

Title 30: Professions and Occupations

Part 2650 Administrative Rules

Part 2650 Chapter 1: Administrative Rules

Rule 1.1 Method of Operation. Scope

This regulation is promulgated pursuant to Mississippi Code, Section 25-43-2.104 of the Mississippi Administrative Procedures Law.

Description of the Mississippi State Board of Medical Licensure

- A. Reference is made to Title 73, Chapter 43 of the Mississippi Code, which establishes the Mississippi State Board of Medical Licensure (“the Board”) and sets forth its composition, general powers and duties. Further reference is made to the following additional provisions of Mississippi law:
 - 1. Title 73, Chapter 25, which sets forth the Board’s specific powers and duties in relation to licensure and discipline of physicians and osteopaths.
 - 2. Title 73, Chapter 26, which sets forth the Board’s specific powers and duties in relation to licensure and regulation of physician assistants.
 - 3. Title 73, Chapter 27, which sets forth the Board’s specific powers and duties in relation to licensure and discipline of podiatrists.
 - 4. Title 41, Chapter 58, which sets forth the Board’s specific powers and duties in relation to licensure and regulation of radiologist technicians and assistants.
 - 5. Title 41, Chapter 29, which sets forth the Board’s specific powers and duties in relation to investigations of potential violations of the Mississippi Controlled Substance Laws.
- B. Rules adopted by the Board pursuant to the various authorities cited above are referred to as the Rules and Regulations of the Mississippi State Board of Medical Licensure. Pursuant to Mississippi Code, Section 73-43-13, the Board employs an Executive Director. The Board’s staff is organized into two (2) divisions: Licensure, which addresses matters related to the licensure of physicians, osteopaths, physician assistants, podiatrists, and radiologist technicians and assistants; and, Investigations, which investigates matters or allegations related to the potential violation of any state statute or regulation under the Board’s jurisdiction.

Where and How to Obtain Public Information

The text of all Board rules, as well as information regarding pending rules, schedules of meetings and the like may be obtained by visiting the Board’s website at www.msaml.ms.gov. Requests for Declaratory Opinions may be made pursuant to Part 2650, Rule 1.3. Otherwise, requests for information may be made pursuant to and in accordance with the Mississippi Open Records Act by submitting written request to the Board’s current mailing address.

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

Rule 1.2 Oral Proceedings on Proposed Rules.

- A. Scope

This rule applies to all oral proceedings held for the purpose of providing the public with an opportunity to make oral presentations on proposed new rules and amendments to rules before the Mississippi State Board of Medical Licensure (“the Board”) pursuant to Mississippi Code, Section 25-43-3.104.

B. When Oral Proceedings Will Be Scheduled on Proposed Rules

The Board will conduct an oral proceeding on a proposed rule or amendment if requested by a political subdivision and agency or ten (10) persons in writing within twenty (20) days after the filing of the notice of the proposed rule. The Board may also schedule an oral proceeding on a proposed rule on its own motion.

C. Request Format

Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8 ½” by 11”). Requests may be in the form of a letter addressed to the Board and signed by the requestor(s).

D. Notification of Oral Proceeding

The date, time and place of all oral proceedings shall be filed with the Secretary of State’s office and mailed to each requestor. The oral proceedings will be scheduled no earlier than twenty (20) days from the filing of this information with the Secretary of State.

E. Presiding Officer

The President of the Board shall preside at the oral proceeding on a proposed rule.

F. Public Presentations and Participation

1. At an oral proceeding on a proposed rule, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments or arguments concerning the proposed rule.
2. Persons wishing to make oral presentations at such a proceeding shall notify the Board at least one business day prior to the proceeding and indicate the general subject of their presentation. For good cause shown, the presiding officer in his or her discretion may allow individuals to participate that have not previously contacted the Board.
3. At the proceeding, all those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.
4. The presiding officer may place time limitations on individual oral presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.
5. Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing.
6. There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion (i) recognize Board members for questions of the participant, or (ii) interrupt or end the participant’s time where the orderly conduct of the proceeding so requires. Should the presiding officer recognize a member of the Board for questions during the participant’s presentation, additional time will be afforded the participant in making his or her presentation.

