

Wismer, Don

From: Racine, Kristin
Sent: Wednesday, July 7, 2021 3:02 PM
To: Wismer, Don; Packard, Melissa
Cc: Hawk, Jennifer M; Halvorsen, Kristina M; Chandler, Ryan E; Betts, Geraldine L; Carroll, Catherine M.; Bivins, Karen L; Cohen, Joan
Subject: RE: 2021-2022 Annual Regulatory Agendas - STATUTORY DEADLINE: July 8, 2021
Attachments: 2021 Architects.docx; 2021 Athletic Trainers.docx; 2021 Auctioneers.docx; 2021 Barbering and Cosmetology.docx; 2021 Boiler and Pressure Vessel.docx; 2021 Charitable Solicitations.docx; 2021 Chiropractors.docx; 2021 Complementary Health.docx; 2021 Counseling.docx; 2021 Dietic Practice.docx; 2021 Electricians.docx; 2021 Elevator and Tramway.docx; 2021 Foresters.docx; 2021 Fuel.docx; 2021 Funeral Service.docx; 2021 Geologists.docx; 2021 Interpreters.docx; 2021 Land Surveyors.docx; 2021 Manufactured Housing Board.docx; 2021 Massage Therapists.docx; 2021 Nursing Home Administrators.docx; 2021 Occupational Therapy.docx; 2021 Pharmacy.docx; 2021 Physical Therapy.docx; 2021 Plumbers.docx; 2021 Podiatry.docx; 2021 Psychologists.docx; 2021 Radiological.docx; 2021 Real Estate Commission.docx; 2021 Respiratory Care.docx; 2021 Social Workers.docx; 2021 Speech.docx; 2021 Transient Sales.docx; 2021 Veterinary Medicine.docx; 2021 Accountants.docx; 2021 Alcohol and Drug.docx; 2021 Appraisers.docx

Please see attached. Hard copies will be sent under separate cover.

Best regards,

Kristin

Kristin M. Racine
 Attorney
 Direct Dial: (207) 624-8615
 Mobile: (207) 592-3594
Kristin.Racine@maine.gov

From: Wismer, Don <Don.Wismer@maine.gov>
Sent: Friday, June 4, 2021 2:50 PM
To: Packard, Melissa <Melissa.Packard@maine.gov>
Subject: 2021-2022 Annual Regulatory Agendas - STATUTORY DEADLINE: July 8, 2021

to: **Agency Rulemaking Contacts and Liaisons**

from: Don Wismer *DW*
 Administrative Rules Coordinator (624-7650)

subj.: Annual regulatory agenda – STATUTORY DEADLINE: July 8, 2021

Each year, rulemaking agencies must file a regulatory agenda according to Title 5 §8060.

July 8 is the statutory deadline this year to file your annual regulatory agenda with the Secretary of State. The agenda should cover planned rulemaking activity for a year's time beginning October, 2021.

Attached is an instruction sheet for your reference. Please use simple block format and avoid tabs, indents, underlines, italics, graphics, tables, and font and size changes. You can view past examples of filed agendas at:

<https://www.maine.gov/sos/cec/rules/agendas.html>

Please supply both paper and electronic (via CD, thumb drive or email) copies of your agenda when you file. Microsoft Word (.docx) is the preferred electronic format. If you cannot provide that, use ASCII text. Please do not use Adobe Acrobat (.pdf).

Email (Don.Wismer@Maine.gov) or phone (624-7647) with any questions.

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02-039
REAL ESTATE COMMISSION
2021 - 2022 Regulatory Agenda

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

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

CONTACT PERSON FOR THIS AGENCY: Karen L. Bivins, Director of the Real Estate Commission, 35 State House Station, Augusta, ME 04333, (207) 624-8524, Karen.L.Bivins@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: Chapter 360, Section 4(3)

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Rulemaking necessary to implement P.L. 2021, c. 167, 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: Not expected.

CHAPTER 310: Advisory Rulings

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

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: Not expected.

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: Not expected.

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: Not expected.

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: Not expected.

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: Not expected.

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: Not expected.

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: Not expected.

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: Not expected.

02-041
REGULATION OF TRANSIENT SALES
2021 - 2022 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 PERSON FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Manager, 35 State House Station Augusta, ME 04333, (207) 624-8617, jennifer.m.hawk@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 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: Not contemplated.

✓ 02-041

02-041
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION (General)
Maine Administrative Procedure Act
2021-2022 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 PERSON: Anne L. Head, Director, 35 State House Station, Augusta, ME 04333, tel. (207) 624-8511, anne.l.head@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

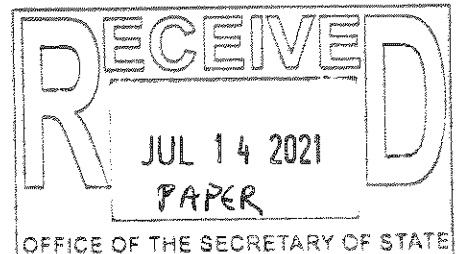
EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Rules may be promulgated as needed to implement provisions contained in P.L. 2021, c. 167, An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions.

