

**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 7/30/19	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List all rules repealed, amended, or suspended by the proposed rule: Rule 1.9 Labeling Requirements for Dispensing Physicians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
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	<b>Action proposed:</b> _____ New rule(s) <u> X </u> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference <b>Proposed final effective date:</b> <u> X </u> 30 days after filing _____ Other (specify): _____	<b>Date Proposed Rule Filed:</b> _____ <b>Action taken:</b> _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed <b>Effective date:</b> _____ 30 days after filing _____ 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*

<b>OFFICIAL FILING STAMP</b> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____	<b>DO NOT WRITE BELOW THIS LINE</b> <b>OFFICIAL FILING STAMP</b> <div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by <u>#24296</u> <i>[Signature]</i>	<b>OFFICIAL FILING STAMP</b> <div style="border: 1px solid black; height: 100px; 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.

## **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 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 ~~Labeling~~ 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.

~~Every dispensing physician, as defined above, who dispenses a controlled substance, legend drug or any other medication must insure that all such substances dispensed be labeled containing the following information:~~

- ~~A. The name of the patient to whom the medication was dispensed.~~
- ~~B. The date that the medication was dispensed.~~
- ~~C. The name, strength and quantity of the medication.~~
- ~~D. Direction for taking or administering the medication.~~
- ~~E. The name and address of the physician dispensing the medication.~~

~~The label required by this rule must be written in legible handwriting or typed and must be permanently affixed to the package or container in which the medication is dispensed. 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 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).*