G. Conduct of Oral Proceeding

1. Presiding Officer

The presiding officer shall have the authority to conduct the proceeding in his or her discretion for the orderly conduct of the proceeding. The presiding officer shall:

- i. Call the proceeding to order.
 - ii. Give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons provided by the Board for the proposed rule.
 - iii. Call on those individuals who have contacted the Board about speaking on or against the proposed rule.
 - iv. Recognize Board members for questions of any participant during their presentation.
 - v. Allow for rebuttal statements following all participants' comments.
 - vi. Adjourn the proceeding.
- ### 2. Physical and Documentary Submissions
- Submission presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Board and become subject to the Open Records Act.
- ### 3. Recording
- The Board will record oral proceedings by stenographic means.

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

Rule 1.3 Declaratory Opinions.

A. Scope

This regulation sets forth the rules of the Mississippi State Board of Medical Licensure (“the Board”) governing the form and content of requests for declaratory opinions, and the Board’s procedures regarding such requests, as required by Mississippi Code, Section 25-43-2.103. This regulation is intended to supplement and be read in conjunction with the provisions of the Mississippi Administrative Procedures Law, and may contain additional information regarding the issuance of declaratory opinions. In the event of any conflict between this rule and the Mississippi Administrative Procedures Law, the latter will control.

B. Persons Who May Request Declaratory Opinions

Any person with a substantial interest in the subject matter may request a declaratory opinion from the Board by following the procedures set forth in this rule. For purposes of this rule, “substantial interest in the subject matter” means the individual, business, group or other entity making the request is directly affected by the Board’s administration of the laws, rules within its jurisdiction. To be a substantial interest, the interest affected by the statute, rule or regulation must be different from the interest of the general public in that same statute, rule or regulation.

C. Subjects Which May Be Addressed in Declaratory Opinions

The Board will issue declaratory opinions regarding the applicability to specified facts of: (i) a statute administered or enforced by the Board; or (ii) a rule or regulation promulgated by the Board.

D. Written Request Required

Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8 ½" by 11"). Requests may be in the form of a letter addressed to the Board. No oral, telephone or e-mail requests for declaratory opinions will be accepted.

E. Where to Send Requests

All requests must be mailed, hand-delivered or transmitted via facsimile to the Board's current mailing address or current facsimile number.

F. Question Presented

Each request shall contain the following:

1. A full, complete and accurate statement of all relevant facts on which the opinion is requested, presented in a clear and concise manner.
2. A citation to the statute, rule or regulation at issue.
3. The question(s) sought to be answered in the opinion, stated clearly.
4. A suggested proposed opinion from the requestor, stating the answers desired by the petitioner and a summary of the reasons in support of those answers.
5. The identity of all other persons known to the requestor who may be involved in or impacted by the described factual situation, including the relationship of each to the facts, name, mailing address and phone number.
6. A statement that the person seeking the opinion has a substantial interest in the subject matter, and sufficient information to support that statement.

G. Name, Address and Signature of Requestor

Each request must include the full name, telephone number and mailing address of the requestor. All requests must be signed by the person filing the request, who shall attest that the request complies with the requirements set forth in this regulation.

H. Circumstances in Which Declaratory Opinions Will Not Be Issued

The Board may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not limited to:

1. The request is not made with sufficient clarity to facilitate the rendering of a declaratory opinion, or the request does not provide a complete or accurate statement of all relevant facts.
2. There exists pending or anticipated litigation, or a pending administrative or disciplinary action, or other adjudication, which has as its subject the precise question presented to the Board for declaratory opinion, the conclusion of which will resolve the question.
3. The statute or rule on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request.
4. The facts presented in the request are not sufficient to answer the question presented.
5. The request fails to contain information required by this regulation or the requestor failed to follow the procedures established by this regulation.
6. The request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the statute, rule or regulation on which a declaratory opinion is sought.

7. The facts, whether existing or anticipated, do not support that the requestor will be substantially affected by the application of the statute, rule or regulation.
8. The question presented by the request concerns the legal validity of a statute, rule or regulation.
9. The request is not based upon facts calculated to assist the requestor in the planning of future conduct, but is instead based on past conduct of the requestor in an attempt to determine the affect of the statute, rule or regulation on that past conduct.
10. No clear answer is determinable.
11. The question presented by the request may involve the application of a criminal statute or presents a set of facts which may constitute a crime.
12. The answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure.
13. The question is currently the subject of an Attorney General's opinion request or has been answered by an Attorney General's opinion.
14. A similar request is pending before the Board or any other agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law.
15. Where issuance of a declaratory opinion may adversely affect the interests of the state of Mississippi, the Board or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise.
16. The question involves eligibility for a license, permit, certificate or other approval by the Board or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate or other approval would be determined.