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: Not contemplated.

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: Not contemplated.

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: Not contemplated.

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: Complainant, licensees, board staff, board members.
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.



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: Not contemplated.

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: Not contemplated.

Wismer, Don

From: Racine, Kristin
Sent: Friday, July 9, 2021 4:33 PM
To: Wismer, Don; Packard, Melissa
Cc: Cohen, Joan
Subject: RE: 2021-2022 Annual Regulatory Agendas - STATUTORY DEADLINE: July 8, 2021
Attachments: 2021 OPOR Regulatory Agenda.docx

Don:

My apologies; I left one off. Please see attached a regulatory agenda for OPOR as an agency.

Thank you,

Kristin

Kristin M. Racine
Attorney
Direct Dial: (207) 624-8615
Mobile: (207) 592-3594
Kristin.Racine@maine.gov

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Subject: RE: 2021-2022 Annual Regulatory Agendas - STATUTORY DEADLINE: July 8, 2021

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Best regards,

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to: **Agency Rulemaking Contacts and Liaisons**

from: Don Wismer *DW*

Administrative Rules Coordinator (624-7650)

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Email (Don.Wismer@Maine.gov) or phone (624-7647) with any questions.

02-041
ATHLETIC TRAINERS
2021 - 2022 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 PERSON FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Manager, 35 State House Station Augusta, ME 04333, (207) 624-8617, jennifer.m.hawk@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: No rules currently exist for this program. However, rulemaking is anticipated to implement P.L. 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. Rulemaking activity may also include rules to implement P.L. 2021, c. 167, 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. National standards may emerge from future recommendations by the Board of Certification, which may be determined to be appropriate for adoption in Maine. Additional changes may ensue from future legislation.

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 14353(2), 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: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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 the year.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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 the year.

AFFECTED PARTIES: Licensees and members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-041
BARBERING AND COSMETOLOGY LICENSING PROGRAM
2021 - 2022 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 PERSON FOR THIS AGENCY: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625, Geraldine.L.Betts@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Review and update current rules on licensure by for credentialed individuals from other jurisdictions to conform with 2021 Public Law Chapter 167. Review and update current rules to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired” pursuant to 2021 Public Law Chapter 348. Rules will be established to implement 2019 Public Law Chapter 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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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: Not Contemplated

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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 28: Special Event Services Permit

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

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: Not Contemplated

CHAPTER 29: Grounds for Discipline

STATUTORY BASIS: 10 M.R.S. § 8001(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: Not Contemplated

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: Not Contemplated

02-041
Office of Professional and Occupational Regulation
BOILER AND PRESSURE VESSEL SAFETY PROGRAM
Maine Administrative Procedure Act
2021-2022 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 PERSON FOR THIS AGENCY: Catherine M. Carroll, Program Administrator, 35 State House Station, Augusta, ME 04333, 207/624-8605, catherine.m.carroll@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Rulemaking is expected to implement P.L. 2021, c. 167, enacted by the 130th Maine State Legislature, including rules about granting provisional licenses and establishing a process to issue licenses by endorsement.

Rulemaking is expected to implement P.L. 2021, c. 348, enacted by the 130th Maine State Legislature, by removing terms "Handicap", "Handicapped" and "Hearing Impaired" from rules.

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.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Not contemplated.

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: Not contemplated.

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: Not contemplated.

CHAPTER 11: National Codes Applicable to Boilers and Pressure Vessels

STATUTORY AUTHORITY: 32 M.R.S. § 15104-A
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, and also may be amended if a code update is necessary.
SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 12: Power Boilers

STATUTORY AUTHORITY: 32 M.R.S. § 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.
SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 13: Low Pressure Boilers

STATUTORY AUTHORITY: 32 M.R.S. § 15104-A(1)
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.
SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees.
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 31: Inspectors

STATUTORY AUTHORITY: 32 M.R.S. §§ 15104-A, 15108-A

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.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: 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.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-041

Office of Professional and Occupational Regulation
CHARITABLE SOLICITATIONS
2021 - 2022 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 PERSON FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Manager, 35 State House Station Augusta, ME 04333, (207) 624-8617, jennifer.m.hawk@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: The Director may consider repealing all rules chapters for the Charitable Solicitations Act in response to legislation passed during the 2nd Regular Session of the 126th Maine State Legislature.

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 anticipates repealing this chapter due to P.L. 2013, Chapters 313 and 539.

SCHEDULE FOR REPEAL: Within the year.

AFFECTED PARTIES: Licensees, applicants.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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 anticipates repealing this chapter due to P.L. 2013, Chapters 313 and 539.

SCHEDULE FOR REPEAL: Within the year.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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 also specifies the enforcement and disciplinary procedures used by the Office of Professional and Occupational Regulation.

The Director anticipates repealing this chapter due to P.L. 2013, Chapters 313 and 539.

SCHEDULE FOR REPEAL: Within the year.

