

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 Mike Lucius	TELEPHONE NUMBER 601-987-0248	
ADDRESS 1867 Crane Ridge Drive, Suite 200-B		CITY Jackson	STATE MS	ZIP 39216
EMAIL mboard@msbml.ms.gov	SUBMIT DATE 12/30/19	Name or number of rule(s): Part 2640 Chapter 1: Rules Pertaining to Prescribing, Administering and Dispensing Medication, Rule 1.9 Requirements for Dispensing Physicians		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Amendment of existing rules regarding physicians who wish to dispense medications from their practice. The amendment will remove existing requirements and create new requirements for physicians who wish to dispense medications.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann., §73-43-11

List all rules repealed, amended, or suspended by the proposed rule: Rule 1.9 Labeling Requirements for Dispensing Physicians

ORAL PROCEEDING:

- An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____
- 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 _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	Action proposed: <input type="checkbox"/> New rule(s) <input 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 type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	Date Proposed Rule Filed: 7/30/19 Action taken: <input type="checkbox"/> Adopted with no changes in text <input checked="" 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 checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

Printed name and Title of person authorized to file rules: Mike Lucius, Deputy Director
 Signature of person authorized to file rules: *Mike Lucius*

OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____	OFFICIAL FILING STAMP <div style="border: 1px solid black; padding: 10px;">  </div> Accepted for filing by <i>AF 24666</i>
---	--	---

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

Part 2640: Prescribing, Administering and Dispensing

Part 2640 Chapter 1: Rules Pertaining to Prescribing, Administering and Dispensing of Medication

Rule 1.9 Requirements for Dispensing Physicians.

For the purposes of this rule, a “dispensing physician” means any physician who dispenses to a patient for the patient's use any controlled substance, legend drug or other medication where such medication is purchased by the physician for resale to a patient whether or not a separate charge is made.

Prepackaged samples or starter packs in their original packages or containers need only have the patient name, date distributed, and physician’s name if the manufacturer’s packaging meets other requirements.

Physicians who wish to dispense must register with the Board. To obtain a certificate to dispense medications, a physician must first obtain ten (10) hours of Category 1 AMA or AOA approved CME in the area of Pharmacology and/or Dispensing of Medication.

After obtaining a certificate from the Board, the physician is then required to register with the Mississippi Board of Pharmacy and obtain the requisite permit(s) to dispense medications. The physician shall be subject to routine inspections by agents and representatives of the Board of Pharmacy, and they shall be subject to all regulations set forth by the Board of Pharmacy regarding the proper handling, labeling, and dispensing of medications.

No physician may delegate dispensing authority to another person. A physician must personally dispense the medication. For the purpose of this regulation, “personally dispense” means the physician must actually obtain the medication, prepare, count, place the same into the appropriate container and affix the appropriate label to the container.

A single physician dispenser may not share or otherwise allow other practitioners to utilize medications or inventory ordered under his or her authority. Proper transference of medications may take place pursuant to regulations set forth by the Pharmacy Board. Refills of medications may not be issued without a follow-up visit with the physician.

Source: Miss. Code Ann. §73-43-11 (1972, as amended).

Part 2640: Prescribing, Administering and Dispensing

Part 2640 Chapter 1: Rules Pertaining to Prescribing, Administering and Dispensing of Medication

Rule 1.9 Requirements for Dispensing Physicians.

For the purposes of this rule, a “dispensing physician” means any physician who dispenses to a patient for the patient's use any controlled substance, legend drug or other medication where such medication is purchased by the physician for resale to a patient whether or not a separate charge is made.

Prepackaged samples or starter packs in their original packages or containers need only have the patient name, date distributed, and physician’s name if the manufacturer’s packaging meets other requirements.

~~Effective January 1, 2020,~~ Physicians who wish to dispense must register with the Board. To obtain a certificate to dispense medications, a physician must first obtain ten (10) hours of Category 1 AMA or AOA approved CME in the area of Pharmacology and/or Dispensing of Medication.

After obtaining a certificate from the Board, the physician is then required to register with the Mississippi Board of Pharmacy and obtain the requisite permit(s) to dispense medications. The physician shall be subject to routine inspections by agents and representatives of the Board of Pharmacy, and they shall be subject to all regulations set forth by the Board of Pharmacy regarding the proper handling, labeling, and dispensing of medications.