I. Time for Board's Response

Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of this regulation, the Board shall, in writing:

1. Issue a declaratory opinion regarding the specific statute, rule or regulation as applied to specific facts presented in the request.
2. Decline to issue a declaratory opinion, stating the reasons for its action.
3. Agree to issue a declaratory opinion by a specific time not later than ninety (90) days after receipt of the written request.

The forty-five (45) day period shall begin running on the first regular business day after the request is received by the Board, excluding legal holidays and weekends.

J. Effective Date of Declaratory Opinions

A declaratory opinion shall not become final until the expiration of sixty (60) days after its issuance. Prior to the expiration of sixty (60) days, the Board may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a determination that the request failed to meet the requirements of these rules or that the opinion issued contains a legal or factual error.

K. Notice to Third Parties

The Board may give notice to any person, agency or entity that a declaratory opinion has been requested and may receive and consider data, facts, arguments and opinions from individuals, agencies or entities other than the requestor.

L. Public Availability of Requests and Declaratory Opinions

Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with the Mississippi Public Records Act. All declaratory opinions and requests shall be indexed by name of requestor and subject. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.

M. Effect of a Declaratory Opinion

The Board will not pursue any civil, criminal or administrative action against a person who issued a declaratory opinion from the Board and who, in good faith, follows the direction of the opinion and acts in accordance therewith unless a court of competent jurisdiction holds that the opinion is manifestly wrong. Any declaratory opinion rendered by the Board shall be binding only on the Board and the person to whom an opinion is issued. No declaratory opinion will be used as a precedent for any other transaction or occurrence beyond that set forth by the requesting person.

Adopted November 9, 2006.

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

Part 2650 Chapter 2: Public Records

Rule 2.1 Authority and purpose. “It is the policy of the Legislature that public records must be available for inspection by any person unless otherwise provided by this act. Furthermore, providing access to public records is a duty of each public body and automation of public records must not erode the right of access to those records.” Section 25-61-1, Miss. Code of 1972.

“[A]ll public records are hereby declared to be public property, and any person shall have the right to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of a public body in accordance with reasonable written procedures adopted by the public body concerning the cost, time, place and method of access, and public notice of the procedures shall be given by the public body.” Section 25-61-5, Miss. Code of 1972.

The act defines "public record" to include "all books, records, papers, accounts, letters, maps, photographs, films, cards, tapes, recordings or reproductions thereof, and any other documentary materials, regardless of physical form or characteristics, having been used, being in use, or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction, work, duty or function of any public body, or required to be maintained by any public body.” Section 25-61-3(b).

The purpose of these rules is to establish the procedures the Board of Medical Licensure will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the Board of Medical Licensure and establish processes for both requestors and the Board of Medical Licensure staff that are designed to best assist members of the public in obtaining such access.

The purpose of the act is to provide the public full access to public records concerning the conduct of government. These rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the Board of Medical Licensure will be guided by the provisions of the act describing its purposes and interpretation.

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

Rule 2.2 Public body description--Contact information--Public records officer.

(1) The Board of Medical Licensure is a regulatory agency that licenses and regulates the practice of medical, osteopathic and podiatric physicians, as well as physician assistants, radiologist assistants, acupuncturists and limited x-ray machine operators. The Board's central office is located at 1867 Crane Ridge Drive, Suite 200-B, Jackson, MS 39216.

(2) Any person wishing to request access to public records of the Board, or seeking assistance in making such a request should contact the public records officer of the Board:

Public Records Officer

Mississippi State Board of Medical Licensure

1867 Crane Ridge Drive, Suite 200-B

Jackson, MS 39216

(601) 987-3079

(601) 987-4159 (facsimile)

mboard@msbml.ms.gov

Information is also available at the Board's web site at www.msbml.ms.gov.

(3) The public records officer will oversee compliance with the act and these rules, but another Board staff member may process the request. Therefore, these rules will refer to the public records officer or "designee." The public records officer or designee and the Board will provide the fullest assistance to requestors; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the Board.

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

Rule 2.3 Availability of public records.

