



MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

PROCLAMATION

WHEREAS, on March 14, 2020, pursuant to the Constitution of the State of Mississippi and Miss Code Ann §33-15-11(b)(17), the Governor of the State of Mississippi issued a Proclamation declaring that a State of Emergency exists in the State of Mississippi as a result of the outbreak of COVID-19; and

WHEREAS, in order to secure emergency / rapid medical licensing early in the pandemic and in anticipation of a possible surge and stress on the Mississippi healthcare system, the Mississippi State Board of Medical Licensure (hereinafter "Board") adopted a series of proclamations; and clarifying that as to in-state physicians, when practicing telemedicine, the requirement for a pre-existing doctor-patient relationship does not apply; and

WHEREAS, on March 15, 2020, the Mississippi State Board of Medical Licensure issued a Proclamation announcing that it would not enforce any statute, rule or regulation requiring physicians to personally examine patients prior to the issuance of a prescription or order for the administration of medication, including control substances, all in an effort to encourage the use of telemedicine during the state of emergency; and

WHEREAS, on March 24, 2020, the Board issued an Amended Proclamation clarifying that until action is taken to lift the emergency, out-of-state physicians may utilize telemedicine when treating patients in Mississippi with whom they already have a pre-existing doctor-patient relationship, without the necessity of securing a license to practice medicine in the state, provided the out-of-state physician holds an unrestricted license to practice medicine in the state in which the physician practices and currently is not the subject of an investigation or disciplinary proceeding and so advises the Board; and

WHEREAS, on April 5, 2020, the Board issued a Supplemental Proclamation further clarifying that the waiver of all Mississippi licensing requirements for out-of-state physicians or physician assistants pertained solely to those whose specialty services such as pulmonologists and nephrologists, are determined to be necessary by the Mississippi Department of Health ("MSDH"); and

WHEREAS, the aforementioned proclamations were designed to suspend certain regulatory requirements in order to give the MSDH the ability and flexibility to promptly and urgently call for specialties needed to cope with COVID on a temporary emergency basis; and

WHEREAS, it has now been over six (6) months and the Mississippi healthcare system has managed without the need for further emergency temporary licensing; and

WHEREAS, in consultation with State Health Officer, there is now no longer a need for any additional or new emergency temporary licensed out-of-state physicians pursuant to the emergency / urgent procedures established by the aforementioned proclamations; and

WHEREAS, the Board recognizes the continuing importance for Mississippi patients to have continued access to their physicians with whom they have an established a doctor / patient relationship; and

WHEREAS, with no ongoing urgent need for emergency / temporary licensing, the importance of resuming established regulatory licensing procedures is needed to protect Mississippi patients and ensure safety and quality of care that the Board is charged with maintaining; and

WHEREAS, to avoid disruption of care, the Board recognizes the need to allow out-of-state physicians currently holding emergency / temporary licenses pursuant to the previous Proclamations adequate time to submit, and apply for and obtain full unrestricted licensure.

NOW THEREFORE, effective immediately, the previous COVID proclamations dated March 15, 2020, March 24, 2020, and April 5, 2020, are hereby superseded by this Proclamation and are rescinded to the extent consistent with this Proclamation. Regular licensure procedures shall be resumed.

FURTHER, as to those out-of-state physicians who currently hold an emergency license to treat Mississippi patients via telemedicine, such emergency licenses shall remain in full force and effect until January 31, 2021. Those out-of-state physicians holding temporary / emergency licenses wishing to continue to provide care must submit an application for a full unrestricted license on or before December 31, 2020. In the event an applicant is unable to complete the licensure process on or before January 31, 2021, for reasons beyond the applicant's control, the Executive Director of the Board shall have the authority to extend the deadline on a case by case basis.

FURTHER, as to those physicians currently holding a valid unrestricted license to practice medicine in the state of Mississippi, the emergency telemedicine waiver of the requirement of pre-existing doctor-patient relationship shall remain until further notice.

FURTHER, as to those physicians currently holding a valid unrestricted license to practice medicine in the state of Mississippi, the emergency telemedicine waiver of the prohibition against prescribing controlled substances, unless otherwise prohibited by law, shall remain until further notice.

FURTHER, the Executive Director of the Board shall provide notice of this action to all current holders of licensees by email and on the Board's website.

SO ORDERED AND APPROVED by the Mississippi State Board of Medical Licensure, this is the 26th day of October, 2020.

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By: 
Kenneth Cleveland, M.D., Executive Director