update current rules to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired” pursuant to P.L. 2021, c. 348. Adopt new rules to implement P.L. 2021, c. 291, to establish standards for the delivery of telehealth services within the scope of practice of the licensee’s license. Telehealth rules shall establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. The Board may adopt rules to implement P.L. 2019, c. 269 for licensing auricular acupuncture detoxification specialists, which will include at a minimum, requirements for licensure and approved training. 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 may review and update rules for the licensing of professional midwives and rules, including but not limited to, requirements for initial and renewal licensure, continuing professional education, standards for the practice of midwives, drug formulary, informed consent documentation, preexisting conditions that render a pregnancy ineligible for out-of-hospital birth, and rules on data collection and reporting for a licensed midwife.

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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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: N/A

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 and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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 and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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: N/A

CHAPTER 4-A: Licensure Requirement for Certified Professional Midwives

STATUTORY BASIS: 32 M.R.S. §§ 12533, 12538

PURPOSE: This chapter states the requirements for issuance of a license to practice midwifery, including application and educational experience.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: License applicants and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 4-B: Licensure Requirement for Certified Midwives

STATUTORY BASIS: 32 M.R.S. §§ 12534, 12538

PURPOSE: This chapter states the requirements for issuance of a license to practice midwifery, including application, educational experience and references.

SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: License applicants and Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 5: Standards for Continuing Professional Education for Acupuncturists, Naturopathic Doctors, Certified Professional Midwives and Certified Midwives

STATUTORY BASIS: 32 M.R.S. § 12526

PURPOSE: The chapter states the requirements for continuing education as required for acupuncturists, naturopathic doctors, Certified Professional Midwives and Certified Midwives. 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: N/A

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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

Chapter 6-A: Standards Relating to Certified Professional Midwives Authority to Obtain and Administer Drugs, Medical Devices, and Scope of Practice

STATUTORY BASIS: 32 M.R.S. §§ 12503, 12535(3), 12535(4), 12535(5)

PURPOSE: Describes standards by which a certified professional midwife may obtain and administer certain drugs, the authorized certified professional midwife scope of practice and establishes the circumstances under which they shall recommend and facilitate modification of the care relationship.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public

CONSENSUS-BASED RULE DEVELOPMENT: N/A

Chapter 6-B: Standards Relating to Certified Professional Midwives' Prescriptive Authority and Scope of Practice

STATUTORY BASIS: 32 M.R.S. §§ 12503, 12537(2), (3), (4) and (5)

PURPOSE: Describes standards by which a certified midwife may prescribe, obtain and administer drugs and medical devices.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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 and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-514
BOARD OF COUNSELING PROFESSIONALS LICENSURE
2022-23 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-514**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional & Occupational Regulation, **Board of Counseling Professionals Licensure**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-23 RULEMAKING ACTIVITY: Adopt rules to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions. Rules will be established to implement P.L. 2021, c. 291 governing telehealth services within the scope of practice of the licensee's license. Telehealth rules shall establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Implement P.L. 2021, c. 302, An Act to Ensure That Children Receive Behavioral Health Services. Review of current rules will be conducted and updated as may be necessary.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which defines terms used in the board's rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 1-A: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4).

PURPOSE: The board may review and revise this chapter, which describes a procedure for the issuance of advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: Licensed Professional Counselors

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853(2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which defines the scope of practice for the professional counselor license and sets forth licensure requirements.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Licensed Clinical Professional Counselors

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which defines the scope of practice for the professional clinical counselor license and sets forth licensure requirements.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 4: Licensed Marriage and Family Therapists

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which defines the scope of practice for the marriage and family therapist license and sets forth licensure requirements.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 5: Licensed Pastoral Counselors

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which defines the scope of practice for the pastoral counselor license and sets forth licensure requirements.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 5-A: Registered Counselors

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which sets forth provisions relating to the scope of practice and obligations of registered counselors.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 6: Applications / Applicants Licensed in Another Jurisdiction

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which sets forth general requirements relating to applications for licensure, applicants trained in foreign countries, and applicants licensed in other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 6-A: Licensure by Endorsement.

STATUTORY AUTHORITY: 32 M.R.S. § §§ 13853(2), 13858(8); 10 M.R.S. § 8003-H; P.L. 2021, c. 642, Secs. 40-41.