(1) **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the Board, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Records must be inspected at the offices of the Board. The time, place

and manner of inspection and copying of records will not be allowed to interfere with other essential duties of the Board.

(2) **Organization of records.** The Board will maintain its records in a reasonably organized manner. The Board will take reasonable actions to protect records from damage and disorganization. A requestor shall not take Board records from Board offices. A variety of records is available on the Board's web site at www.msbml.ms.gov. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(3) **Making a request for public records.**

(a) Any person wishing to inspect or copy public records of the Board should make the request in writing on the Board's request form, or by letter, fax, or e-mail addressed to the public records officer and including the following information:

Name of requestor;

Address of requestor;

Other contact information, including telephone number and any e-mail address;

Identification of the public records adequate for the public records officer or designee to locate the records; and

The date and time of day of the request.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to Rule 1.9 of this policy, standard photocopies will be provided at fifteen (15) cents per page.

(c) A form is available for use by requestors at the office of the public records officer and on-line at www.msbml.ms.gov.

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

Rule 2.4. Processing of public records requests – General.

(1) **Providing access.** The Board acknowledges that “providing access to public records is a duty” and that “any person shall have the right to inspect, copy or mechanically reproduce or obtain a reproduction of any public record” in accordance with these policies. Sections 25-61-1 and 25-61-5. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:

(a) Make the records available for inspection or copying;

(b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;

(c) Provide a reasonable estimate of when records will be available; or

(d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or

(e) Deny the request, stating the reason for the denial in writing.

(3) **Consequences of failure to respond.** If the Board does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

(4) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the Board believes that a record is exempt from disclosure and should be withheld, the public records officer will deny the request in writing as set out in Rule 1.4 (2)(d) above, stating the specific exemption. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(5) **Inspection of records.**

(a) Consistent with other demands, the Board shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the public body to copy.

(b) The requestor must claim or review the assembled records within thirty days of the Board's notification to him or her that the records are available for inspection or copying. The public body will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the public body to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the Board may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(6) **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(7) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(8) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the Board has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(9) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the Board has closed the request.

(10) **Later discovered documents.** If, after the Board has informed the requestor that it has provided all available records, the Board becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

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

Rule 2.5 Processing of public records requests – Electronic records.

(1) **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.

(2) **Providing electronic records.** When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the public body and is generally commercially available, or in a format that is reasonably translatable from the format in which the public body keeps the record. Costs for providing electronic records are governed by Rule 1.9.

(3) **Customized access to data bases.** With the consent of the requestor, the Board may provide customized access if the record is not reasonably locatable or not reasonably translatable into the format requested. The Board may charge the actual cost for such customized access.

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

Rule 2.6 Exemptions. The Public Records Act, as well as other statutes and court decisions, provide that a number of types of documents are exempt from public inspection and copying. In addition, other statutes or rules of law, such as various privacy restrictions, may prohibit disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by the Board for inspection and copying:

Academic records exempt from public access, see § 37-11-51.

Appraisal records exempt from access, see § 31-1-27.

Archaeological records exempt from public access, see § 39-7-41.

Attorney work product, examination, exemption, see § 25-1-102.

Birth Defects Registry, see § 41-21-205.

Bureau of vital statistics, access to records, see § 41-57-2.

Charitable organizations, registration information, exemption from public access, see § 79-11-527.

Concealed pistols or revolvers, licenses to carry, records, exemption, see § 45-9-101.

Confidentiality, ambulatory surgical facilities, see § 41-75-19.

Defendants likely to flee or physically harm themselves or others, see § 41-32-7.

Environmental self-evaluation reports, public records act, exemption, see § 49-2-71.

Hospital records, Mississippi Public Records Act exemption, see § 41-9-68.

Individual tax records in possession of public body, exemption from public access requirements, see § 27-3-77.

Insurance and insurance companies, risk based capital level requirements, reports, see § 83-5-415.

Judicial records, public access, exemption, see § 9-1-38.

Jury records exempt from public records provisions, see § 13-5-97.

Licensure application and examination records. exemption from Public Records Act, see § 73-52-1.

Medical examiner, records and reports, see § 41-61-63.

Personnel files exempt from examination, see § 25-1-100.

Public records and trade secrets, proprietary commercial and financial information, exemption from public access, see § 79-23-1.