No physician may delegate dispensing authority to another person. A physician must personally dispense the medication. For the purpose of this regulation, “personally dispense” means the physician must actually obtain the medication, prepare, count, place the same into the appropriate container and affix the appropriate label to the container.

A single physician dispenser may not share or otherwise allow other practitioners to utilize medications or inventory ordered under ~~their~~ his or her authority. Proper transference of medications may take place pursuant to regulations set forth by the Pharmacy Board. Refills of medications may not be issued without a follow-up visit with the physician.

Source: Miss. Code Ann. §73-43-11 (1972, as amended).



RESOLUTION

WHEREAS, it is necessary for the Occupational Licensing Review Commission to issue a resolution regarding the approval or denial of specific rules submitted for its review:

NOW, THEREFORE, LET IT BE RESOLVED BY THE OCCUPATIONAL LICENSING REVIEW COMMISSION, that the following rules shall be known to have been approved by the Commission at a duly called meeting of its members on December 18, 2019, and may now be filed as final with the Secretary of State's Office for the inclusion in the Mississippi

Administrative Code:

- Rules of the Board of Architecture - Title 30, Part 201: Mississippi State Board of Architecture; Add a preamble explaining the purpose of the rules; amend Chapter 1 (Examinations) to streamline the application process to sit for the Architect Registration Examination; amend the fee schedule (Rule 2.4) to eliminate and reduce certain fees; amend Rule 3.2 (Practice Procedures) to clarify the rule; amend Chapter 4 (Professional Code of Conduct) to clarify the rules and add a requirement regarding an architect's responsibility to provide information regarding a licensure candidate's qualifications; amend Rule 5.1 to add factors the Board may consider when determining disciplinary penalties and to bring the rule into compliance with the "Fresh Start Act of 2019."

Approved as amended to remove paragraph 4 of the preamble to Part 201 and to

substitute the word 'shall' for the word 'may' in the first sentence of the third paragraph of Part 201, Rule 5.1.

- Rules of the Board of Medical Licensure – Part 2640 Chapter 1: Rules Pertaining to Prescribing, Administering and Dispensing Medication, Rule 1.9 Requirement for Dispensing Physicians; Amendment of existing rules regarding physicians who wish to dispense medications from their practice. The amendment will remove existing requirements and create new requirements for physicians who wish to dispense medications. *Approved as amended to change the effective date in paragraph three to conform to the effective date required by statute upon filing with the Secretary of State's Office and to change 'their' in the last paragraph to 'his or her'.*
- Rules of the Board of Medical Licensure – Part 2635 Chapter 5: Practice of Telemedicine, Rule 5.1; Rule 5.1 is being modified to clarify the rules regarding the use of telemedicine.
- Rules of the Board of Medical Licensure – Part 2635 Chapter 5: Practice of Telemedicine, Rule 5.7; Rule 5.7 is being modified to clarify the rules regarding the use of telemedicine in the consultation process with mid-level providers in a hospital setting.
- Rules of the Board of Medical Licensure – Part 2635 Chapter 5: Practice of Telemedicine, Rule 5.9; New rule to establish practice requirements for physicians who wish to dispense medications via technology/automated systems via telemedicine. *Approved as amended to change 'their' to 'his or her' in the second to last paragraph.*
- Rules of the Board on Law Enforcement Officer Standards and Training – Title 31: Public Safety; Part 301: Chapter 7, Basic Curriculum; Chapter 9, Equivalency Training; Add additional training on Human Trafficking per H.B. 571 in Chapter 7; Clarify

Refresher Training requirements for academies in Chapter 9. *Approved as amended to add the words 'before process can be completed' to the end of Part 301, Rule 9.2 F. 4 .*

- Rules of the Board of Pharmacy - Title 30 Part 3001 Article XXVII Nuclear/Radiologic Pharmacy; This amendment brings the Board regulation into compliance with USP 825 standards.
- Rules of the Board of Pharmacy - Title 30 Part 3001 Article XXXVIII Medical Equipment Suppliers Permit; This amendment reorganizes the regulation and brings the Board regulation into compliance with state statute.