Purpose: This rulemaking proposes to create a new chapter – Chapter 6-A - titled Licensure by Endorsement. This chapter describes the pathway for Maine licensure

for applicants with an active license in a U.S. jurisdiction that maintains licensing requirements that are substantially similar to Maine's requirements. This rule implements LD 149 (enacted as P.L. 2021, c. 167 and codified at 10 M.R.S. § 8003-H), An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions and LD 2035 (P.L. 2021, c. 642), An Act to Make Changes to the Laws Regarding Licensure of Certain Individuals from Other Jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 7: License Renewal; Inactive Status

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8), 13864; 10 M.R.S. § 8003(5-A)(D).

PURPOSE: The board may review and revise this chapter, which describes the board's application and renewal process.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 7-A: Continuing Education

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8), 13860(2).

PURPOSE: The board may review and revise this chapter, which makes peer consultation an optional, as opposed to mandatory, component of continuing education, and also requires continuing education in domestic violence, substance abuse or emotional trauma.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 8-A: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which contains the code of ethics to be followed by licensed and registered counselors.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 8-B: Client Bill of Rights; Disclosure Statements

STATUTORY AUTHORITY: 32 M.R.S. §§ 13853 (2), 13853(11), 13858(8).

PURPOSE: The board may review and revise this chapter, which contains the client bill of rights and counselor disclosure statements adopted by the board and requires counselors to distribute these documents to clients in hand at the commencement of the counseling relationship.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and licensees, members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-643
BOARD OF SPEECH, AUDIOLOGY AND HEARING
2022-2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-643**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Board of Speech, Audiology and Hearing**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULEMAKING ACTIVITY: Review and revise current rules to conform with P.L. 2021, c. 167 and P.L. 2021, c. 642 to grant provisional licenses to applicants for licensure educated in or with relevant experience or licensure in other jurisdictions, including other states, United States territories, foreign nations, and foreign administrative divisions and to establish a process to issue a license by endorsement to individuals from other jurisdictions.

Review and update current rules to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired” pursuant to P.L. 2021, c. 348.

Rules will be established to implement P.L. 2021, c. 291 governing telehealth services within the scope of practice of the licensee’s license. Telehealth rules shall establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2)

PURPOSE: The board may review and revise this chapter, which defines terms used in the board’s rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: The board may review and revise this chapter, which provides for the discretionary issuance of advisory rulings by the board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Pathways to Licensure as a Speech-Language Pathologist, Audiologist or Hearing Aid Dealer and Fitter

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17301(1), (3) and (4), 17302(1); 10

M.R.S. § 8003, sub-§5-A, ¶D(7), 8003-H

PURPOSE: The board may review and revise the criteria for the initial licensure of speech-language pathologists, audiologists and hearing aid dealers and fitters.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for Licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 4: Licensure of Temporary Speech-Language Pathologists and Audiologists

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17301(6)

PURPOSE: The board may review and revise the provisions for initial and renewal licensure of temporary speech-language pathologists and audiologists.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for Licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 5: Permitting and Licensing of Hearing Aid Dealers and Fitters

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17301(2), 17302(2)

PURPOSE: The board may review and revise the criteria for the permitting, renewal, examination and supervision requirements for trainee hearing aid dealers and fitters.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for Licensure

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 6: Application for Licensure

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2); 10 M.R.S. § 8003, sub-§5-A, ¶D(7), 8003- H

PURPOSE: The board may review and revise the application procedures for licenses, registrations and permits issued by the board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 6-A: Licensure by Endorsement

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2); 32 M.R.S. § 17303; 32 M.R.S. § 17307; 10 M.R.S. § 8003-H

PURPOSE: This chapter describes the pathway for Maine licensure for applicants with an active speech-language pathologist, audiologist, or hearing aid dealer and fitter license in another jurisdiction that maintains licensing requirements that are

substantially equivalent to Maine's requirements, so long as the applicant is in good standing in all jurisdictions in which the applicant holds or has held a license and no cause for denial exists under 10 M.R.S. § 8003(5-A)(A), 32 M.R.S. § 17307, or under any other law.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 7: License Renewal; Inactive Status

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2),
17310

PURPOSE: The board may review and revise the procedures for: (a) license renewal by speech-language pathologists, audiologists and hearing aid dealers and fitters; (b) application for and renewal of inactive status licensure; and (c) reinstatement from inactive to active status licensure.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 8: Continuing Professional Education

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2)

PURPOSE: The board may review and revise the continuing education requirements for licensees of the board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 9: Speech-Language Pathology Assistants

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17301(5)

PURPOSE: The board may review and revise the qualifications, supervision requirements, and other responsibilities of speech-language pathologists for the assistants they supervise, and the scope of practice of speech-language pathology assistants.