Workers' compensation, access to records, see § 71-3-66.

Records subject to privilege, such as Attorney/Client, Physician/Patient, etc.

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

Rule 2.7 Third Party Information. When any person files or submits documents with the Board which the filer contends are exempt from disclosure under the Public Records Act, the filer shall provide a written statement at the time of filing which shall describe the documents filed and which shall fully explain why the documents are designated as exempt from disclosure and must specifically cite any statute or other legal authority in support of such designation. Such written statement shall itself be a public record subject to disclosure.

Any document filed with the Board which contains trade secrets or confidential commercial or financial information subject to the protection of any applicable law or court decision shall be clearly designated as such by the filer on its face and accompanying cover letter at the time of filing and shall be placed in an envelope other than white. Each page of each document shall be marked confidential. Upon request to inspect or copy any document so designated, the Board shall notify the person who filed the document. Thirty (30) days after such notice, the document will be made available for public inspection or copying unless the filer shall have obtained a court order protecting such records as confidential pursuant to Section 25-61-9, Miss. Code of 1972.

Any person filing documents with the Board shall, prior to filing, redact from the documents any social security numbers, account numbers or dates of birth not required to be listed. The Board shall determine on a case-by-case basis whether similar information may be redacted by the filer to prevent identity theft. In no event will the Board bear any responsibility for a filer's failure to redact such information which leads to or may lead to identity theft or other crime or loss.

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

Rule 2.8 Costs of providing public records.

(1) **Costs for paper copies.** Section 25-61-7(1), Miss. Code of 1972, reads as follows: "Except as provided in subsection (2) of this section, each public body may establish and collect fees reasonably calculated to reimburse it for, and in no case to exceed, the actual cost of searching, reviewing and/or duplicating and, if applicable, mailing copies of public records."

A requestor may obtain standard black and white photocopies for fifteen (15) cents per page and color copies for twenty-five (25) cents per page.

Before the Board begins to make the copies, the requestor must pre-pay all reasonably estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records in an installment before providing that installment.

(2) **Costs for electronic records.** The cost of electronic copies of records shall be ten (10) dollars for information on a CD-ROM. The cost of scanning existing MSBML paper or other non-electronic records is ten (10) cents per page. There will be no charge for e-mailing electronic records to a requestor, unless another cost applies such as a scanning fee or system costs allowed under Section 25-61-7(2), Miss. Code of 1972.

(3) **Costs of mailing.** The Board may also charge actual costs of mailing, including the cost of the shipping container.

(4) **Payment.** Payment may be made by cash, check, or money order to the Board.

(5) **Charges for searching, reviewing and redacting.** The actual cost of searching for and reviewing and, if necessary, redacting exempt information from public records shall be based upon the hourly rate of compensation for the lowest paid agency employee qualified to perform the task, which shall be multiplied by the actual time to complete the task.

(6) The Board may require payment in advance for all costs before providing copies or access to records.

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

Rule 2.9 Review of denials of public records.

(1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition must include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) **Consideration of petition for review.** The public records officer must promptly provide the petition and any other relevant information to the Board's Executive Director. The Executive Director will immediately consider the petition and either affirm or reverse the denial within two business days following the Board's receipt of the petition, or within such other time as the Board and the requestor mutually agree to.

(3) **Review by the Ethics Commission.** Pursuant to Section 25-61-13, if the Board denies a requestor access to public records, the requestor may ask the Ethics Commission to review the matter. The Ethics Commission has adopted rules on such requests. They may be found at www.ethics.state.ms.us.

(4) **Judicial review.** Any person whose request for public records was denied may institute a suit in the chancery court of Hinds County, seeking to reverse the denial, as set forth in Section 25-61-13.

Adopted March 19, 2015.

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

For Office Use Only	
Date Received	Reviewed By

APPENDIX A

OFFICE BASED SURGERY REGISTRATION FORM
(For Levels II and III only)

PLEASE PRINT IN INK OR TYPE

Name:			
_____	_____	_____	_____
Last	First	Middle	MS License Number

Indicate how credentialed: _____ Board certification _____ Alternative credentialing

Explain:

Primary surgical practice location List physical address of all locations	Surgical Level(s) (II and/or III)
1. _____ _____	

2. _____ _____	

3. _____ _____	

List procedures to be performed in office:

(Additional locations and procedures may be listed on a separate page.)