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-041

Office of Professional and Occupational Regulation
ELEVATOR AND TRAMWAY SAFETY PROGRAM
Maine Administrative Procedure Act
2021-2022 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 PERSON FOR THIS AGENCY: Catherine M. Carroll, Program Administrator, 35 State House Station, Augusta, ME 04333, 207/624-8605, catherine.m.carroll@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Rulemaking is expected to implement P.L. 2021, c. 167, enacted by the 130th Maine State Legislature, to establish standards to grant provisional licenses and establish a process to issue licenses by endorsement.

Rulemaking is expected to implement P.L. 2021, c. 348, enacted by the 130th Maine State Legislature, to remove terms "Handicap", "Handicapped" and "Hearing Impaired".

The program may make changes to adopt national codes.

CHAPTER 1: 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 the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 3: 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 the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 7: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. §15206

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 the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 11: 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: Not Contemplated.

CHAPTER 13: 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 the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 15: 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 the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 21: 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 the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 23: 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 the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 31: 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: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 33: 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: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 35: 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: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 37: 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: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 39: 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: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 41: 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: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

02-041

Office of Professional and Occupational Regulation
AMERICAN SIGN LANGUAGE INTERPRETERS
2021 - 2022 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: Jennifer Hawk, Regulatory Board Manager, 35 State House Station Augusta, ME 04333, (207) 624-8617, jennifer.m.hawk@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 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, if necessary.

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.
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Not contemplated.

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: Not contemplated.

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: Not contemplated.

02-041
MASSAGE THERAPY LICENSURE PROGRAM
2021 - 2022 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 PERSON FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Manager, 35 State House Station, Augusta, ME 04333, (207) 624-8617, jennifer.m.hawk@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Rulemaking to implement P.L. 2021, c. 167 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: Not contemplated.

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: Not contemplated.

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 of its massage therapy program.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Not contemplated.

02-041
REGULATION OF TRANSIENT SALES
2021 - 2022 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 PERSON FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Manager, 35 State House Station Augusta, ME 04333, (207) 624-8617, jennifer.m.hawk@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 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: Not contemplated.

02-070
STATE BOARD OF LICENSURE FOR GEOLOGISTS AND SOIL SCIENTISTS
Maine Administrative Procedure Act
2021 - 2022 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 Certification for Geologists and Soil Scientists**

CONTACT PERSON FOR THIS AGENCY: Catherine M. Carroll, Board Administrator, 35 State House Station, Augusta, ME 04333, 207/624-8605, catherine.m.carroll@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Rulemaking is expected to implement P.L. 2021, c. 167, enacted by the 130th Maine State Legislature, to establish standards to grant provisional licenses and establish a process to issue licenses by endorsement.

Rulemaking is expected to implement P.L. 2019, c. 285, enacted by the 129th Maine State Legislature, which allows a person to obtain a soil science license with an associate degree, and allows a person for geologist and soil scientist license to take certain examinations prior to completing all work experience requirements.

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.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 2: General Information

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 establish guidelines relating to meetings, advisory rulings, and maintenance of records.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

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.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

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: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

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 with the enabling statute to describe the procedures by which complaints and adjudicatory hearings will be handled by the Board.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

02-280
BOARD OF ACCOUNTANCY
Maine Administrative Procedure Act
2021 - 2022 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 PERSON FOR THIS AGENCY: Catherine M. Carroll, Board Administrator, 35 State House Station, Augusta, ME 04333, 207/624-8605, catherine.m.carroll@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Rulemaking is expected to implement P.L. 2021, c. 167, as enacted by the 130th Maine State Legislature including rules regarding provisional licenses and establishing a process to issue licenses by endorsement.

CHAPTER 1: Definitions

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

PURPOSE: The Board may review and revise its rule definitions to ensure clarity and conformity with the enabling statute, including but not limited to eliminating the designations “On-Site Peer Review” and “Off-Site Peer Review.”

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 2: Advisory Rulings

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051 and 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: Not contemplated.

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: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 6: Accounting 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 to ensure clarity and conformity with the enabling statute by amending the provisions governing conduct of peer reviews.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Not contemplated.

02-285
BOARD OF VETERINARY MEDICINE
2021 - 2022 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 PERSON FOR THIS AGENCY: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625, Geraldine.L.Betts@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Review and update current rules on licensure for credentialed individuals from other jurisdictions to implement 2021 Public Law Chapter 167. Review and update current rules to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired” pursuant to 2021 Public Law Chapter 348. Adopt new rules to implement 2021 Public Law Chapter 291 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. 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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Licensees
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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 2017 Public Law Chapter 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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-288
BOARD FOR LICENSURE OF ARCHITECTS, LANDSCAPE ARCHITECTS AND
INTERIOR DESIGNERS
2021 - 2022 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 PERSON FOR THIS AGENCY: Karen L. Bivins, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8524, Karen.L.Bivins@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Rulemaking necessary to implement P.L. 2021, c. 167, to establish a process to issue a license by endorsement or 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: Not expected.

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: Not expected.

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 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: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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, with regards to licensure by endorsement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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 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: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Not expected.

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: Not expected.

