

**Mississippi Secretary of State**  
 125 South Congress St., P. O. Box 136, Jackson, MS 39205-0136

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

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|---|------------------------|---|-----------------------------------|--------------|
| AGENCY NAME<br>Mississippi State Board Of Medical Licensure |                        | CONTACT PERSON<br>Mike Lucius   | TELEPHONE NUMBER<br>(601)987-0248 |              |
| ADDRESS<br>1867 Crane Ridge Drive, Sulte 200-B              |                        | CITY<br>Jackson   | STATE<br>MS                       | ZIP<br>39216 |
| EMAIL<br>mboard@msbml.ms.gov                                | SUBMIT DATE<br>9/28/18 | Name or number of rule(s):<br>Part 2640 Prescribing, Administering and Dispensing 1.9 |                                   |              |

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Rule 1.9 is being modified to clarify the rules regarding the labeling requirements for dispensing physicians.

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List all rules repealed, amended, or suspended by the proposed rule: Part 2640: Prescribing, Administering and Dispensing, Rule 1.9

**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.

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| <p align="center"><b>TEMPORARY RULES</b></p> <p>____ Original filing<br/>                 ____ Renewal of effectiveness<br/>                 To be in effect in ____ days<br/>                 Effective date:<br/>                 ____ Immediately upon filing<br/>                 ____ Other (specify): ____</p> | <p align="center"><b>PROPOSED ACTION ON RULES</b></p> <p>Action proposed:<br/>                 ____ New rule(s)<br/>                 ____ Amendment to existing rule(s)<br/>                 ____ Repeal of existing rule(s)<br/>                 ____ Adoption by reference<br/>                 Proposed final effective date:<br/>                 ____ 30 days after filing<br/>                 ____ Other (specify): ____</p> | <p align="center"><b>FINAL ACTION ON RULES</b></p> <p>Date Proposed Rule Filed: <u>06/13/2018</u><br/>                 Action taken:<br/> <input checked="" type="checkbox"/> Adopted with no changes in text<br/>                 ____ Adopted with changes<br/>                 ____ Adopted by reference<br/>                 ____ Withdrawn<br/>                 ____ Repeal adopted as proposed<br/>                 Effective date:<br/> <input checked="" type="checkbox"/> 30 days after filing<br/>                 ____ Other (specify): ____</p> |
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Printed name and Title of person authorized to file rules: Mike Lucius, Deputy Director

Signature of person authorized to file rules: *[Handwritten Signature]*

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| <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<br/>                 #23700 <i>[Handwritten 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 1.9 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.

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.

*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.*