

Annual List of Rulemaking Activity
Rules Adopted January 1, 2022 to December 31, 2022
Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5

Agency name: Department of Professional and Financial Regulation,
State Board of Nursing
Umbrella-Unit: **02-380**
Statutory authority: 32 MRS §2153-A(1)
Chapter number/title: **Ch. 1 (New)**, Collaborative Drug Therapy Management
Filing number: **2022-061**
Effective date: 4/25/2022
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

Establish a joint rule on collaborative drug therapy management between a licensed pharmacist and licensed nurse practitioner.

Basis statement:

The State Board of Nursing and the Board of Pharmacy adopted a new joint rule to allow collaborative practice agreements between authorized practitioners and pharmacists and to expand access to healthcare while ensuring that all patients receive the most appropriate healthcare possible and to provide safe and efficient care to the citizens of Maine.

Fiscal impact of rule:

Minimal.

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Agency name: Department of Professional and Financial Regulation,
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Umbrella-Unit: **02-380**

Statutory authority: 22 MRS §1812-G(3); 32 MRS §§ 2102(2)(D) and 8, 2104, 2153-A(1)

Chapter number/title: **Ch. 5**, Regulations Relating to Training Programs and Delegation by Registered Professional Nurses of Selected Nursing Tasks to Certified Nursing Assistants

Filing number: **2022-257**

Effective date: 1/1/2023

Type of rule: Routine Technical

Emergency rule: No

Principal reason or purpose for rule:

This amends an existing rule regarding training programs and delegation by registered professional nurses of selected nursing tasks to certified nursing assistants to align with changes in the Certified Nursing Assistant – Medication (CAN-M) curriculum.

Basis statement:

The State Board of Nursing adopted amendments to an existing rule regarding training programs and delegation by registered professional nurses of selected nursing tasks to certified nursing assistants to align with changes I the Certified Nursing Assistant – Medication (CAN-M) curriculum.

Fiscal impact of rule:

Minimal.

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Agency name: Department of Professional and Financial Regulation,
State Board of Nursing
Umbrella-Unit: **02-380**
Statutory authority: 32 MRS §§ 2102(2)(A), 2153-A(1), 2266 to 2270
Chapter number/title: **Ch. 11**, Joint Rule Regarding Telehealth Standards of Practice
Filing number: **2022-140**
Effective date: 7/24/2022
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

On June 21, 2021, Public Law Chapter 291, “An Act Regarding Telehealth Regulations”, became law following emergency enactment. The law required licensing boards, including the Board of Licensure in Medicine (BOLIM), Board of Osteopathic Licensure (BOL), and State Board of Nursing (BON), to adopt rule governing telehealth services by their licensees, to include “standards of practice and appropriate restrictions”.

Basis statement:

The Board of Licensure in Medicine, the Board of Osteopathic Licensure, and the State Board of Nursing (Boards) were created by the Legislature with the sole purpose of protecting the public. 10 MRS §8008 provides:

§8008. Purpose of occupational and professional regulatory boards

The sole purpose of an occupational and professional regulatory board is to protect the public health and welfare. A board carries out this purpose by ensuring that the public is served by competent and honest practitioners and by establishing minimum standards of proficiency in the regulated professions by examining, licensing, regulating and disciplining practitioners of those regulated professions. **Other goals or objectives may not supersede this purpose.**

Fiscal impact of rule:

Minimal.

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Umbrella-Unit: **02-380**

Statutory authority: 32 MRS §§ 2102(2)(A), 2153-A(1), 2210, 2270

Chapter number/title: **Ch. 12**, Joint Rule Regarding Office Based Treatment of Opioid
Use Disorder

Filing number: **2022-143**

Effective date: 7/24/2022

Type of rule: Routine Technical

Emergency rule: No

Principal reason or purpose for rule:

To amend an existing joint rule to update the definition of telemedicine to telehealth to comport with the definition in PL 2021 ch. 291, “An Act Regarding Telehealth Regulations”.

Basis statement:

The Board of Licensure in Medicine, the Board of Osteopathic Licensure, and the State Board of Nursing (Boards) were created by the Legislature with the sole purpose of protecting the public. 10 MRS §8008 provides:

§8008. Purpose of occupational and professional regulatory boards

The sole purpose of an occupational and professional regulatory board is to protect the public health and welfare. A board carries out this purpose by ensuring that the public is served by competent and honest practitioners and by establishing minimum standards of proficiency in the regulated professions by examining, licensing, regulating and disciplining practitioners of those regulated professions. **Other goals or objectives may not supersede this purpose.**

Fiscal impact of rule:

Minimal.

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Agency name: Department of Professional and Financial Regulation,
State Board of Nursing
Umbrella-Unit: **02-380**
Statutory authority: 32 MRS §§ 2111(2), 2153-A(1)
Chapter number/title: **Ch. 13** (*New*), Criminal History Record Information
Filing number: **2022-117**
Effective date: 6/13/2022
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The rule implements fingerprint-based background checks for all applicants for initial licensure or licensure by endorsement, including applications for multistate licensure. The Board of Nursing is required under 32 MRS §2111(2) to adopt rules to implement §2111.

Basis statement:

The Board of Licensure in Medicine, the Board of Osteopathic Licensure, and the State Board of Nursing (Boards) were created by the Legislature with the sole purpose of protecting the public. 10 MRS §8008 provides:

§8008. Purpose of occupational and professional regulatory boards

The sole purpose of an occupational and professional regulatory board is to protect the public health and welfare. A board carries out this purpose by ensuring that the public is served by competent and honest practitioners and by establishing minimum standards of proficiency in the regulated professions by examining, licensing, regulating and disciplining practitioners of those regulated professions. **Other goals or objectives may not supersede this purpose.**

It was with this purpose in mind that the Board approaches the current rulemaking regarding Chapter 13.

Pursuant to 32 MRS §2111, the Board must implement procedures for considering the criminal history record information of an applicant for initial licensure or licensure by endorsement, including applicants for multistate licensure.

Fiscal impact of rule:

Minimal.