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 are may be necessary to clarify a provision or to update the incorporated codes and standards to a current version.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

02-297
BOARD OF CHIROPRACTIC LICENSURE
2021 - 2022 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 PERSON FOR THIS AGENCY: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625, Geraldine.L.Betts@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Review and update current rules on licensure for credentialed individuals from other jurisdictions to implement 2021 Public Law Chapter 167. Review and update current rules to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired” pursuant to 2021 Public Law Chapter 348. Adopt new rules 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. The Board may review and update rules for licensing temporary 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, certification and training of chiropractic assistants, and licensure and training of temporary chiropractic assistant. 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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

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: Not contemplated.

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: Not contemplated.

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: Not contemplated.

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: Not contemplated.

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: Not contemplated.

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: Not contemplated.

02-298
BOARD OF REAL ESTATE APPRAISERS
2021 - 2022 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 PERSON FOR THIS AGENCY: Catherine Pendergast, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8518, Catherine.Pendergast@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 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, to establish a process to issue a license by endorsement or 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: Not expected.

CHAPTER 150: Advisory Rulings

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

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: Not expected.

CHAPTER 220: Educational Course Requirements

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

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. The Board may amend the rule to no longer require in-person delivery of a Board approved continuing education program and permit board approval of a program for both in-person and synchronous delivery.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and license applicants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 230: Supervising Appraiser Duties

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

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. This chapter may be amended to no longer require that a supervising appraiser personally inspect a certain number of appraised properties with the trainee.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and license applicants.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 240: Standards of Professional Practice

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

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 but should that change, the rule will need to be amended.

SCHEDULE FOR ADOPTION: If needed

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Not expected.

02-302
BOARD OF LICENSURE OF AUCTIONEERS
2021 - 2022 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 PERSON FOR THIS AGENCY: Karen L. Bivins, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8524, Karen.L.Bivins@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Rulemaking to implement P.L. 2021, c. 167, 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 the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 20: Fees

STATUTORY AUTHORITY: 32 M.R.S. § 289

PURPOSE: This chapter will need to be repealed when rulemaking is required for another rule chapter. 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: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 30: Qualifications for Licensure

STATUTORY AUTHORITY: 32 M.R.S. § 289

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: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 40: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. § 289

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 the public.
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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 the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

02-331
BOARD OF FUNERAL SERVICE
2021-2022 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 PERSON FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Manager, 35 State House Station, Augusta, Maine 04333-0035, (207) 624-8617, jennifer.m.hawk@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Rules to implement P.L. 2021, c. 268, which directs the Board to adopt major substantive rules governing 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 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 P.L. 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 and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

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: Not contemplated.

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: Not contemplated.

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 as a practitioner of funeral service.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Funeral homes.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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 funeral practitioners 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.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Not contemplated.

CHAPTER 12: Transportation of Human Remains

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

PURPOSE: The board may review and revise its rules regarding the transportation of human remains.

ANTICIPATED SCHEDULE: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-333
BOARD OF LICENSURE OF PROFESSIONAL FORESTERS
2021 - 2022 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 PERSON FOR THIS AGENCY: Karen L. Bivins, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8524, Karen.L.Bivins@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Rulemaking to implement P.L. 2021, c. 167, 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 the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 30: Advisory Rulings

STATUTORY AUTHORITY: 5 MRSA §§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: Not expected.

CHAPTER 40: 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: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 80: Continuing Forestry Education

STATUTORY AUTHORITY: 32 MRSA §5515(7); 32 MRSA §59-B, 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 and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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

STATUTORY AUTHORITY: 32 MRSA §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 the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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 the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

02-343
BOARD OF RESPIRATORY CARE PRACTITIONERS
Maine Administrative Procedure Act
2021-2022 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 PERSON FOR THIS AGENCY: Kristina Halvorsen, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8420, Kristina.m.halvorsen@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Rules will be established to implement Public Laws 2021: Chapter 167, An Act to Facilitate Licensure of Credentialed Individuals From Other Jurisdictions and Chapter 29, An Act Regarding Telehealth Regulation. 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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-344
BOARD OF LICENSING OF DIETETIC PRACTICE
2021-2022 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 PERSON FOR THIS AGENCY: Kristina M. Halvorsen, Board Administrator, 35 State House Station, Augusta, Maine 04333-0035, (207) 624-8420, Kristina.m.halvorsen@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULEMAKING ACTIVITY: Rulemaking to implement Public Laws 2021 Chapter, An Act to Facilitate Licensure of Credentialed Individuals From Other Jurisdictions and Chapter 29, An Act Regarding Telehealth Regulation. 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 existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Not expected.

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: Not expected.

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: Not expected.

02-318
ELECTRICIANS' EXAMINING BOARD
Maine Administrative Procedure Act
2021 - 2022 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 PERSON FOR THIS AGENCY: Catherine M. Carroll, Board Administrator, 35 State House Station, Augusta, ME 04333, 207/624-8605, catherine.m.carroll@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Rulemaking is expected to implement P.L. 2021, c. 167, enacted by the 130th Maine State Legislature, adopting rules about granting provisional licenses and establishing a process to issue licenses by endorsement.

