

Mississippi Secretary of State
125 South Congress St., P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi State Board of Medical Licensure		CONTACT PERSON Rhonda Freeman	TELEPHONE NUMBER (601) 987-3079	
ADDRESS 1867 Crane Ridge Drive, Suite 200-B		CITY Jackson	STATE MS	ZIP 39216
EMAIL mboard@msbml.ms.gov	SUBMIT DATE 02/26/18	Name or number of rule(s): Part 2640 Prescribing, Administering and Dispensing		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: This is the filing of an economic impact statement which goes with the proposed rule of Part 2640 Prescribing, Administering and Dispensing System #23162.

Specific legal authority authorizing the promulgation of rule: 73-43-11

List all rules repealed, amended, or suspended by the proposed rule: Part 2640: Prescribing, Administering and Dispensing

ORAL PROCEEDING:

An oral proceeding is scheduled for this rule on Date: 03/07/2018 Time: 1:00 p.m. Place: Office of the Board

Presently, an oral proceeding is not scheduled on this rule.

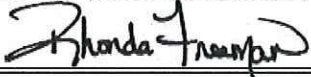
If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in <input type="checkbox"/> days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): <input type="checkbox"/>	Action proposed: <input type="checkbox"/> New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): <input type="checkbox"/>	Date Proposed Rule Filed: <input type="checkbox"/> Action taken: <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): <input type="checkbox"/>

Printed name and Title of person authorized to file rules: Rhonda Freeman

Signature of person authorized to file rules: 

OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by _____	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP  Accepted for filing by <u>723189</u> 	OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by _____
---	---	---

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMANN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME Board of Medical Licensure	CONTACT PERSON Rhonda Freeman	TELEPHONE NUMBER (601) 987-3079	
ADDRESS 1867 Crane Ridge Drive, Suite 200-B	CITY Jackson	STATE MS	ZIP 39216
EMAIL mboard@msbml.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Part 2640 Prescribing, Administering and Dispensing		
Specific Legal Authority Authorizing the promulgation of Rule: ##### 73-43-11	Reference to Rules repealed, amended or suspended by the Proposed Rule: Part 2640 Prescribing, Administering and Dispensing		

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit:

Healthcare providers with prescriptive authority receive effective strategies for reducing the risk of addiction, abuse and diversion of opioids and other controlled substances the healthcare providers prescribe to patients. Physicians, physician assistants and patients will benefit from the passage of these rules.

2. Briefly describe the need for the proposed rule:

Prescription drug diversion and abuse is a nationwide problem. Deaths due to drug overdoses now outnumber deaths from vehicle accidents. Pain management involves a juggling act that balances the needs and interest of everyone involved.

3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:

By virtue of the regulation as amended, there will be greater physician oversight and accountability of opioids and other controlled substances prescribed, dispensed or administered to patients for pain management (acute pain and chronic pain). Enforcement of the regulation as amended will (1) ensure that opioids and other controlled substances are only prescribed, dispensed and administered to those with legitimate medical need, (2) reduce the possibility of injury or death due to overdose, and (3) prevent diversion of opioids and other controlled substances into the illicit market.

4. Estimated Cost of implementing proposed action:

- a. To the agency
 Nothing Minimal Moderate Substantial Excessive
- b. To other state or local government entities
 Nothing Minimal Moderate Substantial Excessive

5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:

- c. Cost:
 Nothing Minimal Moderate Substantial Excessive
- d. Economic Benefit:
 Nothing Minimal Moderate Substantial Excessive

6. Estimated impact on small businesses:

Nothing Minimal Moderate Substantial Excessive

a. Estimate of the number of small businesses subject to the proposed regulation:

b. Projected costs for small businesses to comply:

c. Statement of probable effect on impacted small businesses:

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

substantially less than moderately less than minimally less than
 the same as minimally more than moderately more than
 substantially more than excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

substantially less than moderately less than minimally less than
 the same as minimally more than moderately more than
 substantially more than excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?

yes no

2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form.

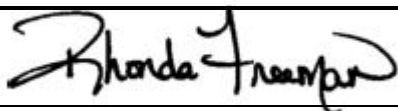
The data utilized to address the proposed regulatory changes consist of the current records in possession of the Board, including applications and registrations for existing pain management clinics in the State of Mississippi. The methodology consisted of a comparative study of the existing applications, annual license renewals and data from the Mississippi Prescription Monitoring Program (Mississippi Pharmacy Board).

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled?

An oral hearing was held November 15, 2017, at 1:00 p.m. in the Board room of the office. A second oral hearing will be conducted March 7, 2018, at 1:00 p.m. in the Board room of the office.

SIGNATURE



TITLE Office Director

DATE

February 14, 2018

PROPOSED EFFECTIVE DATE OF RULE

30 days from final filing with SOS

**ADDENDUM TO
ECONOMIC IMPACT STATEMENT**

**AMENDMENT OF PART 2640
RULES PERTAINING TO PRESCRIBING, ADMINISTERING
AND DISPENSING OF MEDICATION**

FEBRUARY 14, 2018

A.6. Estimated impact on small business:

a. Estimate of the number of small businesses subject to the proposed regulation:

It is estimated that there are 55 active and registered Pain Management Practices currently operating in the State of Mississippi. Most, if not all, would be deemed small businesses. Other than clinics which specialize in pain management, it is estimated that there are 10,679 physicians currently practicing who also prescribe, dispense or administer opioids and other controlled substances from time to time to patients for chronic pain. Most, if not all, would be deemed small businesses. In addition, there are a total of 6,361 physicians currently practicing in Mississippi. Almost all prescribe, dispense or administer controlled substances from time to time for acute pain (post-op pain, trauma pain, etc.).

b. Projected costs for small businesses to comply:

Pain management clinics are already required to register with the Board. Therefore the rules do not impact or change this requirement.

As to those physicians who prescribe, dispense or administer controlled substances for pain (acute or chronic), the rules as amended will require (i) better documentation of the medical justification for the use of controlled substances and (ii) more effective monitoring of the patient to ensure proper usage and avoid abuse. This includes registering with and running queries with the Mississippi Prescription Monitoring Program (PMP) and conducting point of service urine screens. The vast majority of physicians already routinely access the PMP, so any costs in that regard are minimal. There is no charge to sign up or register with the PMP or to access the PMP. Therefore, this will not result in any appreciable cost. Regarding point of service urine screens or drug testing to insure that patients are not abusing the medications or failing to take the same as prescribed, there will be an additional cost to the physician and/or patients. It is roughly estimated that most point of service urine screens cost less than \$5.00 per screen inasmuch as a full quantitative urine analysis is not necessary. Therefore, projected costs should not exceed \$100,000 for both physicians and patients.

The ultimate purpose of the proposed rule amendments is to protect the public, and more importantly, to reduce overdose deaths in the state of Mississippi. When considering the economic impact, not only must we consider the economic impact if the proposed rule changes are implemented, but also the economic impact if no action is taken. Studies have shown that the economic toll of the opioid crisis in the United States now exceeds \$1 trillion since 2001. An additional \$500 billion is estimated through 2020 if current conditions persist. *Altarum Center for Value and Health Care*. There is no reason to believe that Mississippi is any different.

c. **Statement of probable effect on impacted small businesses:**

See response to Item A.6 (b) above.