Signature

Date

RETURN BY MAIL TO:
Mississippi State Board of Medical Licensure
1867 Crane Ridge Drive, Suite 200-B
Jackson MS 39216

APPENDIX B

SURGICAL EVENT REPORT FORM

NOTE: Part 2635, Chapter 2 of Administrative Code of the Mississippi State Board of Medical Licensure requires surgeons to report any surgical event to the Board within 15 days of the event. A "surgical event" is recognized as a potentially harmful or life threatening episode related to either the anesthetic or the surgery. Any "surgical event" in the immediate perioperative period that must be reported are those which are life-threatening, require special treatment, or require hospitalization, including, but not limited to the following: (1) serious cardiopulmonary or anesthetic events; (2) major anesthetic or surgical complications; (3) temporary or permanent disability; (4) coma; or (5) death.

Date:	Time:
Name and Title of Person Filing Report:	

Provider Information	
Name of Physician: _____	MS License #: _____
Specialty: _____	Board Certified? Yes <input type="checkbox"/> No <input type="checkbox"/>
Phone: () _____	
Address: _____	
Surgical Event (Refer to patient by file number only)	Patient File Number: _____
DO NOT SEND PATIENT MEDICAL RECORDS	
Age of Patient: _____	Sex: Male <input type="checkbox"/> Female <input type="checkbox"/>
Name/Nature of Procedure(s): _____	
Anesthesia/Analgesia (include dosage): _____	
Nature of Surgical Event (e.g., anaphylaxis, syncope, infection, rash, etc.): _____	
Treatment for Event: _____	
Patient Outcome/Disposition:	Hospitalized? Yes <input type="checkbox"/> No <input type="checkbox"/>
_____ (Additional information may be given on a separate page.)	

RETURN BY MAIL TO:

Mississippi State Board of Medical Licensure
1867 Crane Ridge Drive, Suite 200-B
Jackson MS 39216

APPENDIX C

ADMINISTRATION/DISPENSATION LOG AND PERPETUAL INVENTORY–SAMPLE

Demerol 50mg/ml Inj. (1 ml)
Drug Name and Strength (One drug per page)

Physician Name: Dr. Doolittle

Patient Name or Drug Company and Invoice Number	Patient Address	Date Dispensed/ Order Rec.	Amount Admin./ Dispensed	Amount Ordered & Received	Total On Hand	Comments/method of Disp. IV / IM / PO	Initials
XYZ Drug Company	Invoice #00001	12/1/00	N/A	5		Initial Inventory of Stock on hand BOB or COB(Beginning of Business or Close of Business)	CM
John Doe	112 Shady Lane, Jackson MS	02/05/01	50mg	N/A	4		CM
Jane Roe	43 Easy Street, Jackson MS	03/07/01	50mg	N/A	3		CM
Mo Joe	1004 Foraker Ave., Pearl MS	05/09/01	50mg	N/A	2		JW
Flo Joe	1004 Foraker Ave., Pearl MS	09/15/01	25mg	N/A	1		CM / JW
Jack Sprat	#4 Grand Boulevard, Brandon	12/01/01	50mg	N/A	0		CM
XYZ Drug Company	Invoice #00002	12/12/01	N/A	5	5	Addition to inventory	CM
John Doe	(not necessary to repeat address on same page)	01/15/02	50mg	N/A	4		JW
Jane Roe		03/02/02	50mg	N/A	3		JW
Moe Joe		06/15/02	50mg	N/A	2		CM
Flo Joe		11/22/02	50mg	N/A	1		JW
N/A	N/A	12/01/02	N/A	N/A	1	DEA Biennial Inventory of Stock on hand (BOB or COB)	CM
Jack Sprat		01/05/03	50mg	N/A	0		CM



