

**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 9/28/18	Name or number of rule(s): Part 2640 Prescribing, Administering and Dispensing 1.12		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Rule 1.12 is being modified to include licensees instead of only physicians in the Freedom of Choice rule.

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List all rules repealed, amended, or suspended by the proposed rule: Part 2640: Prescribing, Administering and Dispensing, Rule 1.12

**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.

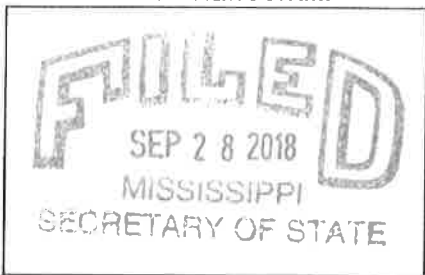
**ECONOMIC IMPACT STATEMENT:**

- 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: 06/13/2018</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*

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
		
Accepted for filing by	Accepted for filing by	Accepted for filing by <u><i>[Signature]</i></u> #23703

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 1.12 Freedom of Choice.* A licensee must not be influenced in the prescribing of drugs, devices or appliances by a direct or indirect financial interest in a pharmaceutical firm, pharmacy or other supplier.

A licensee may own or operate a pharmacy if there is no resulting exploitation of patients. A licensee must not give patients prescriptions in code or enter into agreements with pharmacies or other suppliers regarding the filling of prescriptions by code. Patients are entitled to the same freedom of choice in selecting who will fill their prescription needs as they are in the choice of a provider. The prescription is a written direction for a therapeutic or corrective agent. A patient is entitled to a copy of the licensee's prescription for drugs or other devices as required by the principles of medical ethics. The patient has a right to have the prescription filled by any legal means. Where medication is to be dispensed or a prescription, excluding refills, called in to a pharmacist for medication, a licensee must inform each patient of that patient's right to a written prescription and the right to have the prescription filled wherever the patient wishes.

Patients have an ethically and legally recognized right to prompt access to the information contained in their individual medical records. The prescription is an essential part of the patient's medical record. If a patient requests a written prescription in lieu of an oral prescription, this request must be honored. Licensees must not discourage patients from requesting a written prescription or urge, suggest or direct in any manner that a patient fill a prescription at an establishment which has a direct telephone line or which has entered into a business or other preferential arrangement with the licensee with respect to the filling of the licensee's prescriptions.

*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 September 10, 2018, 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 Medical Licensure – Title 30 Part 2640 Prescribing, Administering and Dispensing Rule 1.1; Rule 1.1 is being updated to clarify which licensees the rule will affect.
- Rules of the Board of Medical Licensure, *as amended* – Title 30 Part 2640 Prescribing, Administering and Dispensing Rule 1.2; Rule 1.2 is being updated to clarify and define terms used throughout Chapter 1. *Approved as amended to fix a clerical error in Rule 1.2 I. and to add the words 'any licensee' to Rule 1.2 M.*
- Rules of the Board of Medical Licensure – Title 30 Part 2640 Prescribing, Administering and Dispensing Rule 1.3; Rule 1.3 is being modified to require registration by licensees to the Prescription Monitoring Program and requirements for review of the PMP reports.

- Rules of the Board of Medical Licensure, *as amended* – Title 30 Part 2640 Prescribing, Administering and Dispensing Rule 1.4; Rule 1.4 is being modified to require licensees to maintain a records and inventories log and the requirements associated with the logs.  
*Approved as amended to add a reference to the telemedicine Rule 5.5.*
- Rules of the Board of Medical Licensure – Title 30 Part 2640 Prescribing, Administering and Dispensing Rule 1.5; Rule 1.5 is being modified to clarify the rules regarding the use of diet medication.
- Rules of the Board of Medical Licensure, *as amended* – Title 30 Part 2640 Prescribing, Administering and Dispensing Rule 1.6; Rule 1.6 is being modified to clarify the rules regarding bariatric medicine, medical weight loss and weight management practices.  
*Approved as amended to include ‘medical director’ as a title for the licensed physician associated with a bariatric medicine, medical weight loss, or weight management practice.*
- Rules of the Board of Medical Licensure – Title 30 Part 2640 Prescribing, Administering and Dispensing Rule 1.7; Rule 1.7 is being modified to clarify the rules regarding the use of controlled substances for chronic pain.
- Rules of the Board of Medical Licensure – Title 30 Part 2640 Prescribing, Administering and Dispensing Rule 1.8; Rule 1.8 is being modified to clarify the rules regarding drug maintenance requirements.
- Rules of the Board of Medical Licensure – Title 30 Part 2640 Prescribing, Administering and Dispensing Rule 1.9; Rule 1.9 is being modified to clarify the rules regarding the labeling requirements for dispensing physicians.

- Rules of the Board of Medical Licensure – Title 30 Part 2640 Prescribing, Administering and Dispensing Rule 1.10; Rule 1.10 is being modified to clarify the rules regarding the controlled substances prescription guidelines.
- Rules of the Board of Medical Licensure, *as amended* – Title 30 Part 2640 Prescribing, Administering and Dispensing Rule 1.11; Rule 1.11 is being modified to clarify the rules regarding the all medications prescription guidelines. *Approved as amended to add a reference to the telemedicine Rule 5.5 to Rule 1.11A.2.*
- Rules of the Board of Medical Licensure – Title 30 Part 2640 Prescribing, Administering and Dispensing Rule 1.12; Rule 1.12 is being modified to include licensees instead of only physicians in the Freedom of Choice rule.
- Rules of the Board of Medical Licensure – Title 30 Part 2640 Prescribing, Administering and Dispensing Rule 1.13; Rule 1.13 is being deleted and replaced with Rule 1.14.
- Rules of the Board of Medical Licensure – Title 30 Part 2640 Prescribing, Administering and Dispensing Rule 1.14; Rule 1.15 is now Rule 1.14. The rule is being updated to reflect changes in the operation of pain management medical practices.
- Rules of the Board of Medical Licensure – Title 30 Part 2640 Prescribing, Administering and Dispensing Rule 1.15; Rule 1.16 is now Rule 1.15. The rule is being updated with cosmetic changes only.
- Rules of the Board of Medical Licensure, *as amended* – Title 30 Part 2640 Prescribing, Administering and Dispensing Rule 1.16; Rule 1.17 is now Rule 1.16. The rule is being updated with cosmetic changes only. *Approved as amended to change the effective date.*