Rulemaking is expected to be reviewed and revised for consistency with the provisions of P.L. 2017, c. 198, enacted by the 128th Maine State Legislature, which updated the board's terminology to more accurately describe license requirements, scopes of practice and supervision requirements; reorganized sections; and added a provision to allow persons with comparable education and/or work experience in other jurisdictions to qualify for licensure. Additional rules may be adopted to provide standards for providing continuing education to maintain licensure and other education courses for licensure.

CHAPTER 100: Definitions

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

PURPOSE: The Board may move Chapter 100 (currently Advisory Rulings) to a newly created Chapter 115 and rename Chapter 100 Definitions containing terms "Direct Supervision" and "Indirect Supervision" and others used in statute and rule.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 110: Conflict of Interest

STATUTORY AUTHORITY: 32 M.R.S. § 1153

PURPOSE: This chapter may be repealed, in part. 10 M.R.S. § 8007 addresses most of the provisions of this chapter.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 115: Advisory Rulings

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

PURPOSE: The Board may establish a new Chapter 115 Advisory Rulings that establish the guidelines relating to advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 125: Scope of Practice

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

PURPOSE: This chapter may be repealed in its entirety. 32 M.R.S. § 1202-A addresses scope of practice.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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 to ensure clarity and conformity with the enabling statute by amending the examination and licensing requirements for electricians.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

CONSENSUS-BASES RULE DEVELOPMENT: Not contemplated.

CHAPTER 140: Board Fees

STATUTORY AUTHORITY: 32 M.R.S. § 1203-A

PURPOSE: The Board may repeal this chapter. The Office of Professional and Occupational Regulation has established fees for the Board pursuant to 10 M.R.S. § 8003(2-A)(D) and Chapter 10 of its rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASES RULE DEVELOPMENT: Not contemplated.

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: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 160: Power Generation Systems as Electrical Installations

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

PURPOSE: The Board establish a new Chapter 160 explaining 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: Applicants and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 170: Denial Appeals

STATUTORY AUTHORITY: 10 M.R.S. § 8003(5-A)

PURPOSE: The Board may repeal this chapter. 10 M.R.S. § 8003(5-A) addresses the applicant’s or licensee’s right to appeal a license denial.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-360
BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS
2021 - 2022 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 PERSON FOR THIS AGENCY: Karen L. Bivins, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8524, Karen.L.Bivins@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Rulemaking to implement P.L. 2021, c. 167, to establish a process to issue a license by endorsement or 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 the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Not expected.

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: Not expected.

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

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

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: License applicants.
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 50: Qualification for Licensure as Professional Land Surveyor
STATUTORY AUTHORITY: 32 M.R.S. § 18212
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: Licensees
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

CHAPTER 60: Licensure by Comity
STATUTORY AUTHORITY: 32 M.R.S. § 18212
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, with regards to licensure by endorsement.
SCHEDULE FOR ADOPTION: Within one year, if necessary.
AFFECTED PARTIES: Licensees and the public.
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Not expected.

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: Not expected.

02-371
NURSING HOME ADMINISTRATORS LICENSING BOARD
2021 - 2022 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 PERSON FOR THIS AGENCY: Kristina Halvorsen, Board Administrator, 35 State House Station, Augusta, Maine 04333-0035, (207) 624-8420, Kristina.m.halvorsen@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULEMAKING ACTIVITY: The board intends to repeal and replace all existing rules in their entirety. Rules will be established to implement Public Laws 2021 Chapter, An Act to Facilitate Licensure of Credentialed Individuals From Other Jurisdictions and Chapter 291, An Act Regarding Telehealth Regulation.

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: Not expected.

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 and existing licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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 existing licensees.
CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Not expected.

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: Not expected.

CHAPTER 6: Endorsement

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

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: Not expected.

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: Not expected.

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: Not expected.

CHAPTER 9: Advisory Rulings

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

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Not expected.

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 consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

02-384
BOARD OF ALCOHOL AND DRUG COUNSELORS
2021 - 2022 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 PERSON FOR THIS AGENCY: Kristina Halvorsen, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8420, Kristina.m.halvorsen@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Rules to implement Public Laws 2021 Chapter 167, An Act to Facilitate Licensure of Credentialed Individuals From Other Jurisdictions and Chapter 291, An Act Regarding Telehealth Regulation. 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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 2: Advisory Rulings

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

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 6: Standards for Certification of Clinical Supervisors

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Not contemplated.

CHAPTER 8: Enforcement and Disciplinary Procedures

STATUTORY AUTHORITY: 32 M.R.S. §§ 6212, 6217-A(7)

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-A. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-385
MANUFACTURED HOUSING BOARD
2021 – 2022 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-385**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Manufactured Housing Board**

CONTACT PERSON FOR THIS AGENCY: Ryan Chandler, Executive Director (Acting Capacity), 35 State House Station, Augusta, ME 04333, (207) 624-8618, ryan.e.chandler@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021 – 2022 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 editions of the International Residential Code, Uniform Plumbing Code and National Electrical Code for modular home construction.

