

# THE FLORIDA BOARD OF OSTEOPATHIC MEDICINE

## ANNUAL REGULATORY PLAN 2019-20

This Annual Regulatory Plan is being filed and published pursuant to section 120.74, *Florida Statutes*. The Plan covers the period beginning October 1, 2019 and ending September 30, 2020.

### PART ONE LAWS ENACTED OR AMENDED

Part One of the Plan addresses each law enacted or amended during the 2019 Legislative Session which creates or modifies the duties or authority of the Board of Osteopathic Medicine. §120.74(1)(a), Fla. Stat.

Law Enacted or Modified on or after Oct. 1, 2017	Florida Statute (modified or created)	Rule (impacted)	Must Agency Adopt Rules?	If Rulemaking Necessary, Notice of Development Published in Florida Administrative Register?	Expected Publication Date for Notice of Proposed Rulemaking	If Rulemaking Not Necessary, Explain
Ch. 2019-001, Laws of Fla. Eff. March 18, 2019 (CS/CS/CS/SB 182)	Modified §381.986, F.S. (Medical Use of Marijuana)	64B15-14.013, F.A.C. (Mandatory Standardized Informed Consent for Medical Marijuana, etc.)	Yes	April 25, 2019	May 15, 2019, Rule effective August 12, 2019	N/A

Ch. 2019-112, Laws of Fla., Eff. Jan. 1, 2020 (CS/ HB 831)	Modified §§456.42; 456.43; and 456.0392 (Electronic Prescribing)	<u>64B15-19.002</u> , F.A.C. (Violations and Penalties)	Yes	September 4, 2019	Expected late October 2019)	N/A
Ch. 2019-123, Laws of Fla., Eff. July 1, 2019 (CS/CS/HB 451)	Modified §456.44, Fla. Stat. (Nonopioid Alternatives)	N/A	No	N/A	N/A	The Board already has in place a disciplinary guideline for violation of a statutory obligation. Therefore, mandatory rulemaking pursuant to §456.079)(1), Fla. Stat. is not required.
Ch. 2019-130 Laws of Fla., Eff. Jan. 1, 2020 (CS/CS/SB 732)	Modified §§ 456.074, 459.005, 459.015, Fla. Stat. and created §459.0138, Fla. Stat. (Office Surgery)	<u>64B15-14.007</u> , F.A.C. (Office Surgery)  <u>64B15-19.002</u> , F.A.C. (Violations and Penalties)	Yes  Yes	Expected November 2019  September 4, 2019	Depends on review of rule  Expected late October 2019	A Joint Committee of the Board of Osteopathic Medicine and the Board of Medicine has convened and continues to meet to address standard of care issues of critical importance to the health, safety, and welfare of patients in office surgery settings. The Board of Osteopathic Medicine adopted an Emergency Rule, (64B15-ER19-1), on June 28, 2019, to address the standard of care for gluteal fat transfers, and Rule 64B15-14.007 incorporated those changes effective September 11, 2019. The Joint Committee will meet on October 2, 2019, to continue its review of their existing office surgery rules and update, if necessary.
Ch. 2019-137, Laws of Fla., Eff. July 1, 2019 (CS/CS/HB 23)	Created §456.47, F.S. (Use of telehealth to provide services).	<u>64B15-19.002</u> , F.A.C. (Violations and Penalties)	No.	N/A	N/A	The statute is self-executing and does not require any mandated rulemaking; however, the Board will review its disciplinary guidelines.

Ch. 2019-152, Laws of Fla. Eff., July 1, 2019 (CS/CS/CS HB 851)	Created § 456.0341, Fla. Stat. (Human Trafficking)	N/A	No	N/A	N/A	This provision of the statute is self-executing and does not mandate rulemaking. Further, a failure to comply with continuing education provisions is addressed upon attempted renewal of the license by the Department of Health.
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**PART TWO**  
**LAWS EXPECTED TO BE IMPLEMENTED THROUGH RULEMAKING**

Part Two of this plan addresses those laws which the Board of Osteopathic Medicine intends to implement through rulemaking by July 1, 2020, that are otherwise not covered pursuant to Part One of this Plan. This Part does not include emergency rulemaking or any other rulemaking that may become necessary that was not evident to the Board at the time of the submission of this plan. Additionally, the listing of a law to be implemented does not mean the rule will necessarily be adopted or effective by July 1, 2020. §120.74(1)(b), Fla. Stat.

<b>Rule Number And Title</b>	<b>Law Expected to Be Implemented Through Rulemaking</b>	<b>Intent of Rulemaking</b>
<u>64B15-12.003</u> , F.A.C., (Gen. application)	§§456.013, and 459.0055, F.S.	Clarify, Simplify, Increase Efficiency
<u>64B15-12.005</u> , F.A.C., (Limited license)	§§456.013, and 459.0075, F.S.	Clarify, Simplify, Increase Efficiency
<u>64B15-12.010</u> , F.A.C., (Area Critical Need)	§§456.013, and 459.0076, F.S.	Clarify, Simplify, Increase Efficiency
<u>64B15-12.011</u> , F.A.C. (Military ACN)	§§456.013, and 456.0761, F.S.	Clarify, Simplify, Increase Efficiency
<u>64B15-12.009</u> , F.A.C. (Osteo. Fac. Cert.)	§§456.013, and 459.0077, F.S.	Clarify, Simplify, Increase Efficiency
<u>64B15-22.004</u> , F.A.C., (Reg. Unlic.	§§456.013, and 459.021, F.S.	Clarify, Simplify, Increase

Phys)		Efficiency
<u>64B15-6.003</u> , F.A.C., (PA licensure)	§§456.013, and 459.022, F.S.	Clarify, Simplify, Increase Efficiency
<u>64B15-7.003</u> , F.A.C., (AA licensure)	§§456.013, and 459.023, F.S.	Clarify, Simplify, Increase Efficiency

**PART THREE**  
**UPDATES TO PRIOR YEAR'S PLAN**

Part Three of the Plan addresses whether there are any updates to the prior year's regulatory plan. §120.74(c), Fla. Stat.

- There are not any updates to the prior year's annual regulatory plan.

**PART FOUR**  
**CERTIFICATION PURSUANT TO §120.74(1)(d), Fla. Stat. (2017)**

The undersigned hereby certify that they have reviewed this Annual Regulatory Plan and that the Board of Osteopathic Medicine regularly reviews all of its rules to determine if the rules remain consistent with the Board's rulemaking authority and the laws being implemented, with the most comprehensive enhanced review having been completed on the 30th day of June, 2015, with continuing Board review through August, 2019.

/S/ Joel Rose, D.O.  
Electronic Signature  
Joel Rose, D.O.  
Chair of the Board of Osteopathic Medicine

September 6, 2019  
Date Signed

/S/ Donna C. McNulty, Esq.  
Electronic Signature  
Donna C. McNulty  
Special Counsel  
Counsel to the Board of Osteopathic Medicine

September 6, 2019  
Date Signed