**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
PAIN MANAGEMENT CLINIC REGISTRATION
APPENDIX E**



PAIN MANAGEMENT CLINIC INFORMATION (PLEASE PRINT)				
Clinic Name:				
Address (No PO Box):				
City:	State:	Zip:		
Office Phone Number:		Tax ID Number:		
Hours of Clinic Operation: (ex: M-F 8-5, or 40 hrs a week)		Clinic Certification No.:		
PRIMARY PHYSICIAN OWNER INFORMATION (PLEASE PRINT) <i>Provide documentation of proof of ownership</i>				
Last Name:	First Name:	Mid:	M.D.	D.O.
Phone Number:		Medical License Number:		
DEA Controlled Substance Registration Number:		Number of hours physician owner will be on site at clinic per week:		
Do you currently hold an active, unrestricted medical license in Mississippi? <i>If the answer to this question is "no", you are not currently eligible to own and operate a pain management clinic.</i>				<input type="checkbox"/> Yes <input type="checkbox"/> No
Are all the owners of the pain management clinic physicians?				<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you, any co-owner, current employee or person with whom you contract services ever:				
<i>been denied, by any jurisdiction, a license issued by the Drug Enforcement Administration (DEA) under which the person may prescribe, dispense, administer, supply or sell a controlled substance or other listed medications under definitions?</i>				<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>held a license issued by the Drug Enforcement Administration under which the person may prescribe, dispense, administer, or supply or sell a controlled substance that has been restricted?</i>				<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>been subject to disciplinary action by any licensing entity for conduct that was a result of inappropriately prescribing, dispensing, administering, supplying or selling a controlled substance?</i>				<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If the answer to any of the above questions is "yes", you are not currently eligible to own and operate a pain management clinic.</i>				
Have you, or any co-owner, ever been convicted of, pled nolo contendere to, or received deferred adjudication for:				
<i>an offense that constitutes a felony?</i>				<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>an offense that constitutes a misdemeanor, the facts of which relate to the distribution of illegal prescription drugs or a controlled substance?</i>				<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If the answer to any of the above questions is "yes", you are not currently eligible to own and operate a pain management clinic.</i>				
<i>I certify that the information that I have provided on this application is correct. I understand that it is a violation of the Mississippi Medical Practice Act, Miss. Code Ann. Section 73-25-1 et seq., to submit a false or misleading statement to a governmental agency. I acknowledge that the Mississippi Board of Medical Licensure (MSBML) is not authorized to issue a pain management certification if I do not provide all requested information. I certify that I am the person named in this document, and all statements I have made are true.</i>				

Physician Signature:	Date:
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**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
PAIN MANAGEMENT CLINIC REGISTRATION**

PHYSICIAN AND NON-PHYSICIAN INFORMATION (PLEASE PRINT) List All Physicians who may be Physician Partner/Owner Physician Treating Patients Include any Non-Physician Owner									
Last	First	Middle Name	Circle one						
			M.D.	D.O.	D.P.M.	P.A.	L.Ac.	N.P.	Non-physician
Non-Physician Social Security Number:					Non-Physician Date of Birth:				
Phone Number:			Medical License Number:						
DEA Controlled Substance Registration Number:			Number of hours physician owner will be on site at clinic per week:						
Last	First	Middle Name	Circle one						
			M.D.	D.O.	D.P.M.	P.A.	L.Ac.	N.P.	Non-physician
Non-Physician Social Security Number:					Non-Physician Date of Birth:				
Phone Number:			Medical License Number:						
DEA Controlled Substance Registration Number:			Number of hours physician owner will be on site at clinic per week:						
Last	First	Middle Name	Circle one						
			M.D.	D.O.	D.P.M.	P.A.	L.Ac.	N.P.	Non-physician
Non-Physician Social Security Number:					Non-Physician Date of Birth:				
Phone Number:			Medical License Number:						
DEA Controlled Substance Registration Number:			Number of hours physician owner will be on site at clinic per week:						
Last	First	Middle Name	Circle one						
			M.D.	D.O.	D.P.M.	P.A.	L.Ac.	N.P.	Non-physician
Non-Physician Social Security Number:					Non-Physician Date of Birth:				
Phone Number:			Medical License Number:						
DEA Controlled Substance Registration Number:			Number of hours physician owner will be on site at clinic per week:						

*Copy for additional pages if needed.

Contact Information:

If you have any questions, please Contact the Investigative Division of the Mississippi State Board of Medical Licensure at: 1867 Crane Ridge Drive, Suite 200-B, Jackson, MS 39216 Fax: (601) 987-6822 Tel: (601) 987-0230, or 0235 or 0231.

Mail Forms: **MSBML/ Investigative Division - Pain Clinic Regulation**, 1867 Crane Ridge Drive, Suite 200-B, Jackson, MS 39216. Submit original signed documents only, NO facsimile, email or duplicate copies will be accepted.