SCHEDULE FOR ADOPTION: January 2022.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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.

SCHEDULE FOR ADOPTION: January 2022.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: January 2022.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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 add "Total Coliform" to Section B and "Total Coliform, Nitrates and Nitrites" to Section C of Appendix A.

SCHEDULE FOR ADOPTION: January 2022.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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) and update/change the incorporation of the NFPA 70, 2014 to NFPA 70, 2020.

SCHEDULE FOR ADOPTION: January 2022.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

02-392
MAINE BOARD OF PHARMACY
2021 - 2022 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 PERSON FOR THIS AGENCY: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625, Geraldine.L.Betts@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:

Emergency rule changes to Chapter 36, Licensure of Opioid Treatment Programs in response to Governor Mills *Proclamation of State of Civil Emergency to Further Protect Public Health* (dated March 15, 2020) and the Governor's Executive Order 19 FY 19/20, *An Order Regarding Essential Businesses and Operations* (effective March 24, 2020). The emergency rule was adopted on April 4, 2020. On July 7, 2020, the emergency rule was permanently adopted.

EXPECTED 2021-2022 RULE-MAKING 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:

- *2021 Public Law Chapter 167* – Review and update current rules on licensure for credentialed individuals from other jurisdictions.
- *2021 Public Law Chapter 348* – Review and update current rules to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired.”
- *2021 Public Law Chapter 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.
- *2021 Public Law Chapter 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.
- *2021 Public Law Chapter 20* – Establish protocols for notifying practitioners when emergency refills of insulin are dispensed.

- *2021 Public Law Chapter 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.
- *2021 Public Law Chapter 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 or pharmacy. 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.
- *2021 Public Law Chapter 84* – Review and update current continuing professional education requirements to reflect that a pharmacist that does not administer drugs and immunizations is not required to complete 2 hours of continuing professional education in drug administration.
- *2021 Public Law Chapter 303* – The Board may adopt rules to implement the Insulin Safety Net Program insulin product registration pursuant to 32 M.R.S. § 13800-D, sub-§2.

Joint rulemaking to establish collaborative drug therapy management between the Board of Pharmacy and the Board of Nursing similar to the collaborative drug therapy management joint rule between the Board and the Board of Licensure in Medicine. Currently, the Board is engaging in an all-inclusive review to update, streamline, and eliminate unnecessary rules for individuals applying for pharmacist, pharmacy intern and pharmacy technician licensure and practice requirements, the licensing and operation 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 pharmacy practice to the extent that current law allows methods of prescription delivery systems 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 others 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 Public Law 2018 Chapter 407. The Board is currently working to on developing rules to implement 2019 Public Law Chapter 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 Public Law 2020 Chapter 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. Overall, all rules will be reviewed to ensure they reflect current law.

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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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 MRS §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: Not Contemplated

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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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: Not Contemplated

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: Not Contemplated

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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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: Not Contemplated

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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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, the general public

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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: Not Contemplated

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: Not Contemplated

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
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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: Not Contemplated

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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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: Not Contemplated

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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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: Not Contemplated

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: Not Contemplated

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: Not Contemplated

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: Not Contemplated

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: Not Contemplated

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: Not Contemplated

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: Not Contemplated

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: Not Contemplated

(New currently in rulemaking) 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: Not Contemplated

Chapter 40: Authorization, Training and Procedures for Prescribing and Dispensing Naloxone Hydrochloride

STATUTORY BASIS: 32 MRS §§13720 and 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: Not Contemplated

02-393
BOARD OF EXAMINERS IN PHYSICAL THERAPY
2021 - 2022 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 PERSON FOR THIS AGENCY: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625, Geraldine.L.Betts@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Review and update current rules on licensure for credentialed individuals from other jurisdictions to conform with 2021 Public Law Chapter 167. Review and update current rules to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired” pursuant to 2021 Public Law Chapter 348. Adopt new rules 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. 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 2019 Public Law Chapter 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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 2: General Provisions

STATUTORY BASIS: 32 M.R.S. § 3112(5)(C)

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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 3: Licensure Requirement 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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 4: Standards for Supervision of Physical Therapist Assistants and Physical Therapy Aids

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 aids 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: Not Contemplated

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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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: Not Contemplated

02-395
PLUMBERS' EXAMINING BOARD
Maine Administrative Procedure Act
2021 - 2022 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 PERSON FOR THIS AGENCY: Catherine M. Carroll, Board Administrator, 35 State House Station, Augusta, ME 04333, 207/624-8605, catherine.m.carroll@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Rulemaking is expected to implement P.L. 2021, c. 167, enacted by the 130th Maine State Legislature, to establish standards to grant provisional licenses and establish a process to issue licenses by endorsement.

Rulemaking is expected to adopt the 2021 Uniform Plumbing Code.

