

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 12/7/18	Name or number of rule(s): Part 2635 Chapter 13 Complementary and Alternative Therapies, Rule 13.3		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Creation of regulations regarding complementary and alternative therapies. Rule 13.3 discusses the topic in general and provides the overall view of the Board regarding this subject.

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

List all rules repealed, amended, or suspended by the proposed rule: None

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): _____	Action proposed: <input checked="" 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 Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: <input 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 Effective date: <input 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>OFFICIAL FILING STAMP</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <p>Accepted for filing by</p>	<p>DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP</p> <div style="border: 1px solid black; padding: 10px;">  </div> <p>Accepted for filing by <u>#23820 <i>[Signature]</i></u></p>	<p>OFFICIAL FILING STAMP</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <p>Accepted for filing by</p>
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Title 30, Part 2635 Practice of Medicine

Part 2635: Chapter 13: Complementary and Alternative Therapies

Rule 13.3 | Alternative Medicine Practices

The Board is aware that a growing number of licensees and patients are both implementing and seeking complementary and alternative medicine in their health care. Further, the Board recognizes that innovative practices that could benefit patients and improve care should be given reasonable and responsible degrees of latitude.

In reviewing this subject, the Board is also aware of the fact that consumer fraud occurs across the country, and, unfortunately, not infrequently in the practice of medicine. If consumer protection means anything, it should protect people weakened by illness from the dangers attendant to unsound, invalidated, and/or otherwise unsubstantiated practices. Licensees should never agree to perform invalidated or unsound treatments or therapies.

The Board feels that licensees may incorporate alternative therapies if research results are promising, and only if the methods utilized are reasonably likely to benefit patients without undue risk. A full and frank discussion of the risks and benefits of all medical practices is expected, and is in the patient's best interest.

Licensees should practice pursuant to informed and shared decision making when determining the utilization of complementary therapies. This style of process is conducive to openly weighing the risks and benefits of the therapies under consideration. While this process is ideal, the licensee is ultimately responsible for the decision making process.

Where evidence is unavailable for a particular treatment in the form of clinical trials or case studies, licensees must only proceed with an appropriate rationale for the proposed treatment, and justification of its use, in relation to the patient's symptoms or condition. Novel, experimental, and unproven interventions should only be proposed when traditional or accepted proven treatment modalities have been exhausted. In such instances, there must still be a basis in theory or peer-acknowledged practice. The burden rests solely on the licensee in regards to the substantiation supporting the use of a particular therapy. Licensees should be prepared to support any claims made about benefits of treatments or devices with documented evidence, for example with studies published in peer-reviewed publications.

Licensees must refrain from charging excessive fees for treatments provided. Further, licensees should not recommend, provide, or charge for unnecessary medical services, nor should they make intentional misrepresentations to increase the level of payment they receive.¹

Source: Miss. Code Ann. §73-43-11 (1972, as amended).

¹ American Medical Association, *Code of Medical Ethics*, Opinion 11.3.1.

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