SCHEDULE FOR ADOPTION: Within one year

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10: Practice of Hearing Aid Dealing and Fitting

STATUTORY AUTHORITY: 32 M.R.S. §§ 17203(2), 17305(5) and (6)

PURPOSE: The board may review and revise the practice requirements relating to the calibration of audiometers and minimum testing requirements for hearing and the model notice that the board is required to prepare pursuant to 32 MRSA §17305(6) in the form of a Sample Hearing Aid Purchase Agreement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 11: Code of Ethics

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2)

PURPOSE: The board may review and revise its code of ethics.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 12: Professional Misconduct

STATUTORY AUTHORITY: 32 M.R.S. § 17203(2), 17307(1)

PURPOSE: The board may review and revise this chapter, which describes professional misconduct.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 17203(2), 17401

PURPOSE: To adopt rules to establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

SCHEDULE FOR ADOPTION: Within the year.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

02-658
Maine Fuel Board
Maine Administrative Procedure Act
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-658**

AGENCY NAME: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Maine Fuel Board**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine, OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615, kristin.racine@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: Rulemaking necessary to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions. Anticipated the Board will vote to propose changes to all of its rule chapters, including a new Chapter 14.

CHAPTER 1: Definitions

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: This chapter clarifies terms in the law and these rules. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: Advisory Rulings

STATUTORY BASIS: 5 M.R.S. §§ 8051, 9001(4)

PURPOSE: This chapter establishes guidelines relating to advisory rulings. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Categories and Responsibilities of Licensure

STATUTORY BASIS: 32 M.R.S. §§ 18123(2), 18132, 18133, 18134, 18134-A, 18135, 18136, 18138, 18139

PURPOSE: This chapter describes the duties and responsibilities for licensure. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 4: Qualifications for Licensure

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: This chapter sets forth the qualifications for licensure and describes the application and examination process. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 5: Use of Other License Authorities

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: This chapter sets forth the requirements for licensed master and journeyman oil and solid fuel technicians to gain licensed experience as an apprentice to qualify for an additional license authority. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 6: Adoption of Standards and Rules

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: This chapter sets forth the standards for installation of any oil and solid fuel burning equipment, propane and natural gas equipment, chimneys, fireplaces and vents. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute, and will update adopted standards to more recent versions of published codes and standards.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 7: Modification of Standards

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: This chapter allows the board to authorize modifications to installation standards under unusual circumstances. This chapter provides the board with the discretion to alter installation standards after appropriate technical consideration. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 8: Installation of Oil Burning Equipment

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: This chapter sets forth the guidelines for the installation of oil burning equipment with necessary safety controls, devices and standards for the reduction of fire hazards associated with oil fired equipment used in residential, commercial and industrial applications. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees and members of the public.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 9: Installation of Solid Fuel Burning Equipment

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: The purpose of this chapter is to specify the proper installation of solid fuel burning equipment in accordance with NFPA # 211. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10: Chimneys

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: The primary purpose of this chapter is to set forth the rules governing the removal of waste gases. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 11: Installation of Waste Oil Appliances and Waste Oil Supply Tanks

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: This chapter provides requirements for the use of waste oil burning equipment and accessory equipment installations. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 12: Permits for Aboveground and Underground Propane and Natural Gas Storage Facilities and Rooftop Installations

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: This chapter sets forth the requirements for permitting aboveground and underground propane and natural gas storage facilities and rooftop installations. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 13: Installation of Propane and Natural Gas Burning Equipment

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: This chapter sets forth the guidelines for the installation of propane and natural gas burning equipment with necessary safety controls. The Board may review and revise its rules to ensure clarity and conformity with the enabling statute.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 14: Propane & Natural Gas Containers, Dispensers, and Piping

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE: This chapter which the Board may propose contains various provisions that were otherwise contained in other current chapters of Board rules. They were consolidated in a new Chapter 14 for consistency and clarity and for easy reference.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 18142-A; 10 M.R.S. 8003-H

PURPOSE: To implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A