CHAPTER 1: Advisory Rulings

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 guidelines relating to advisory rulings.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 3: Licensing Requirements

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 requirements for licensure as a Trainee Plumber, Journeyman-in-Training, Journeyman Plumber, and Master Plumber.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 4: Installation Standards

STATUTORY AUTHORITY: 32 M.R.S. § 3403-A

PURPOSE: The Board may repeal this chapter and replace it with plumbing installation standards of the 2021 Uniform Plumbing Code.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-396
BOARD OF LICENSURE OF PODIATRIC MEDICINE
2021 - 2022 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 PERSON FOR THIS AGENCY: Kristina Halvorsen, Board Administrator, 35 State House Station, Augusta, ME 04333-0035, (207) 624-8420
kristina.m.halvorsen@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULEMAKING ACTIVITY: Rules will be established to implement Public Laws 2021 Chapter 167, An Act to Facilitate Licensure of Credentialed Individuals From Other Jurisdictions and Chapter 29, An Act Regarding Telehealth Regulation. 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: Not expected.

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., Chapter 10.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Not expected.

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.

02-415
BOARD OF EXAMINERS OF PSYCHOLOGISTS
Maine Administrative Procedure Act
2021 - 2022 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 PERSON FOR THIS AGENCY: Kristina Halvorsen, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8420, Kristina.m.halvorsen@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Rules will be established to implement 2021 Public Laws: Chapter 167, An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions; Chapter 233, An Act to Address Behavioral Health Practice in the State; Chapter 291, An Act Regarding Telehealth Regulations and Chapter 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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 3: Application, Examination and the Licensure Process

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2), (5)

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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER 4: Licensure of Psychologists

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2)

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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Not contemplated.

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: Not contemplated.

CHAPTER 8: Continuing Professional Education

STATUTORY AUTHORITY: 32 M.R.S. § 3824(2), (6)

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: Not contemplated.

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

02-416
BOARD OF SOCIAL WORKER LICENSURE
2021-2022 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 PERSON FOR THIS AGENCY: Kristina Halvorsen, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8420, Kristina.m.halvorsen@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULEMAKING ACTIVITY: Rules will be established to implement 2021 Public Laws: Chapter 167, An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions; Chapter 233, An Act to Address Behavioral Health Practice in the State; Chapter 291, An Act Regarding Telehealth Regulations and Chapter 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 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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Consumers and licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Not expected.

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: Not expected.

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: Not expected.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

02-465
RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS
2021-2022 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 PERSON FOR THIS AGENCY: Kristina Halvorsen, Board Administrator, 35 State House Station, Augusta, Maine 04333-0035, (207) 624-8420, Kristina.m.halvorsen@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULEMAKING ACTIVITY: Rules will be established to implement Public Laws 2021 Chapter 167, An Act to Facilitate Licensure of Credentialed Individuals From Other Jurisdictions and Chapter 29, An Act Regarding Telehealth Regulation. 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.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

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: Not expected.

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.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

02-477
BOARD OF OCCUPATIONAL THERAPY PRACTICE
2021 - 2022 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 PERSON FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Manager, 35 State House Station, Augusta, Maine 04333-0035, (207) 624-8617, jennifer.m.hawk@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULEMAKING ACTIVITY: Review and revise current rules to conform with 2021 Public Law Chapter 167 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 2021 Public Law Chapter 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 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.

CHAPTER 2: Advisory Rulings

STATUTORY AUTHORITY: 32 M.R.S. §§ 2274(2), 2278, 2279, 2284

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: Not contemplated.

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: Licensees and Consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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 Consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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 Consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Consumers and Licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CHAPTER NUMBER AND TITLE: N/A

STATUTORY BASIS: 32 M.R.S. § 2274(2), 2272(D-12), 2287

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: Not contemplated.

02-502
BOARD OF COMPLEMENTARY HEALTH CARE PROVIDERS
2021 – 2022 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 PERSON FOR THIS AGENCY: Geraldine L. Betts, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8625, Geraldine.L.Betts@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Review and update current rules on licensure for credentialed individuals from other jurisdictions to implement 2021 Public Law Chapter 167. Review and update current rules to discontinue the use of the terms “handicap,” “handicapped” and “hearing impaired” pursuant to 2021 Public Law Chapter 348. Adopt new rules 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. The Board may adopt rules to implement 2019 Public Law Chapter 269 for licensing auricular acupuncture detoxification specialists, which will include at a minimum, requirements for licensure and approved training. The Board may consider overall rule updates, errors, and omissions as may be necessary. The Board may also consider updating the rule on prescribing noncontrolled legend drugs by naturopathic doctors in accordance with 32 M.R.S. § 12522 and standards for collaborative relationships between a licensed allopathic or osteopathic physician and a naturopathic doctor. The Board is expected to adopt rules to implement 2016 Public Law Chapter 502 for the licensing of professional midwives and to adopt rules, including but not limited to, establishing requirements for initial and renewal licensure, continuing professional education, standards for the practice of midwives, 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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 2: Advisory Rulings

STATUTORY BASIS: 32 M.R.S. § 12503

PURPOSE: The chapter sets forth procedures for the issuance of advisory rulings by the Board. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 3: Licensure Requirement for Acupuncturists

