

**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 2635 Chapter 5: Practice of Telemedicine, Rule 5.1		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Rule 5.1 is being modified to clarify the rules regarding the use of telemedicine.

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

List all rules repealed, amended, or suspended by the proposed rule: Part 2634: Practice of Telemedicine, Rule 5.1

**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): _____	<b>Action proposed:</b> <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 <b>Proposed final effective date:</b> <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	<b>Date Proposed Rule Filed: 5/13/19</b> <b>Action taken:</b> <input checked="" type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed <b>Effective date:</b> <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*

<p><b>OFFICIAL FILING STAMP</b></p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <p>Accepted for filing by</p>	<p><b>DO NOT WRITE BELOW THIS LINE</b></p> <p><b>OFFICIAL FILING STAMP</b></p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <p>Accepted for filing by</p>	<p><b>OFFICIAL FILING STAMP</b></p> <div style="border: 1px solid black; padding: 10px;"> <p align="center"><b>FILED</b></p> <p align="center"><b>DEC 30 2019</b></p> <p align="center"><b>MISSISSIPPI</b></p> <p align="center"><b>SECRETARY OF STATE</b></p> </div> <p>Accepted for filing by <i>AH 24008</i></p>
--	---	---

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

***Part 2635 Chapter 5: Practice of Telemedicine***

***Rule 5.1 | Definitions***

For the purpose of Part 2635, Chapter 5 only, the following terms have the meanings indicated:

- A. “Physician” means any person licensed to practice allopathic or osteopathic medicine in the state of Mississippi.
- B. “Telemedicine” is the practice of medicine using interactive audio, video, store and forward, or other telecommunications or electronic technology by a licensed health care provider to deliver a health care service within the scope of practice of the health care provider at a site other than the site at which the patient is located, and which is capable of replicating the interaction of a traditional encounter in-person between a provider and a patient. This definition does not include the practice of medicine through postal or courier services.
- C. “Emergency Telemedicine” is a unique combination of telemedicine used in a consultative interaction between a physician board certified, or board eligible, in emergency medicine, and an appropriate skilled health professional (nurse practitioner or physician assistant).
- D. “Primary Center” is any facility providing telemedicine services to Satellite Centers, as defined in definition ‘E’.
- E. “Satellite Center” is any facility receiving telemedicine services from a Primary Center, as defined in definition ‘D’.

*Source: Miss. Code Ann., §73-25-34 (1972).*



## 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.