

**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 1.3		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Rule 1.3 is being modified to require registration by licensees to the Prescription Monitoring Program (PMP) and requirements for review of the PMP reports. 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List all rules repealed, amended, or suspended by the proposed rule: Part 2640: Prescribing, Administering and Dispensing, Rule 1.3

**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*

<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">SEP 28 2018</p> <p align="center">MISSISSIPPI</p> <p align="center">SECRETARY OF STATE</p> </div> <p>Accepted for filing by <i>[Signature]</i></p>
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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 1.3 Registration for Controlled Substances Certificate.* Every licensee who prescribes, administers or dispenses any controlled substance within Mississippi or who proposes to engage in the prescribing, administering or dispensing of any controlled substance within Mississippi must be registered with the U.S. Drug Enforcement Administration in compliance with Title 21 CFR Part 1301 Food and Drugs.

Each individual who is licensed by the Mississippi State Board of Medical Licensure and has prescriptive authority must be registered with the Mississippi Prescription Monitoring Program (MPMP). Every licensee who provides medical care in a pain management practice as defined in Rule 1.2 (K) must review the MPMP at each patient encounter in which a prescription for a controlled substance is issued. Every licensee, regardless of practice specialty, must review the MPMP at each patient encounter in which an opioid is prescribed for acute and/or chronic non-cancerous/non-terminal pain. Those licensees whose practice is not a pain management practice as defined previously must actively utilize the MPMP upon initial contact with new patients and at least every three (3) months thereafter on any and all patients who are prescribed, administered, or dispensed controlled substances other than opioids. Licensees who issue a prescription for Lomotil, Lyrica, Testosterone, Pseudoephedrine, or Amphetamines prescribed to pediatric patients under the age of sixteen (16) for the treatment of ADHD, are not required in that instance to utilize the MPMP as stated herein.

Reports generated on such patients should span the length of time from the previous review of the MPMP so that adequate information is obtained to determine patient compliance with treatment. Documentation, such as a copy of the report itself and/or reflection in the chart dictation and/or notes, must be kept within the patient's record and made available for inspection upon request. As allowed by the Mississippi Board of Pharmacy and the MPMP, properly registered designees of the licensee may run/obtain the report for the licensee's review as required herein.

Utilization of the MPMP as stated herein is not required when treating inpatient; however, upon discharge from said inpatient setting with a prescription for a controlled substance, the MPMP must be reviewed as required herein.

Pursuant to authority granted in Mississippi Code, Section 41-29-125, the Mississippi State Board of Medical Licensure hereby adopts, in lieu of a separate registration with the Board, the registration with the U.S. Drug Enforcement Administration as required in the above paragraph. In the event, however, a licensee has had limitations or other restrictions placed upon his or her license wherein he or she is prohibited from ordering, dispensing, or prescribing controlled substances in any schedule, said licensee shall be prohibited from registering with the U.S. Drug Enforcement Administration for a Uniform Controlled Substances Registration Certificate without first being expressly authorized to do so by order of the Mississippi State Board of Medical Licensure.

Persons registered to prescribe, administer, dispense or conduct research with controlled substances may order, possess, prescribe, administer, dispense or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of these rules and in conformity with provisions of the Mississippi Uniform Controlled Substances Law, Mississippi Code Section 41-29-101 et seq.

The registration requirement set forth in these rules does not apply to the distribution and manufacture of controlled substances. Any licensee who engages in the manufacture or distribution of controlled substances or legend drugs must register with the Mississippi State Board of Pharmacy pursuant to Mississippi Code, Section 73-21-105 and will be subject to all applicable federal statutes and regulations controlling such practices. For the purposes herein, “distribute” means the delivery of a drug other than by administering, prescribing or dispensing. The word “manufacture” has the same meaning as set forth in Mississippi Code, Section 41-29-105(q).

*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.*