STATUTORY BASIS: 32 M.R.S. §§ 12503 (B) and (D), 12512

PURPOSE: The chapter establishes requirements for issuance of a license to practice acupuncture, including application, education, experience, and references. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: License applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 3-A: Certification for the Formulation and Dispensing of Custom-Made Chinese Herbal Formulations

STATUTORY BASIS: 32 M.R.S. § 12513-A(3)

PURPOSE: The chapter establishes requirements for the certification of licensed acupuncturists to formulate and dispense custom-made Chinese herbal formulations. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: License applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 4: Licensure Requirement for Naturopathic Doctors

STATUTORY BASIS: 32 M.R.S. § 12525

PURPOSE: The chapter establishes requirements for issuance of a license to practice naturopathy, including application, education, experience, and references. The Board may review this chapter for conformance with statutes and make updates as may be necessary.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: License applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 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

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
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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: Not Contemplated

CHAPTER 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships

STATUTORY BASIS: 32 M.R.S. §§ 12503(1)(A) and (B), 12506

PURPOSE: The formulary listing in this chapter may be subject to updates and/or revisions based on federal or state standards with regard to noncontrolled legend drugs, which may be prescribed according to 32 M.R.S. § 12522. Rules adopted pursuant to 32 M.R.S. § 12522(4) are major substantive rules. See 32 M.R.S. § 12506.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

Chapter 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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 7: Grounds for Discipline

STATUTORY BASIS: 32 M.R.S. § 12503

PURPOSE: The chapter references the statutory grounds for discipline and includes examples of prohibited conduct. The Board may review this chapter for conformance with current statutes and make changes as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 8: Code of Ethics

STATUTORY BASIS: 32 M.R.S. § 12503(B)

PURPOSE: The chapter establishes standards of professional practice in the practice of acupuncture and naturopathic medicine. The Board may review this chapter and make changes to reflect current practice expectations for the protection of the public being served.

SCHEDULE FOR ADOPTION: Within one year, if necessary

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

02-514
BOARD OF COUNSELING PROFESSIONALS LICENSURE
2021-22 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 PERSON FOR THIS AGENCY: Kristina Halvorsen, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8420, Kristina.m.halvorsen@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-22 RULEMAKING ACTIVITY: Rulemaking to implement 2021 Public Laws: Chapter 167, An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions; Chapter 233, An Act to Address Behavioral Health Practice in the State; Chapter 291, An Act Regarding Telehealth Regulations; and Chapter 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: Not expected.

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: Not expected.

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: Not expected.

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: Not expected.

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: Not expected.

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: Not expected.

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: Not expected.

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: Not expected.

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: Not expected.

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: Not expected.

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.

CONSENSUS-BASED RULE DEVELOPMENT: Not expected.

02-643
BOARD OF SPEECH, AUDIOLOGY AND HEARING
2021-2022 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 PERSON FOR THIS AGENCY: Jennifer Hawk, Regulatory Board Coordinator, 35 State House Station, Augusta, Maine 04333-0035, (207) 624-8617, jennifer.m.hawk@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULEMAKING ACTIVITY: Review and revise current rules to conform with 2021 Public Law Chapter 167 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 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.

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.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Not contemplated.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Consumers and licensees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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: Not contemplated.

02-658

Maine Fuel Board

Maine Administrative Procedure Act
2021 - 2022 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 PERSON FOR THIS AGENCY: Catherine M. Carroll, Board Administrator, 35 State House Station, Augusta, ME 04333, 207/624-8605, catherine.m.carroll@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None.

EXPECTED 2021-2022 RULE-MAKING ACTIVITY: Rulemaking is expected to implement P.L. 2021, c. 167, enacted by the 130th Maine State Legislature, to establish standards to grant provisional licenses and establish a process to issue licenses by endorsement.

Rulemaking is expected to review and make changes for consistency with the provisions of P.L. 2015, c. 169, enacted by the 127th Maine State Legislature. Some of the changes would distinguish between an oil burner technician and a solid fuel technician and would also add a pellet-fired authority to the oil burner technician license. The board will review the requirements for qualifying for examination for a journeyman and master oil burner technician license, and a gas technician license. The board will also review and may adopt and incorporate technical codes and standards that apply to the installation of fuel burning equipment, chimneys, fireplaces and vents. The board will update terminology as needed.

CHAPTER 1: Definitions

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): 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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 2: Advisory Rulings

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

PURPOSE (of the rule): 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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 3: Categories and Responsibilities of Licensure

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): 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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 4: Qualifications for Licensure

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): 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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 5: Use of Other License Authorities

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): 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: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 6: Adoption of Standards and Rules

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): 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 may update standards as needed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 7: Modification of Standards

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): 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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 8: Installation of Oil Burning Equipment

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): 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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 9: Installation of Solid Fuel Burning Equipment

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): 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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 10: Chimneys

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): 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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 11: Installation of Waste Oil Appliances and Waste Oil Supply Tanks

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): 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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

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 (of the rule): 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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 13: Installation of Propane and Natural Gas Burning Equipment

STATUTORY BASIS: 32 M.R.S. § 18123(2)

PURPOSE (of the rule): 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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated