

# STATEMENT OF SCOPE

## PHARMACY EXAMINING BOARD

Rule No.: Phar 14

Relating to: Home medical oxygen providers

Rule Type: Both Permanent and Emergency

### 1. Finding/nature of emergency (Emergency Rule only):

2015 Act 3 Non statutory provision

The pharmacy examining board may promulgate emergency rules under section 227.24 of the statutes implementing section 450.076 of the statutes, as created by this act. Notwithstanding section 227.24(1)(c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until June 30, 2017, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24(1)(a) and (3) of the statutes, the board is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

### 2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to establish licensure and professional conduct requirements for home medical oxygen providers.

### 3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Licensure for home medical oxygen providers was created by 2015 Act 3. The board will be creating rules to implement 2015 Act 3 including licensure requirements and rules governing the professional conduct of licensed providers and their employees and agents.

### 4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

15.08(5)(b) Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

450.02(2) The Board shall adopt rules defining the active practice of pharmacy. The rules shall apply to all applicants for licensure under s. 450.05.

450.076(3)(c) The board may grant a license to act as a home medical oxygen provider to a person that satisfies any other requirements established by the board by rule.

450.076(4) The board shall promulgate rules implementing this section. The rules shall include rules governing the professional conduct of licensed providers and their employees and agents.

### 5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

75 hours

Rev. 3/6/2012

**6. List with description of all entities that may be affected by the proposed rule:**

Home medical oxygen providers

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

None

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

None to minimal economic impact. The rule is not likely to have a significant economic impact on small businesses

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Authorized Signature

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