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MAINE BOARD OF LICENSURE IN MEDICINE  
2021 - 2022 Regulatory Agenda  
June 28, 2021



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](mailto:maureen.s.lathrop@maine.gov)

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

**EXPECTED 2021 - 2022 RULE-MAKING ACTIVITY:**

**CHAPTER 1:** Rule Regarding Physicians

STATUTORY BASIS: 32 M.R.S. §§ 3269(1), (2), (3) and (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:

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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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

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

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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**CHAPTER 3:** Professional Standards

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

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

SCHEDULE FOR ADOPTION:

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**CHAPTER 6: Telemedicine Standards of Practice**

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

PURPOSE: This chapter is a joint rule with the Board of Osteopathic Licensure that establishes standards for the practice of medicine using telemedicine in providing health care. The Board plans to propose revisions to the rule to change the definition of telemedicine. The Board of Nursing plans to join as a party to the revised rule.

SCHEDULE FOR ADOPTION: 2021 - 2022

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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:

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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:

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**CHAPTER 10: Sexual Misconduct**

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

AFFECTED PARTIES: Physicians, physician assistants and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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

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

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 revisions to the rule to change the definition of telemedicine.

SCHEDULE FOR ADOPTION: 2021 - 2022

AFFECTED PARTIES: Physicians, physician assistants and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**CHAPTER X**

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

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**CHAPTER X**

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

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**CHAPTER X**

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

AFFECTED PARTIES: Physicians, physician assistants, and patients

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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